



Agenda

Board Development Committee

Wednesday, October 12, 2016 – 5:30 p.m.

Small Conference Room, CCRPC Offices

110 West Canal Street, Suite 202, Winooski, VT

1. Changes to the Agenda, Members' Items (Action)
2. Review of H.249 Inter-municipal Services legislation* (Discussion)
3. Review and revise Draft Bylaws* (Action)
4. Other Business (Action)
5. Adjournment (Action)

*Attachments

NEXT MEETING –November 9, 2016, 5:30pm

H.249

An act relating to intermunicipal services

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4345b is added to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a regional planning commission shall:

(A) draft bylaws specifying the process for entering into, method of withdrawal from, and method of terminating service agreements with municipalities; and

(B) hold one or more public hearings within the region to hear from interested parties and citizens regarding the draft bylaws.

(2) At least 30 days prior to any hearing required under this subsection, notice of the time and place and a copy of the draft bylaws, with a request for comments, shall be delivered to the chair of the legislative body of each municipality within the region. The regional planning commission shall make copies available to any individual or organization requesting a copy.

(3) The regional planning commission may make revisions to the draft bylaws at any time prior to adoption of the bylaws. If revisions are made to the draft bylaws, the regional planning commission shall hold a final hearing and shall deliver notice as required in subdivision (2) of this subsection.

(b)(1) The draft bylaws required under subsection (a) of this section shall be adopted by a vote of at least 67 percent of the commissioners of the regional planning commission in accordance with the voting procedures of the regional planning commission.

(2) The draft bylaws shall be considered duly adopted and shall take effect 35 days after a vote required under this subsection, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the municipalities in the region vetoing the proposed bylaws. In such case, the bylaws shall be deemed repealed.

(c) Upon adoption of the bylaws under subsection (b) of this section, a regional planning commission may:

(1) promote cooperative arrangements and coordinate, implement, and administer service agreements among municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, infrastructure, and related activities; and

(2) exercise any power, privilege, or authority, as defined within a service agreement under subsection (d) of this section, capable of exercise by a municipality as necessary or desirable for dealing with problems of local or regional concern.

(d)(1) In exercising the powers set forth in subsection (c) of this section, a regional planning commission shall enter into a service agreement with one or more municipalities.

(2) Participation by a municipality shall be voluntary and only valid upon appropriate action by the legislative body of the municipality. To become effective, a service agreement shall be ratified by the regional planning commission and the legislative bodies of the municipalities who are a party to the service agreement.

(3) A service agreement shall describe the services to be provided and the amount of funds payable by each municipality that is a party to the service agreement. Service of personnel, use of equipment and office space, and other necessary services may be accepted from municipalities as part of their financial support.

(4) Any modification to a service agreement shall not become effective unless approved by the legislative body of the municipalities who are a party to the service agreement.

(e) A regional planning commission shall not have the following powers under this section:

(1) essential legislative functions;

(2) taxing authority; or

(3) eminent domain.

(f)(1) Funds provided for regional planning under section 4341a or 4346 of this chapter shall not be used to provide services under a service agreement without prior written authorization from the State agency or other entity providing the funds.

(2) A commission shall not use municipal funds or grants provided for regional planning services under this chapter to cover the costs of providing services under any service agreement under this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

1 **CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION**
2 **BYLAWS**
3 **DRAFT**

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6 **ARTICLE I. NAME, VISION AND MISSION**

7
8 The name of this regional planning organization is the Chittenden County Regional Planning
9 Commission. These by-laws shall regulate and govern the affairs of the Chittenden County
10 Regional Planning Commission.

11
12 The Chittenden County Regional Planning Commission's organizational vision is to be a pre-
13 eminent, integrated regional organization that plans for healthy, vibrant communities, economic
14 development, and efficient transportation of people and goods while improving the region's
15 livability.

16
17 The mission of the Chittenden County Regional Planning Commission is to act as the principal
18 forum for planning, policy and community development in the region. We will do this by
19 providing planning and technical assistance that meets the needs of our member municipalities
20 and the public, while remaining consistent with our federal and state requirements. Our work
21 will result in the development and implementation of plans that support sustainable development
22 and improve the region's quality of life and environment.

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25 **ARTICLE II. ENABLING LEGISLATION**

26
27 The Chittenden County Regional Planning Commission is an organization that combines the
28 previously separate Chittenden County Regional Planning Commission (CCRPC) and
29 Chittenden County Metropolitan Planning Organization (CCMPO). The CCRPC and CCMPO
30 were combined with the adoption of these bylaws and subsequent actions to form one combined
31 organization by action of the CCRPC and CCMPO Boards of Directors on May 18, 2011.

32
33 The legal basis and powers for Chittenden County Regional Planning Commission serving as the
34 region's regional planning commission stem from and are as stipulated in 24 V.S.A. § 4301 et
35 seq., as amended, 24 V.S.A. § 4345 et seq. and such other laws as may be enacted by the General
36 Assembly of the State of Vermont. The CCRPC was chartered by the municipalities of
37 Chittenden County on May 2, 1966 with amendments to the original charter dated May 26, 1997
38 and September 28, 1998 and is funded in part through the State of Vermont property transfer tax
39 as outlined in 24 V.S.A. § 4306(a). To the extent a conflict exists with a provision in Vermont
40 statutes governing regional planning commissions, the Vermont statutes will control.

