

LAKES REGION PLANNING COMMISSION

BY-LAWS

Amended
April 1982 | June 1998 | April 2008 | October 2017
June 2022 | March 2023 | October 2023

ARTICLE 1. LEGAL BASIS FOR PLANNING COMMISSION

- 1.1 The legal basis for the Regional Planning Commission is contained in Chapter 36:45 of N.H. RSA.
- 1.2 The legal basis for the provision of technical assistance is contained in Chapter 292 of N.H. RSA.

ARTICLE 2. NAME

- 2.1 The name of this Regional Planning Commission shall be:

“LAKES REGION PLANNING COMMISSION”

ARTICLE 3. PURPOSE

- 3.1 The purpose of the Lakes Region Planning Commission (LRPC) shall be to promote the growth and prosperity of cities, towns, and villages in the Lakes Region. This purpose will be advanced by promoting a spirit of regional cooperation and decision making; providing technical assistance, on request, to member communities; and otherwise serving as a regional planning commission as set forth in RSA 36:45-58.

ARTICLE 4. REPRESENTATION OF MEMBER MUNICIPALITIES AND THE COUNTIES

- 4.1 Each municipality and county which shall become a member of the Lakes Region Planning Commission shall be entitled to representation on said Commission as provided by Chapter 36:46 of N.H. RSA.

- 4.2 Representation

Representation on the Commission shall be by: Commissioners, Alternate Commissioners, and Associate Commissioners. Commissioners to the Lakes Region Planning Commission shall be persons from municipalities comprising Planning and Development Region #2 as delineated by Governor's Executive Order, which have fully paid current assessments.

- 4.3 Alternate Commissioners

Each member municipality or county may appoint an Alternate Commissioner, who shall be authorized to act as Commissioner for the municipality in the absence of a Commissioner. In no case shall the total number of votes cast by a municipality or county exceed the authorized number of Commissioners.

4.4 Associate Commissioners

Municipalities, which have not paid current assessments, or which are otherwise ineligible for full voting membership but are nevertheless interested in Regional Planning, may be Associate Members and appoint Associate Commissioners to the Commission. The Lakes Region Planning Commission may also, by vote, accept as Associate Commissioners any person who has an interest in Regional Planning.

ARTICLE 5. VOTING PRIVILEGES

- 5.1 Commissioners shall have full voting privileges and shall be eligible to hold any office in the Commission, except those for which remuneration is provided. Alternate Commissioners may exercise the voting privileges of an absent Commissioner from his municipality or county.

ARTICLE 6. FINANCES

6.1 City and Town Appropriations to the Commission

The Commission shall prepare an annual budget and shall determine on a reasonable and equitable basis, in relation to the current state valuations and population of municipalities, the amount to be paid by each member. The amount to be paid by each member shall be certified to its municipal officers in sufficient time to allow an appropriation to be made. The failure of a member to appropriate and pay the amount determined by the Commission within a year of the mailings of the assessment notice terminates its membership except as provided under Section 4.4.

ARTICLE 7. COMMISSION STRUCTURE, DUTIES, AND RESPONSIBILITIES

7.1 Commission Structure

The Commission shall be comprised of appointed Commissioners from each member municipality having voting rights as established by these By-Laws. Commissioners shall not be reimbursed for their services, but may be reimbursed for expenses incurred on behalf of the Commission upon approval of the Executive Director.

7.2 Appointment of Commissioners

Each member municipality is entitled to two (2) representatives (three (3) for populations over 10,000) plus an alternate who may act and vote as a Commissioner in the absence of the Commissioner from their own municipality. Commissioners are voluntary representatives nominated by the planning board and appointed by the governing body of each member municipality as established under RSA 36:46-III. The governing body shall provide written notification of the appointment to the LRPC in a timely manner.

7.3 Commissioner Term of Office

Commissioners serve 4-year terms, but initial appointments are staggered terms of 2 and 4 years (2, 3 and 4 years for municipalities that are entitled to three or more representatives). A term is set upon the initial appointment of a vacant position and carries through with that position (not the appointee) until such time as the position

becomes vacant for a period of six months after the term expires, whereby a new term will be determined upon filling the vacancy.

