

Bylaws of the Conservation Commission

Town of Durham, ME 04222*

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Conservation Commission meetings and to promote the fair, orderly and efficient conduct of the Commission's proceedings and affairs.

Section 2. Membership & Officers' Duties

The Durham Conservation Commission is to be comprised of members appointed by the Select Board and serve at the discretion of the Select Board. Officer functions of the Commission consist of a Chairman, Secretary and Treasurer, to be chosen by and from among Commission members. The chairman shall preside at all Commission meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as to enable the Commission to perform its duties and conduct its affairs.

Section 3. Meetings

Meetings of the Commission shall be held as needed. Scheduled meetings of the Commission may be held in the meeting room of the Town Building, at the River Park, or another location decided upon by a majority of the current members. Meetings may also be conducted through electronic means so long as voting takes place in the manner described below. No substantive business may be conducted by the Commission without a quorum consisting of a majority of the current members of the Commission being present, or by the electronic process described in Section 4.

The order of business at scheduled meetings shall be as follows:

1. Roll call and determination of a quorum.
2. Amendments to any proposed agenda.
3. Acceptance of previous Minutes not accepted previously through electronic means.
4. Continuing business.
5. New business.
6. Other business.
7. Adjournment.

Section 4. Participation and Voting

Any action of the Commission shall require the affirmative vote of a majority of the members present.

Voting may take place both at scheduled meetings and through electronic communication. (E-mail, etc.)

1. All votes by electronic communication must include a recorded tally of all votes by the secretary and duly noted in the minutes of the secretary.
2. All votes by electronic communication must include at least 2/3rds of the commission members voting to affirm the proposed action.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

Section 5. Reconsideration

- A. The Commission may reconsider any decision. The Commission must decide to reconsider any decision, notify all interested parties and make any change in its original decision within 30 days of its prior decision. Reconsideration should be for one of the following reasons:
 1. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
 2. The Commission followed improper procedures or acted beyond its jurisdiction.

Section 6. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable municipal or state law shall be resolved in favor of the superior law.

Section 7. Waivers; Amendments

These Bylaws, or any provision thereof, may be waived on any occasion by the majority vote of the Commission unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority vote of the Commission.