41
42 The CCMPO conducts Metropolitan Transportation Planning pursuant to 23 U.S.C. 134 and was
43 designated by the Governor of Vermont on June 10, 1983 pursuant to Federal Highway Act of
44 1962, as amended (23 U.S.C. 101 et. seq.); the Urban Mass Transportation Act of 1964, as
45 amended (49 U.S.C. 1601 et. seq.); and by agreements dated April 20, 1983 and January 28,
46 1998 to serve as the metropolitan planning organization (MPO). In an agreement dated January
47 28, 1998 the CCMPO added membership to include the nine rural communities formerly

1 members of the Chittenden County Rural Planning Organization.

2
3 These bylaws hereby replace the charter and bylaws of the CCRPC and bylaws of the CCMPO.

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6 **ARTICLE III. DUTIES, RESPONSIBILITIES AND DUES**

7
8 In keeping with its purpose, the Chittenden County Regional Planning Commission will have the
9 following duties and responsibilities:

10
11 A. In order to carry out the responsibilities of the regional planning commission, the Chittenden
12 County Regional Planning Commission should carry out the duties as stipulated in 24 V.S.A.
13 Chapter 117, Section 4301 et seq., as amended, and such other laws as may be enacted by the
14 General Assembly of the State of Vermont.

15
16 B. In order to carry out the responsibilities of the metropolitan planning organization (MPO),
17 the Chittenden County Regional Planning Commission should carry out the duties as
18 stipulated in 23 CFR § 450.300 et seq., as amended, and such other laws and rules as may be
19 enacted by the Congress of the United States, the United States Department of Transportation
20 or the General Assembly of the State of Vermont.

21
22 C. Member communities provide local match funds for Chittenden County Regional Planning
23 Commission programs funded in the annual work program under State and Federal law.
24 Communities shall be assessed their reasonable fair share based on their community's
25 proportional equalized education grand list of the Chittenden County Regional Planning
26 Commission region. The most current data available for this grand list shall always be
27 utilized in this distribution

28
29 D. The duties and responsibilities of members and alternates will be articulated in job
30 descriptions developed by the Chittenden County Regional Planning Commission.

31
32 ~~D.E.~~ The Chittenden County Regional Planning Commission may enter into service
33 agreements to promote cooperative arrangements and coordinate, implement, and administer
34 service agreements among municipalities, including arrangements and action with respect to
35 planning, community development, joint purchasing, inter-municipal services, infrastructure,
36 and related activities; and exercise any power, privilege, or authority, as defined within a
37 service agreement under section XI of this bylaw, capable of exercise by a municipality as
38 necessary or desirable for dealing with problems of local or regional concern.

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ARTICLE IV. APPOINTMENT OF REPRESENTATIVES, TERM OF OFFICE

A. Board Membership in Chittenden County Regional Planning Commission is as follows:

Bolton	Buel's Gore
Burlington	Charlotte
Colchester	Essex
Essex Junction	Hinesburg
Huntington	Jericho
Milton	Richmond
St. George	Shelburne
South Burlington	Underhill
Westford	Williston
Winooski	
Vermont Agency of Transportation (VAOT)	US Federal Highway Administration (FHWA)
Agriculture	Industrial/Business
Socio-Economic-Housing)	Conservation/Environmental
Burlington International Airport (BIA)	Federal Transit Administration (FTA)
Chittenden County Transportation Authority (CCTA)	Railroad Industry

B. Each member municipality's locally elected legislative body shall appoint a representative (Municipal Representative) to the Chittenden County Regional Planning Commission and that representative's alternate, with the alternate having voting privileges in the absence of the representative. It is desirable that the Municipal Representative be a current or past member of the locally elected legislative body. Municipal Representatives and alternates shall serve at the pleasure of their respective locally elected legislative bodies and may be removed during their term. The term of the Municipal Representative and alternate will be for two years beginning July 1st. Communities whose beginning letter falls between A through K shall appoint a representative for even numbered fiscal years; and, communities whose beginning letter falls from L through Z shall appoint a representative for odd numbered fiscal years. Appointments by locally elected legislative bodies to fill a vacancy shall be for the unexpired term.

C. Regional Board members represent the following sectors: Agriculture, Socio-Economic-Housing, Industrial/Business, and Conservation/Environmental. Staff shall solicit nominees from stakeholder organizations. Regional Board members shall be appointed by the Chittenden County Regional Planning Commission for a term of two years for even numbered fiscal years at the June meeting. Regional Board members shall serve at the pleasure of the Chittenden County Regional Planning Commission and may be removed during their term.

D. The Vermont Secretary of Transportation or his/her designated alternate will represent the State of Vermont Agency of Transportation.

- 1 E. The following Transportation Board Members will appoint their respective representatives
 2 and alternates: FHWA, FTA, CCTA, and the BIA. The Railroad Industry shall be
 3 represented by a representative each from Vermont Rail Systems and New England Central
 4 Railroad who will alternate years as the primary and alternate representative.
 5 Representatives of these organizations serve at the pleasure of their appointing bodies.
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 8 **Article V. QUORUM & VOTING**
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- 10 A. MPO business is defined comprehensively to include all activities undertaken by the
 11 Chittenden County Regional Planning Commission to carry out its responsibilities and
 12 authority as a metropolitan planning organization.
 13
 14 B. MPO voting. When conducting MPO business, the voting power of the Chittenden County
 15 Regional Planning Commission shall consist of a total of 24 votes apportioned as follows:
 16

Municipality	Votes	Municipality	Votes
Bolton	1	Burlington	4
Charlotte	1	Colchester	2
Essex	1	Essex Junction	1
Hinesburg	1	Huntington	1
Jericho	1	Milton	1
Richmond	1	St. George	1
Shelburne	1	South Burlington	2
Underhill	1	Westford	1
Williston	1	Winooski	1
VT Agency of Transportation	1		