7.4 Commissioner Vacancies

Vacancies shall be filled in the same manner as in Section 7.2. If the vacancy being filled has a balance of term from a prior Commissioner, a new appointee would assume the balance of that term.

7.5 Officers

The officers of the Commission shall include a Chair, a Vice Chair, a Treasurer, and a Secretary. *See also Article 8.*

7.6 Duties

The Commission shall be the policy making body and, as such, shall establish positions to be taken on all matters of regional importance, shall determine the goals and objectives for the regional planning program, and shall review and approve the annual work program and budget which shall provide the operational framework for the Executive Board.

7.7 Standing Rules

The Commission may adopt Standing Rules for the purpose of establishing employee policies, financial procedures, and other Commission policies. Such Rules may be amended by a majority vote of the Executive Board at any regular meeting.

7.8 Responsibilities

7.8.1 Commissioners are required to sign a Commitment to Serve and a Conflict of Interest document which will be provided by the LRPC upon receipt of the appointment notice. The Conflict of Interest document shall be updated annually.

7.8.2 Commissioners are responsible for reviewing the Commissioner Handbook which will be provided by the LRPC upon receipt of the appointment notice. The Commissioner Handbook provides various helpful information such as directories of LRPC staff, Commissioners, Executive Board members, and officers.

7.8.3 Commissioners shall attend all regular meetings of the Commission. In the event a Commissioner misses three (3) consecutive regular meetings, the appointing authority shall be notified in writing by the Executive Board.

ARTICLE 8. EXECUTIVE BOARD STRUCTURE, DUTIES, AND RESPONSIBILITIES

8.1 Executive Board Structure

The Executive Board shall consist of the previously mentioned four (4) officers (*see Section 7.5*), four (4) Area Commissioners, up to four (4) At Large Commissioners, and

two (2) alternates as elected by the Commission. The Area Commissioners shall each reside within and represent one of the four (4) geographic areas within the LRPC Region as shown in Fig. 1 (Area Map). The four (4) At Large Commissioners shall provide the same geographic representation insofar as possible.

8.2 Nomination of Executive Board

A Nominating Committee of up to five (5) Commissioners shall be appointed by the Executive Board of the Commission at least one hundred eighty (180) days in advance of the annual commission meeting. The Nominating Committee shall consider the interest, ability, and residency of Commissioner members in serving as members of the Executive Board. It shall also be the responsibility of the Nominating Committee to nominate officers and alternates. The Executive Board, officers, and alternates shall be nominated from the then current pool of Commissioners. This information shall be used in preparing a ballot to be submitted to the Commission. The Nominating Committee may nominate one or more candidates for each office.

8.3 Election of Executive Board & Terms of Office

8.3.1 Officers

In accordance with RSA 36:48, the Chair, Vice Chair, Secretary, and Treasurer shall be elected annually. Elections shall be held every year in the same manner as the Executive Board members defined in Section 8.3.2 below.

8.3.2 Area and At Large Commissioners

Area and At Large Commissioners of the Executive Board shall be elected by the affirmative written ballots of a majority of the Commissioners voting at the annual meeting every two (2) years. Commissioners may vote for any qualified Commissioner, whether or not nominated by the Nominating Committee. In the event of a tie, the office will be determined by lot. The results of the ballots shall be totaled and announced at said meeting.

8.3.3 Executive Board Alternates

The Commission may also elect up to two (2) alternate members to serve on the Executive Board who shall have all the rights and responsibilities of an Executive Board member, including attendance at Executive Board meetings, but who shall only become a voting member when seated by the Chair to fill a vacancy in order to achieve a quorum. Alternates shall be elected every two (2) years in conjunction with and in the same manner as the Executive Board members defined in Section 8.3.2 above.

8.3.4 Executive Board Terms of Office

The term of office for Executive Board officers shall begin immediately after the annual meeting at which they are declared elected, and shall end immediately after the annual meeting of the following year; officers shall

hold office until their successors have been elected and assume the duties of the office.

