

BYLAWS AND PROCEDURES FOR THE
DERBY INLAND WETLANDS AGENCY
OF THE CITY OF DERBY, CONNECTICUT

Adopted 4/13/2016

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Section 1 **Purpose and Administration**

- 1.1 The objectives and purposes of the Derby Inland Wetlands Agency are those set forth in The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes as amended, (the “Act”) and those powers and duties delegated to the Agency by the City Charter and ordinances of Derby. The Derby Inland Wetlands Agency may perform its duties and responsibilities in accordance with such other applicable statutes, charter or ordinance.

Section 2 **Name of the Commission**

- 2.1 The Agency shall be known as the Derby Inlands Wetlands Agency, hereafter called the Agency.

Section 3 **Office of Agency**

- 3.1 The office of the Agency shall be in the Derby City Hall where all Agency records will be kept. Copies of all official documents, records, maps, etc., will be filed or recorded in the office of the Town Clerk, and/or the Building Department

Section 4 **Membership**

- 4.1 The membership and terms of members shall be as specified in the Connecticut General Statutes and the Charter and Ordinances of the City of Derby. The Agency shall be composed of five (5) members and (2) alternates in the manner provided for by the Charter of the City of Derby.
- 4.2 Vacancies in the Agency shall be filled by the procedure prescribed in the Charter of the City of Derby, i.e., by appointment of the Mayor for the remainder of the unexpired term.
- 4.3 Resignations from the Agency shall be in writing and transmitted to the chairman who will then forward it to the Mayor.
- 4.4 Any member who is absent from three consecutive duly called meetings of the Agency shall be considered to have resigned from such body, and the seat occupied by such member shall be deemed to be vacant.

- 4.5 Such alternate members, also referred to as “the panel of alternates”, shall, when seated as herein provided, have all the powers and duties set forth in the by-laws relating to Inland Wetlands Agency and their members. If a regular member of said commission is absent or is disqualified at a time when action by the Agency is required, the chairman of the commission may designate an alternate, if any are available, to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

Section 5 Officers and Their Duties

- 5.1 The officers of the Agency shall consist of a chairman, and a secretary.
- 5.2 The chairman shall preside at all meeting and hearings of the Agency and shall have the duties normally conferred by parliamentary usage on such officers. The chairman shall have the authority to appoint committees, call special meetings, and generally perform other duties as may be prescribed in these bylaws.
- 5.3 The chairman shall have the privilege of discussing all matters before the Agency and of voting thereon, but may not move or second a motion.
- 5.4 In the absence of the chairman, the secretary shall preside and have all the powers and duties of the chairman as stated in these bylaws.
- (a) In the event that both chairman and secretary are absent at the start of a meeting, any regular member may be elected as acting chairman for the meeting by a majority vote of those members present.
- 5.5 In the absence of the secretary due to illness, personal or disqualification reasons, the chairman shall appoint a temporary secretary when one is required to read a legal notice.

Section 6 **Staff and Their Duties**

- 6.1 The Inlands Wetlands Enforcement Officer and the Administrative Assistant shall not be members of the Agency. The Inland Wetlands Enforcement Officer shall be responsible for the following:
- (c) Attend to Agency correspondence. All correspondence addressed to the Agency shall be received by the office staff;
 - (d) Provide notice of all meetings to Agency members;
 - (f) Notify the applicant and any named parties to the proceeding of the Agency's decision within the time and manner prescribed by statute or regulation;
 - (g) Notify the proper officials in adjacent municipalities of a pending application when required by regulation or statute;
- 6.2 The administrative assistant shall assist the Agency in the performance of of the Agency's duties and shall be responsible for the following:
- (a) Prepare the agenda of regular and special meetings under the direction of the chairman;
 - (b) Arrange for proper legal notice of hearings (Section 10 of these bylaws) which shall be published in a newspaper with a substantial circulation in the municipality;
 - (c) Publish notice of Agency decisions in a newspaper with a substantial circulation in the municipality insofar as is required by law

Section 7 **Election of Officers**

- 7.1 The first meeting in January shall be an organization meeting, at which time officers will be elected. All members must be notified of the agenda including election of officers before such election can take place.
- 7.2 A candidate receiving a majority vote from the entire membership of the Agency shall be declared elected and shall serve for one year beginning at that meeting or until his or her successor takes office.