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 18
 19 Municipalities that are incorporated shall each have at least one vote. A majority of the
 20 voting power (i.e. 13 of 24 votes) shall constitute a quorum for the transaction of MPO
 21 business at meetings. A majority of the voting power (i.e. 13 of 24 votes) and a majority of
 22 the municipalities (10 of 18) is required to adopt or amend MPO business.
 23

24 Notwithstanding the need to make adjustments as a result of official corrections to the
 25 decennial census urbanized area boundary, the Chittenden County Regional Planning
 26 Commission shall review, and amend as it deems appropriate, its voting mechanisms and
 27 voting distribution for the purposes of MPO business within one year of the publication of
 28 each decennial census urbanized area boundary.
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- 31 C. All other business. For the purposes of voting on all other business, including elections,
 32 FHWA, VAOT, CCTA, Railroad Industry, FTA and BIA are non-voting Board members. A
 33 majority of the total of Municipal and Regional Board members shall constitute a quorum for

1 the transaction of all other business at meetings of the Chittenden County Regional Planning
2 Commission unless otherwise noted. Each Board member has one vote. Only Municipal
3 Board members shall vote on approving municipal plans and planning processes per 24
4 V.S.A. § 4350.

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7 **ARTICLE VI. EXECUTIVE DIRECTOR**
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9 A. Executive Director shall:

- 10 1) Be responsible to the Chittenden County Regional Planning Commission.
11 2) Conduct a regional planning program, within the framework of 24 V.S.A., Chapter 117,
12 and other state statutes relevant to regional planning.
13 3) Carry out all aspects of the regional transportation planning program in coordination with
14 the Assistant/MPO Director.
15 4) Manage contracts with consultants for the purpose of implementing the duly adopted
16 Unified Planning Work Program (UPWP).
17 5) Recommend changes to the bylaws, etc. to reflect the passage of new federal or state
18 legislation.
19 6) Be responsible for the office.
20 7) Hire and manage staff including consultation with the Executive Committee when hiring
21 the Assistant/MPO Director.
22 8) Be in charge of all general correspondence of the Chittenden County Regional Planning
23 Commission.
24 9) Assist the Secretary/Treasurer, and in this capacity shall be responsible for:
25 a) keeping minutes of regular and special meetings of the Chittenden County Regional
26 Planning Commission;
27 b) notifying Board members of their election to office or appointment to committees;
28 c) receiving all money due the Chittenden County Regional Planning Commission.
29 10) Prepare an annual budget and UPWP, including estimated revenues and expenditures, for
30 the fiscal year to be reviewed by the Executive Committee of the Chittenden County
31 Regional Planning Commission prior to submission for approval by the full Board.
32 11) Disburse the funds in accordance with the budget and as authorized by the
33 Secretary/Treasurer.
34 12) Keep accounts which shall at all times be open to inspection by the Board members.
35 13) Undertake such other duties as the Chittenden County Regional Planning Commission
36 shall assign.
37 14) Prepare an annual written report after the completion of each fiscal year.
38 15) Prepare a calendar for the ensuing year, which shall be presented to the Chittenden
39 County Regional Planning Commission.
40 16) Prepare quarterly financial reports in a format approved by the Executive Committee and
41 the Chittenden County Regional Planning Commission.
42 ~~16~~17) Prepare a recommendation to the CCRPC regarding any potential service
43 agreements and report on their status as appropriate.
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45 B. Job descriptions and responsibilities for additional staff shall be on file.
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ARTICLE VII. OFFICERS & EXECUTIVE COMMITTEE

A. Election of Officers and Executive Committee

The Chittenden County Regional Planning Commission shall annually elect three officers, a Chair, Vice-Chair, and Secretary/ Treasurer. In addition, the Chittenden County Regional Planning Commission shall annually elect two municipal Board members to the Executive Committee. One municipal Board member of the Executive Committee shall represent a community of 5000+ population; the other, a community of less than 5000 population, based on information from the latest census or population estimate completed by the US Census Bureau.

The Board Development Committee shall render its report of nominations to fill ensuing vacancies prior to the June meeting. The Board Development Committee may nominate one or more candidates for each office. Candidates may also be nominated from the floor.

The officers of the Chittenden County Regional Planning Commission shall be elected by a two-thirds majority of the Board members present and voting pursuant to 24 V.S.A. § 4343(b). The results of the voting shall be announced at the June meeting of each year. In the event a majority for any office is not reached, the top two vote getters will have a run-off election and the Chittenden County Regional Planning Commission will continue to vote until a majority is reached.

B. Qualifications and Duties of Officers

- 1) As a qualification for office, the Chair shall have served at least one year as a representative on the Chittenden County Regional Planning Commission. The Chair shall have the power to call special meetings, establish agendas, preside over Chittenden County Regional Planning Commission meetings and, with concurrence of the Chittenden County Regional Planning Commission, establish and appoint committees and their members. The Chittenden County Regional Planning Commission will have at least those committees delineated in Article XI of these by-laws. The Chair shall execute agreements, contracts, and checks in accordance with administrative policies and procedures approved by the Executive Committee.
- 2) The Vice-Chair shall act as the Chair in the absence of the Chair, and in his/her absence have the same powers as the Chair.
- 3) The Secretary/Treasurer shall act as the Chair in the absence of the Chair and Vice-Chair, and in his/her absence have the same powers as the Chair. The Secretary/Treasurer shall be responsible for such secretarial and financial duties as are customary to the office.
- 4) In the absence of the Chair, Vice-Chair, and Secretary/Treasurer another member of the Executive Committee will act as the Chair with the consent of the CCRPC Board.