The term of office for Area Commissioners, At Large Commissioners, and Alternates shall begin immediately after the annual meeting at which they are declared elected, and shall continue for two (2) years ending immediately after the annual meeting of the next election.

8.4 Executive Board Vacancies

The Executive Board Chair, or in the absence of the Executive Board Chair the presiding member, may temporarily fill any vacant position on the Executive Board occurring between elections. Temporary Executive Board members shall hold office for the balance of the term for which they are appointed or until their successors are elected at the next applicable annual meeting and assume the duties of the office.

8.5 Duties of Executive Board

8.5.1 The Executive Board shall be responsible for the carrying out of the annual work program within the budget as approved by the Commission.

8.5.2 For this purpose, the Executive Board is authorized to take all actions necessary to implement the work program including, but not limited to, approving contracts in the name of the Commission, and publicizing the position of the Commission on matters of concern to local and regional planning organizations.

8.5.3 The Chair shall call meetings of the Commission and the Executive Board and shall preside over these meetings. The Chair shall, except as otherwise provided, create and discharge standing committees and special committees, and serve as a non-voting ex-officio member of all committees – except in the case of a tie when a vote shall be required. The Chair shall also perform such other duties as are customary to the office.

8.5.4 The Vice Chair shall act as Chair in the absence or incapacity of the Chair.

8.5.5 The Secretary shall perform such duties as are customary to the office, including responsible direction of such secretarial duties as are assigned by these By-Laws, and shall put into effect the directives of the Commission. The duties of the Recording Secretary may be assigned to the Commission's staff by the Commission. In the absence of the Secretary at any meeting, a Secretary *Pro Tem* may be appointed by the Chair, at their discretion, for that meeting.

8.5.6 The Treasurer shall perform such duties as are customary to the office, including responsible direction of such financial duties as are assigned by these By-Laws and shall put into effect the directives of the Commission.

8.5.7 The Treasurer, Chair, and Vice Chair shall be bonded for the faithful performance of their duties if and when so voted by the Commission, in an amount to be determined and approved by the Commission. The premiums for such bonds shall be paid from Commission funds.

8.5.8 It is the duty of Area Commissioners to convene area meetings and bring issues of local concern to the attention of the Executive Board, along with representing the interest of the Commissioners in their area on any matters that may come to a vote before the Executive Board. It is also the responsibility of Area Commissioners to bring certain matters as requested by the Executive Board to the attention of the Commissioners within their area for consideration and recommendations.

ARTICLE 9. MEETINGS

9.1 Commission Meetings

There shall be at least two (2) meetings per year of the entire Commission to be held at a time and place as determined by the Executive Board, which shall best serve the convenience of the greatest number of Commissioners. The annual meeting shall be held in June.

9.2 Area Commission Meetings

There shall be at least one (1) meeting per year of the entire Commission to be held in each of the four (4) areas.

9.3 Additional Meetings

Additional meetings may be called by the Chair or by a majority vote of the Executive Board.

9.4 Notice of Commission Meetings

Seven (7) days' notice of all meetings of the Commission shall be provided by the Secretary or Executive Director to all Commissioners, Alternate Commissioners and Associate Commissioners except in an emergency when, with the approval of a majority of the Executive Board, the Chair may call a meeting on shorter notice. Distribution of a calendar of meetings shall meet the requirement for a meeting notice if a reminder is distributed to the Commissioners prior to each meeting.

9.5 Executive Board Meetings

Meetings of the Executive Board shall be called by the Chair as frequently as, in his/her judgment, the accumulation of business to be transacted shall demand, and at places and times to be determined by him/her.

9.6 Notice of Executive Board Meetings

Seven (7) days' notice of all meetings of the Executive Board shall be provided by the Secretary or Executive Director to all Executive Board members, except in an

emergency when the Chair may call a meeting on shorter notice. Distribution of a calendar of meetings shall meet the requirement for a meeting notice if a reminder is distributed to the Executive Board members prior to each meeting.

9.7 Minutes of Meetings

Minutes of all meetings of the Commission and the Executive Board shall be kept by the Secretary or a person designated by the Executive Board.