Section 8 Meetings

- 8.1 Regular meetings shall be held on the second Wednesday of each month at 7:00 p.m., in the Aldermanic Chambers of the City Hall, unless otherwise scheduled by the Agency, and the agenda shall be filed in the office of the town clerk not less than 24 hours before any such meeting. If at any time any regular meeting falls on a holiday, such regular meeting shall be rescheduled by the Agency, or canceled as determined by a majority vote. If it shall be unsafe to meet in the place designated the meeting may be held at such place as is designated by the Chairman.
- 8.2 A majority of the voting membership of the Agency shall constitute a quorum, and the number of votes necessary to transact business shall be three (3) seated members, which constitutes a majority of members of the Agency.
- 8.3 The notice of a meeting other than a regular meeting shall specify the purpose of such a meeting and no other business shall be considered.
- 8.4 All Agency meetings shall be open to the public unless closed by a two-thirds vote of the Agency for an executive session.
- 8.5 Executive sessions closed to the public shall be limited to types of discussions specified in the state Freedom of Information Act.
- 8.6 Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at Agency meetings.
- 8.7 In the event that a regularly scheduled meeting conflicts with a town meeting, the chairman may, at his/her discretion or upon written request of three or more members of the Agency, cancel the meeting or postpone the meeting to the next business day provided that applicants can be given at least three (3) business days notice of such change or cancellation.
- 8.8 Field meetings that three (3) or more members of the Agency are planning to attend, must be announced by public notice as special meetings as provided for in Section 8.3 of these bylaws.

Section 9 **Order of Business**

- 9.1 Unless otherwise determined by the chairman, the order of business at regular meetings shall be:
- (a) Meeting called to order
 - (b) Pledge of Allegiance
 - (c) Roll call
 - (d) Additions, deletions, corrections to the agenda
 - (e) Public portion
 - (f) Approval of minutes
 - (g) Applications and/or public hearings
 - (h) Payment of bills
 - (i) Discussion of new and old business brought before the Agency
 - (j) Meeting will adjourn at 9:30 p.m. or earlier if business is completed

Section 10 **Public Hearings**

- 10.1 A public hearing may be held by the Agency on any application in accordance with the provisions of the Act. All applications, maps, and documents relating to the hearing shall be open for public inspection. Any person may appear and be heard at any public hearing.
- 10.2 Where possible, the public hearing shall be completed in a single session. However, the hearing may be continued (to a date and place certain) where necessary for the full development of the evidence, for the full participation of the parties, or for such other proper purposes. Verbal notice at the public hearing as to the date and place where the continuation will take place shall be considered sufficient notice to interested parties of a continued meeting/hearing..

Section 11 **Conducting the Public Hearing**

- 11.1 Either a stenographer may take the evidence, or the hearing shall be recorded by a sound recording device, at each hearing before the Agency in which the right to appeal exists. Proceedings of the hearing shall be incorporated into the minutes of the Agency to be a permanent part of the record.
- 11.2 The chairman of the Agency shall preside at the public hearing. In event of his/her absence, the secretary shall act as presiding officer.
- 11.3 The secretary shall read the legal notice prior to the commencement of a public hearing.

- 11.4 Comments shall be limited to the subject advertised for hearing. In any event, the Agency shall have the privilege of speaking first. The chairman shall describe the method of conduct of the hearing.
- 11.5 The chairman shall first call for statements from the proponents. The opponents shall be given equal opportunity to comment. The order is reversible, the discretion of the Agency prevailing.
- 11.6 It shall be made clear to all present at the hearing that all questions and comments must be directed through the chair only after the speaker has been properly recognized by the presiding officer.
- 11.7 Each person recognized shall give his or her name and address before commenting on the matter before the hearing.
- 11.8 The hearing chairman shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The chairman is authorized to terminate and reschedule the hearing in the event the discussion becomes unruly and unmanageable.
- 11.9 The polling of persons present at the hearing shall not be allowed on any general question presented to the Agency or applicant at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations during the regular meeting of the Agency.

Section 12 Conflict of Interest and Disqualification

- 12.1 No member of the Agency shall participate in a hearing or decision of the Agency upon any matter in which he or she (or any member of his or her family) is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Agency.

Section 13 Committees

- 13.1 Committees may be appointed by the Chairman for purposes and terms that the Agency approves.

Section 14 **Employees**

- 14.1 Within the limits of the funds available for its use, the Agency may employ such staff and/or consultants as it sees fit to aid the Agency in its work. Appointments shall be made by a majority vote of the entire membership. The chairman of the Agency may employ personnel and retain consultants upon the approval of the majority of the Agency. The chairman may be authorized to sign contracts for employing personnel for services as might be approved by the Agency.

Section 15 **Public Relations**

- 15.1 The chairman or a duly appointed Agency member or staff shall act as spokesman for the Agency. Duties include the preparation of all news releases to be distributed to the communications media. All information releases shall reflect a consensus of the views and opinions of the majority of the Agency.

Section 16 **Amendments**

- 16.1 These bylaws may be amended by a two-thirds vote of the Agency's entire membership, only after the proposed change has been read and discussed at a previous regular meeting, except that the bylaws may be changed at any meeting by the unanimous vote of the Agency's entire voting membership.