C. Membership and Elections for Vacancies of the Executive Committee

The members of the Executive Committee shall consist of six members: the Chair, Vice-Chair, Secretary/Treasurer, immediate past Chair and the two municipal members described

1 in Section A above, elected at the June meeting. In the event of a vacancy existing between
2 annual elections, the Chittenden County Regional Planning Commission shall elect a
3 member to the Executive Committee to serve until the next June meeting.
4

5 D. Terms of Office

6 The terms of office of Executive Committee members shall begin immediately after the
7 June meeting of each year at which they are declared elected and shall end immediately after
8 the next June meeting unless re-elected; but officers shall hold office until their successors
9 have been elected and installed. ~~The Chair, Vice Chair and Secretary/Treasurer shall serve
10 no longer than two consecutive years in any one office. Municipal members of the
11 Executive Committee may not serve more than four consecutive years in that position.~~
12

13 E. Purpose, Power and Duties of the Executive Committee

14 The purpose of the Executive Committee shall be to facilitate the administration of the
15 Chittenden County Regional Planning Commission, ensure that policy and planning
16 recommendations are brought before the Board, and ensure that the decisions of the
17 Chittenden County Regional Planning Commission are implemented.
18

19 The Executive Committee shall be subject to the orders of the Chittenden County Regional
20 Planning Commission voting membership, and none of its acts shall conflict with action
21 taken by the Chittenden County Regional Planning Commission. The duties of the Executive
22 Committee will include, but not be limited to, the following:
23

- 24 1) to monitor and assure the implementation of Chittenden County Regional Planning
25 Commission Board of Director decisions;
- 26 2) to oversee the development of the agenda for Chittenden County Regional Planning
27 Commission meetings;
- 28 3) to oversee the affairs of the Chittenden County Regional Planning Commission between
29 its regular meetings but to act for the Chittenden County Regional Planning Commission
30 only when immediate action is required and the Chittenden County Regional Planning
31 Commission Board of Directors would not be able to take the necessary action;
- 32 4) to annually recommend to the full Chittenden County Regional Planning Commission at
33 the June meeting Regional Board members to be elected to represent the categories
34 prescribed in Article IV. A.
- 35 5) to oversee the activities of the Finance Committee (FC), Board Development Committee
36 (BDC), Unified Planning Work Program Committee (UPWPC), Transportation Advisory
37 Committee (TAC), Planning Advisory Committee (PAC), and Long Range Planning
38 Committee (LRPC) and to review Committee recommendations prior to submission to
39 the Board of Directors;
- 40 6) to oversee organizational and personnel policies;
- 41 7) to recommend for employment an Executive Director subject to confirmation by the
42 Chittenden County Regional Planning Commission;
- 43 8) to support, and annually review the Executive Director;
- 44 9) to assist the Executive Director in the hiring of the Assistant/MPO Director;
- 45 10) to determine, recommend and transmit to the Chittenden County Regional Planning
46 Commission for approval all recommendations concerning public policy and plan

1 recommendations forthcoming from the Chittenden County Regional Planning
2 Commission's program, which would affect the Chittenden County region and its
3 individual constituent cities and towns;

4 11) take action on Act 250/Section 248 applications per the CCRPC adopted *Guidelines and*
5 *Standards for Reviewing Act 250 and Section 248 Applications*;

6 12) to determine, recommend and transmit to the Chittenden County Regional Planning
7 Commission for approval all recommendations concerning entering into service
8 agreements;

9 ~~12~~13) to develop and update the Chittenden County Regional Planning Commission
10 strategic plan and report findings to the Board of Directors;

11 ~~13~~14) to establish sub-committees on an as needed basis; and

12 ~~14~~15) to submit a written report of its activities and/or minutes of its meetings prior to
13 each Chittenden County Regional Planning Commission meeting.

14 F. Executive Committee Meetings

15 Meetings will be held, at a minimum, in advance of the regular meeting of the Chittenden
16 County Regional Planning Commission. Special meetings can be called at the request of the
17 Chair or the Executive Director. A quorum to conduct business shall consist of four members.
18 Members may participate via telephone or video conference if unable to attend in person.
19

20 Article VIII. MEETINGS

21
22 The rules of procedures of the Chittenden County Regional Planning Commission shall be
23 Robert's Rules of Order the latest edition. These procedures will be followed except where
24 superseded by these by-laws.
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27
28 Board members will be sent their meeting notification, agendas, and appropriate documents at
29 least one week prior to the actual meeting date, except in the case of special meetings. The
30 Chittenden County Regional Planning Commission is a public body and shall comply with the
31 Vermont Open Meeting Law (1 V.S.A. § 310 et seq.) and Access to Public Records Laws (1
32 V.S.A. §§ 315-320 et seq.). Special meetings may be called by the Chair or by a combined
33 group of 50 percent or more of the voting Board members. The Chittenden County Regional
34 Planning Commission Board may employ a "Consent Agenda" process when appropriate for
35 expediting minor administrative actions related to the efficient operation of the Chittenden
36 County Regional Planning Commission and the management of Chittenden County Regional
37 Planning Commission programs and documents (e.g., qualifying TIP amendments). Any
38 administrative change to Chittenden County Regional Planning Commission documents,
39 policies, or procedures, other than items defined in Article X of these by-laws, may be identified
40 and included in the Consent Agenda element of the full agenda for a regularly-schedule Board
41 meeting.
42

43 At the beginning of each Board meeting, under the "Changes to the Agenda" item, the Chair will
44 entertain requests from any Board member to move individual Consent Agenda items to the
45 Deliberative Agenda for discussion and action. The Board will then act on the Consent Agenda.
46 If a Consent Agenda item is moved to the Deliberative Agenda for discussion and action, Board

1 members will have the opportunity to request additional information on the item from staff,
2 municipalities, and/or agencies, as appropriate. The Board may then (1) move and vote to
3 approve the item moved from the Consent Agenda to the Deliberative Agenda, at which time the
4 subject administrative change becomes effective, or (2) move and vote to send the change to the
5 appropriate body (e.g., Executive Committee, TAC, or staff) for further review and
6 recommendation.