9.8 Quorum

Except in cases of emergency as defined in RSA 91-A: 2, III (b), a quorum of the Commission or Executive Board (or any other committee or subcommittee) shall be established by the physical presence of the percentage recognized below at the location specified in the meeting notice.

9.8.1 Commission and Area Meetings

Commissioners from 51% of dues-paying municipalities that have voting privileges, and that have appointed at least one (1) Commissioner, shall constitute a quorum.

9.8.2 Executive Board Meetings

Fifty-one percent (51%) of the elected or Board appointed members shall constitute a quorum.

9.9 Parliamentary Procedures

Roberts Rule of Order, as amended, shall govern in questions of parliamentary procedure, except as herein otherwise provided.

9.10 Membership's Electronic Participation in Meetings

9.10.1 The Commission and the Executive Board (and any other committee or sub-committee that may be established) may, but is not required to, allow one or more members of its body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of RSA 91-A:2, III.

9.10.2 To follow the provisions of RSA 91-A:2, III, for a Commissioner or Executive Board member (or any other committee or sub-committee member) to participate in a meeting electronically or otherwise, the following must occur:

- a. Each member participating electronically must articulate for the minutes why they cannot physically attend the meeting (i.e. the member cannot participate due to work, health, or personal reasons).

- b. Each member participating electronically must identify other people present in the location from which the member is participating.
- c. Each part of the meeting required to be open to the public must be audible or otherwise discernable such that each member participating electronically must be able to simultaneously hear and speak to each other during the meeting as well as with those in physical attendance at the meeting location.
- d. All votes taken during such meeting shall be by roll call and recorded in the minutes.

ARTICLE 10. STAFF

- 10.1 The staff of the Commission shall include an Executive Director.
- 10.2 The Executive Director shall annually prepare and submit to the Executive Board a recommended schedule of personnel required to carry out the annual work program. Such schedule to include – at a minimum – the number of positions, job description, and salary range.
- 10.3 The Executive Director shall take action as required on the recommended schedule for submission to the Commission as part of the annual work program and budget.
- 10.4 Any contract previously approved by the Executive Board may be signed by the Executive Director. If approval is given orally, it shall be confirmed in writing within thirty (30) days.
- 10.5 The Executive Director shall prepare an annual written report which shall be presented to the Commission at its first meeting following the Annual Meeting, including an audited statement by a C.P.A. as of June 30th. The Executive Director shall also submit monthly financial reports to the Executive Board.
- 10.6 The Executive Director shall be responsible for filling the approved staff positions in a manner consistent with the Commission’s personnel policies.
- 10.7 The Executive Director shall be in charge of the office and all employed or contracted staff; shall conduct a regional planning program subject to the approval of the Executive Board; shall be in charge of all general correspondence of the Commission; shall prepare an annual budget, including estimated revenues and expenditures for the fiscal year, to be reviewed by the Executive Board prior to submission for approval by the Commission; and shall keep accounts which shall at all times be open to inspection by the Officers and Executive Board and which shall be submitted for annual auditing as prescribed by the Executive Board. The Executive Director shall be bonded for the faithful performance of his/her duties and shall further undertake such other duties as the Executive Board shall assign to him/her.
- 10.8 Staff members shall not have voting powers in Commission affairs, but are expected to faithfully advise the Commission within the scope of their expertise.

ARTICLE 11. AMENDMENTS

- 11.1 By vote of the Executive Board or by a majority vote of the Commissioners, a proposed amendment to the By-Laws shall first be submitted to the Commissioners in preliminary form for consideration and comment for a period of not less than thirty (30) days. Not later than thirty (30) days after this period, the Executive Board shall submit to the Commission a report summarizing any comments received by, and any recommendations of, the Executive Board along with the proposed amendment in final form as a written ballot. Adoption of any amendment shall require a quorum and the affirmative vote of two-thirds (2/3) of the Commissioners present and voting.

ARTICLE 12. SAVING CLAUSE

- 12.1 Any portion of these By-Laws found to be contrary to law shall not invalidate other portions.

Fig. 1