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9 **Article IX. FISCAL YEAR & MEETING DATES**

10
11 The Chittenden County Regional Planning Commission's fiscal year shall be July 1st through
12 June 30th.

13
14 The Annual Meeting shall be set by the Executive Committee and affirmed by the Chittenden
15 County Regional Planning Commission Board.

16
17 The June Meeting of the Chittenden County Regional Planning Commission shall each year
18 include the election of the organization's Officers and the Executive Committee.

19
20 The Chittenden County Regional Planning Commission Board shall annually establish the day,
21 time, and location of the Chittenden County Regional Planning Commission regular meetings.
22 Meetings of the Chittenden County Regional Planning Commission shall be conducted at least
23 quarterly.

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26 **Article X. ADOPTIONS OR AMENDMENTS.**

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28 **A. Bylaws**

29 Upon recommendation of the Executive Committee or upon request by resolution through
30 written ballot by a majority of the Board members any proposed amendment to the by-laws shall
31 first be sent to the Board members and the Board member municipalities' locally elected
32 legislative bodies in preliminary form for consideration and comment for a period of not less
33 than thirty days. Not later than thirty days after this period, the Executive Committee shall
34 submit to the Chittenden County Regional Planning Commission, (1) a report summarizing the
35 comments received and recommendations of the Executive Committee; and (2) if authorized by
36 the Chittenden County Regional Planning Commission, the proposed amendment in final form as
37 a written ballot. If submission of the amendment as a ballot is not authorized by the Chittenden
38 County Regional Planning Commission, but within ninety days after issuance of the report such
39 submission is requested by a petition signed by at least twenty-five percent of the Board
40 members, the Executive Committee shall, within thirty days following receipt of said petition,
41 submit to the Chittenden County Regional Planning Commission a written ballot of the proposed
42 amendment as originally submitted. Adoption of any amendments shall require the affirmative
43 vote of two-thirds majority of the Board members.

44
45 **B. MPO Business**

46 Before the Chittenden County Regional Planning Commission may adopt or make other than

1 minor amendments or administrative changes to MPO business, notice to Board member
2 municipalities' locally elected legislative bodies and to the general public shall be given
3 consistent with the Public Participation Plan.
4

5 Minor amendments to the UPWP, such as reallocating dollars between approved tasks, can be
6 done with Chittenden County Regional Planning Commission Board approval, without a public
7 hearing.
8

9 No municipality or organization shall challenge the validity of the Transportation Improvement
10 Program (TIP), UPWP, or Metropolitan Transportation Plan (MTP) as adopted according to this
11 article, for procedural defects, after thirty (30) days following the day on which it was adopted.
12

13 C. Regional Plan

14 The Chittenden County Regional Planning Commission shall hold public hearings and seek
15 comments on a proposed Regional Plan or amendments consistent with 24 V.S.A. § 4348. The
16 Chittenden County Regional Planning Commission shall hold public hearings and review
17 municipal plans and planning processes consistent with 24 V.S.A. §4350. The Metropolitan
18 Transportation Plan (MTP) is integrated into and part of the Regional Plan.
19

20 D. Metropolitan Transportation Plan

21 The MTP shall be considered and voted upon first as MPO Business. Then the full membership
22 of CCRPC shall consider and vote upon the full Regional Plan.
23

24 E. Unified Planning Work Plan

25 The portion of the UPWP that is transportation funded shall be considered and voted upon as
26 MPO Business. Then the full membership of CCRPC shall consider and vote upon the full
27 UPWP.
28

29 Article XI. SERVICE AGREEMENTS

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31 A service agreement shall describe the services to be provided and the amount of funds payable
32 by each municipality that is a party to the service agreement. Service of personnel, use of
33 equipment and office space, and other necessary services may be accepted from municipalities as
34 part of their financial support. Service agreements shall contain a termination date unless
35 otherwise provided in the agreement. Service agreements shall contain a provision describing
36 how parties may withdraw from the agreement prior to the termination date. Any modification
37 to a service agreement shall not become effective unless approved by the legislative body of the
38 municipalities who are a party to
39 the service agreement.
40

41 A. Planning Service Agreements

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43 Planning Services include: town plan assistance, bylaw assistance, any type of special study,
44 development review assistance, and similar services. Municipalities are asked to request these
45 services through the normal UPWP process. If there are adequate staff resources, as determined
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1 by the Executive Director, and the CCRPC approves the UPWP, the Executive Director may
2 enter into an agreement with the requesting municipality to provide such services as mutually
3 agreed to in the agreement. Such agreement shall contain a provision that allows either party to
4 terminate the agreement with 30 days' notice to the other party.

5 6 B. Inter-municipal Service Agreements

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8 Inter-municipal Services include any service authorized by statute not considered a Planning
9 Service. Participation by a municipality shall be voluntary and only valid upon appropriate
10 action by the legislative body of the municipality. To become effective, a service agreement shall
11 be ratified by the regional planning commission and the legislative bodies of the municipalities
12 who are a party to the service agreement. The agreement may include other parties as may be
13 relevant to a particular service.

14
15 i. The withdrawal provision of an Inter-municipal Agreement with one municipality
16 shall provide for 30 days' notice unless otherwise provided in the agreement.

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18 ii. The withdrawal provision of an Inter-municipal Agreement with multiple
19 municipalities shall provide for at least six months' notice prior to the beginning of a
20 fiscal year unless otherwise provided in the agreement.

21 22 23 Article XII. COMMITTEES

24
25 There shall be committees of the Chittenden County Regional Planning Commission as
26 described herein. All Chittenden County Regional Planning Commission Board members are
27 encouraged to participate in a minimum of at least one standing committee. The Chair may
28 appoint ad hoc committees for a specific purpose with the approval of the Chittenden County
29 Regional Planning Commission. Committees should include subject matter experts as needed to
30 provide advice to the Chittenden County Regional Planning Commission Board.

31 32 A. Finance Committee (FC)

33
34 The Finance Committee shall oversee the Chittenden County Regional Planning Commission
35 finances and matters related to organizational finances as specifically described in items 1-8
36 of this section.

37
38 The Chair of the Finance Committee shall be the Chittenden County Regional Planning
39 Commission Secretary/Treasurer. There shall be 2 additional members including the
40 Chittenden County Regional Planning Commission Vice-Chair and one member of the Board
41 of Directors.

42
43 The Finance Committee shall meet on a quarterly basis or as needed to conduct the following
44 activities:

- 45 1) oversee Chittenden County Regional Planning Commission finances;
46 2) oversee the Chittenden County Regional Planning Commission annual budget

- 1 development and report findings to the Executive Committee in cooperation with the
- 2 Unified Planning Work Plan Committee;
- 3 3) oversee the Chittenden County Regional Planning Commission annual audit and
- 4 report findings to the Executive Committee;
- 5 4) oversee the staff benefit structure on an annual basis and report recommendations
- 6 and/or findings to the Board;
- 7 5) oversee the staff compensation budget recommendations on an annual basis and
- 8 report recommendations and/or findings to the Board;
- 9 6) oversee the development of a compensation study on a five year basis and report
- 10 recommendations/findings to the Board;
- 11 7) conduct other duties as assigned by the Board and/or Executive Committee; and
- 12 8) establish sub-committees on an as needed basis.

13

14 B. Board Development Committee (BDC)

15

16 The Board Development Committee shall oversee the Chittenden County Regional Planning
17 Commission nominating process, updates to the Chittenden County Regional Planning
18 Commission bylaws, Board member development, communications, and engagement as
19 specifically described in items 1-10 of this section.

20

21 The Chair of the Board Development Committee shall be the Chittenden County Regional
22 Planning Commission Immediate Past Chair (should there not be an available Immediate Past
23 Chair the Executive Committee shall appoint a Chair). There shall be up to 4 additional
24 members of the Board of Directors.

25

26 The Board Development Committee shall meet on a semi-annual basis or as needed to
27 conduct the following activities:

- 28 1) prepare a slate of officers;
- 29 2) review and recommend updates of the Chittenden County Regional Planning
30 Commission bylaws on an as needed basis and report findings to the Executive
31 Committee;
- 32 3) conduct new Board member recruitment in coordination with municipal locally
33 elected legislative bodies;
- 34 4) oversee Board member training and development;
- 35 5) conduct periodic Board performance evaluations;
- 36 6) oversee and conduct Chittenden County Regional Planning Commission outreach and
37 communications (or delegate to an ad hoc Community Engagement Committee);
- 38 7) oversee and conduct Chittenden County Regional Planning Commission marketing
39 and branding (or delegate to an ad hoc Community Engagement Committee);
- 40 8) review and recommend updates of the Chittenden County Regional Planning
41 Commission Public Participation Plan on an as needed basis (or delegate to an ad hoc
42 Community Engagement Committee) and report findings to the Executive
43 Committee;
- 44 9) conduct other duties as assigned by the Board and/or Executive Committee; and
- 45 10) establish sub-committees on an as needed basis.

46

1 C. Unified Planning Work Plan Committee (UPWPC)

2
3 The Unified Planning Work Plan Committee shall oversee the Chittenden County Regional
4 Planning Commission annual work plan development process as specifically described in
5 items 1-5 of this section.

6
7 The Chair of the Unified Planning Work Plan Committee shall be a Board member selected
8 by the Chair of the CCRPC. There shall be up to 12 members as follows:

- 9
- 10 • 3-5 Board members
 - 11 • 2 Transportation Advisory Committee members
 - 12 • 2 Planning Advisory Committee members
 - 13 • Vermont Agency of Transportation
 - 14 • Federal Highway Administration (ex-officio, non-voting)
 - 15 • Chittenden County Transportation Authority (ex-officio, non-voting)

16 The Unified Planning Work Plan Committee shall meet on a semi-annual basis or as needed
17 to conduct the following activities:

- 18 1) develop a draft annual Unified Planning Work Program (UPWP) and report findings
19 to the Executive Committee in cooperation with the Finance Committee;
- 20 2) review and recommend updates to the UPWP development process policies on an as
21 needed basis and report findings to the Executive Committee;
- 22 3) develop performance measures to monitor the implementation of the UPWP, update
23 the performance measures on an as needed basis, monitor the implementation of the
24 UPWP using the established performance measures and report findings to the
25 Executive Committee;
- 26 4) conduct other duties as assigned by the Board and/or Executive Committee; and
27 5) establish sub-committees on an as needed basis.

28
29 D. Transportation Advisory Committee (TAC)

30
31 The Transportation Advisory Committee shall oversee the Chittenden County Regional
32 Planning Commission transportation activities and policy development funded primarily
33 through the Federal Highway Administration Metropolitan Planning Organization (MPO)
34 program as specifically described in items 1-9 of this section.

35
36 The Chair of the Transportation Advisory Committee shall be a TAC member elected by the
37 TAC or appointed by the Chair of CCRPC. There shall be up to 31 members and
38 representatives of organizations as follows:

- 39
- 40 • 1 Board member
 - 41 • Representatives of the 18 municipalities eligible to vote on MPO business as
42 described in Article V. A.
 - 43 • Vermont Agency of Transportation
 - 44 • Federal Highway Administration
 - 45 • Chittenden County Transportation Authority
 - 46 • Burlington International Airport
 - Campus Area Transportation Management Association

- 1 • Special Services Transportation Agency
- 2 • Person representative of the Business Community
- 3 • Person representative of the Disabled Community
- 4 • Person representative of the Elderly Community
- 5 • Person representative of the Environmental Community
- 6 • Person representative of the Bicycle and/or Pedestrian Community
- 7 • Person representative of the Rail Industry

8
9 The terms of TAC members will be for two years beginning July 1st, communities whose
10 beginning letter falls between A and K shall appoint a representative to serve beginning in
11 even numbered fiscal years and communities whose beginning letter falls from L through Z
12 shall appoint a representative to serve beginning in odd numbered fiscal years.

13 Appointments of all other members will be on an annual basis by the Board Chair.

14 Appointments to fill a vacancy shall be for the unexpired term.

15
16 The Transportation Advisory Committee shall meet on a monthly basis or as needed to
17 conduct the following activities:

- 18 1) review Metropolitan Transportation Plan (MTP) updates, revisions, and amendments
19 as developed by the Long Range Planning Committee;
- 20 2) review and recommend to the Board the Transportation Improvement Program (TIP)
21 and TIP amendments, Sidewalk and Transportation Enhancement Grant program
22 recommendations and priorities and other program ranking recommendations as
23 needed;
- 24 3) review and recommend technical planning/engineering studies for inclusion in the
25 UPWP;
- 26 4) review completed MPO funded planning and scoping studies;
- 27 5) oversee the selection of consultants to be retained for MPO funded projects and
28 programs;
- 29 6) undertake MPO related technical and policy activities similar to the Planning
30 Advisory Committee;
- 31 7) coordinate transportation land use activities with the Planning Advisory Committee;
- 32 8) conduct other duties as assigned by the Board and/or Executive Committee including
33 recommendations to the Board as needed; and,
- 34 9) establish sub-committees on an as needed basis.

35
36 E. Planning Advisory Committee (PAC)

37 The Planning Advisory Committee shall oversee the Chittenden County Regional Planning
38 Commission regional planning activities and policy development as specifically described in
39 items 1-13 of this section.

40
41 The Chair of the Planning Advisory Committee shall be a PAC member elected by the PAC
42 or appointed by the Chair of CCRPC. There shall be up to 31 members and representatives
43 of organizations as follows:

- 44 • 1 Board member
- 45 • Representatives of the 18 incorporated municipalities and Buel's Gore
- 46 • 3-5 members of public/interest groups that may include, but are not limited to, the

- 1 Vermont Department of Health and Champlain Housing Trust
2 • Vermont Agency of Transportation and other interested state agencies (ACCD, ANR,
3 AOA)
4 • Federal Highway Administration (ex-officio, non-voting)
5 • Chittenden County Transportation Authority (ex-officio, non-voting)
6

7 The terms of PAC members will be for two years beginning July 1st, communities whose
8 beginning letter falls between A and K shall appoint a representative to serve beginning in
9 odd numbered fiscal years and communities whose beginning letter falls from L through Z
10 shall appoint a representative to serve beginning in even numbered fiscal years.

11 Appointment of all other members will be on an annual basis by the Board Chair.

12 Appointments to fill a vacancy shall be for the unexpired term.
13

14 The Planning Advisory Committee shall meet on a quarterly basis or as needed to conduct
15 the following activities:

- 16 1) review municipal plans (with the inclusion of ad hoc Committee members from the
17 involved and adjacent communities);
18 2) review and make recommendations to the Board regarding *Guidelines and Standards*
19 *for Reviewing Act 250 and Section 248 Applications* and identify development
20 projects that may require Act 250 or Section 248 review so that the Board's role in
21 the process may be proactive instead of reactive;
22 3) review and recommend regional planning technical/planning/engineering studies for
23 inclusion in the UPWP;
24 4) provide interface between the Board, work groups and functions related to cross
25 cutting planning issues and the Regional Plan;
26 5) develop regional planning policy recommendations for Board consideration and/or
27 action;
28 6) provide input to MTP, UPWP, and TIP development, and other transportation
29 planning processes, on issues or projects of a regional nature;
30 7) oversee the selection of regional planning and MTP land use related consultants to be
31 retained for projects and programs;
32 8) evaluate and prioritize regional planning technical assistance;
33 9) review and make recommendations to the Board regarding Regional Plans of adjacent
34 regions;
35 10) undertake regional planning related technical and policy activities similar to the
36 Transportation Advisory Committee;
37 11) coordinate transportation land use activities with the Transportation Advisory
38 Committee;
39 12) conduct other duties as assigned by the Board and/or Executive Committee; and
40 13) establish sub-committees on an as-needed basis.
41

42 F. Long Range Planning Committee (LRPC)
43

44 The Long Range Planning Committee shall oversee the Chittenden County Regional
45 Planning Commission development of the Metropolitan Transportation Plan (MTP), the
46 Regional Plan (RP), and other associated long range planning activities as specifically

1 described in items 1-8 of this section.
2

3 The Chair of the Long Range Planning Committee shall be a Board member selected by the
4 Chair of the CCRPC. There shall be up to 14 members and representatives of organizations
5 as follows:

- 6 • 3-6 Board members
- 7 • 1 or 2 TAC members
- 8 • 1 or 2 PAC members
- 9 • 1 to 3 members of public/interest groups
- 10 • 1 representative of the Vermont Agency of Transportation

11
12 The Long Range Planning Committee shall meet on a semi-annual basis or as needed to
13 conduct the following activities:

- 14 1) develop the Metropolitan Transportation Plan at least every five years and present to
15 the Board for adoption;
- 16 2) develop the Regional Plan at least every eight years and present to the Board for
17 adoption;
- 18 3) develop policy recommendations related to the MTP and RP for Board consideration
19 and/or action;
- 20 4) provide guidance to the MTP, RP, UPWP, and TIP development and other land use
21 transportation planning processes on issues and/or projects of a long range planning
22 nature;
- 23 5) coordinate activities with the TAC and PAC to assure consistency in plans and policy
24 recommendations to the Board;
- 25 6) prepare an annual report of indicators to benchmark the region's progress towards
26 meeting regional and transportation planning goals;
- 27 7) conduct other duties as assigned by the Board and/or Executive Committee; and
- 28 8) establish sub-committees on an as needed basis.

29
30 **Article XIII. RESOLVING CONFLICTING INTERESTS**

31
32 **A. Preamble**

33 A public official must exercise his or her authority solely for the benefit of the public and, in
34 fact, stand in a fiduciary relationship to the public. He or she is held by the law to a most rigid
35 standard with respect to any activity which places his or her individual interest in a position
36 where collision with public responsibility becomes possible. The law requires that not only must
37 public officials actually separate private interests from public responsibility, but must also give
38 every appearance of this separation.

39
40 A real conflict of interest exists when a private interest exists leading to a personal benefit or
41 gain. An apparent conflict of interest exists when there is a perception that a conflict of interest
42 exists leading to a personal benefit or gain.

43
44 Such a conflict would arise when (1) a Board member, (2) any member of his or her immediate
45 family, (3) his or her partner, or (4) an organization which employs or is about to employ any
46 of (1) through (3) above, have a financial or other interest in the firm selected for the award.

1
2 Board members of both the Chittenden County Regional Planning Commission and the
3 Chittenden County Regional Planning Commission's sub-grantees will neither solicit nor accept
4 gratuities, favors, or items of value (excluding calendars, pens, and other nominal items) from
5 contractors, potential contractors, or parties to sub-agreements.
6

7 When a significant real or apparent conflict of interest arises the concerned parties shall discuss
8 the matter with the Executive Committee. Board members should raise the issue of a potential
9 conflict of interest of another Board member or staff person whenever they feel one exists and
10 the person in question does not declare a real or apparent conflict of interest. All real conflicts of
11 interest require compliance with Section B below. The Executive Committee will determine all
12 apparent conflicts of interest. If there is an actual conflict of interest the Committee shall decide
13 on a case-by-case basis whether an individual can participate in discussions, but the individual
14 shall not vote. Alternatively, if there is an apparent conflict of interest the Committee will decide
15 whether and how an individual may participate and if the individual may vote.
16

17 B. Board Member Actions

18 In the event a real conflict of interest, as herein defined, does or would result, the Board member
19 shall act as follows:

- 20 1) Disclosure. In the event a proposed contract, material or labor is to be furnished to the
21 Chittenden County Regional Planning Commission, the Board member shall state on the
22 record the nature of his or her conflict of interest. He or she shall not communicate,
23 either formally or informally, with any other Board member with respect to the awarding
24 of such contract and shall not vote on the question of its issuance.
- 25 2) Disclosure of Fiduciary Relationship. In the event the Board member has fiduciary
26 relationship with any individual, partnership, firm or corporation seeking to contract with
27 the Chittenden County Regional Planning Commission, or to provide materials or labor
28 thereto, or has a fiduciary interest in a project or a project before Act 250 or other
29 regulatory board where the Chittenden County Regional Planning Commission is a party,
30 the Board member shall, regardless of contract amount, state on the record the nature of
31 his or her interest, refrain from all formal or informal discussion with any other Board
32 members with respect to such contract or project, and shall not vote on the question of its
33 issuance or approval or disapproval.
- 34 3) Form. Upon joining the Chittenden County Regional Planning Commission or at the
35 beginning of the fiscal year, Board members will sign a form indicating that they have
36 read and understand this Section.
37

38 **ARTICLE ~~XXXIV~~. APPROPRIATIONS TO THE CHITTENDEN COUNTY** 39 **REGIONAL PLANNING COMMISSION**

40
41 The Chittenden County Regional Planning Commission may receive and expend monies from
42 any source.
43
44

45 CCRPC Charter

46 ADOPTED by the Commission May 2, 1966.

- 1 AMENDED by the Commission May 26, 1997
- 2 AMENDED by the Commission September 28, 1998
- 3 Superseded by the Commission, May 18, 2011, effective July 1, 2011
- 4
- 5 CCRPC Bylaws
- 6 Amended by CCRPC September 23, 1991
- 7 Amended by CCRPC May 27, 1997
- 8 Amended by CCRPC February 27, 2006
- 9 Superseded by the Commission, May 18, 2011, effective July 1, 2011
- 10 Amended by CCRPC May 21, 2014
- 11
- 12 CCMPO Bylaws
- 13 Adopted by the Chittenden County Metropolitan Planning Organization July 15, 1983.
- 14 Amended March 16, 1984, December 17, 1984, May 28, 1985, July 23, 1985, July 11, 1988,
- 15 April 17, 1990, August 25, 1993, January 28, 1998, March 17, 1999, December 18, 2002, July
- 16 21, 2004, June 20, 2007 and superseded on by the bylaws of the CCRPC dated May 18, 2011,
- 17 effective July 1, 2011.