

BY-LAWS
Capital Improvements Program Committee
SALEM, NEW HAMPSHIRE

A. PURPOSE:

The Capital Improvements Program Committee (CIPC) represents a diverse mix of elected officials and volunteers who prepare the Capital Improvements Program, which provides direction towards improving the quality of life in Salem, New Hampshire. The Capital Improvements Program represents the guiding document for the public sector re-investment in the community. The importance of a planned program can be found in a contrary “no action” approach. The lack of action causes escalating costs, missed coordination opportunities, and poor services associated with failing infrastructure. Practice measures are required to ensure the most optimal facilities and infrastructure for the community. Action within the context of a sequenced Capital Program is a cost-effective approach over a reactionary response to deteriorating assets.

Authority: These By-Laws describe the duties and methods of operation for the Salem Capital Improvements Program Committee, hereafter referred to as CIPC. The CIPC is hereby established within the context of *Capital Improvements Program* RSA Section 674:5 as follows:

Authorization. – In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. As an alternative, the legislative body may authorize the governing body of a municipality to appoint a capital improvement program committee, which shall include at least one member of the planning board and may include but not be limited to other members of the planning board, the budget committee, or the town or city governing body, to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least six years. The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county, and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor or selectmen and the budget committee in their consideration of the annual budget. Source. 1983, 447:1, eff. Jan. 1, 1984. 2002, 90:1, eff. July 2, 2002.

In accordance with the above RSA, the March 12, 2005 Town Meeting voted to authorize the governing body to appoint the CIPC (underlined passage). These bylaws do not limit the actions of the Town Council in exercising their authority over the CIPC. However, as guidance for appointment, pursuant to the report titled Capital Improvements Program Evaluation dated May 20, 2004, members of the CIPC shall consist of the following representation and/or credentials.

• One Town Council Member	• Assistant Town Manager (or designee)
• One Planning Board Member	• Town Finance Director
• One Budget Committee Member	• Community Development Program Manager
<ul style="list-style-type: none"> • One Resident having one of the following expertise: <ul style="list-style-type: none"> ➤ Project Management ➤ Construction Financing ➤ Engineering - Building or Civil ➤ Process Management ➤ Strategic Planning ➤ Other relevant experience 	

Appointments are to be made in April of each year. The Resident member shall be appointed for a three-year term. It is recommended that all appointees serve for at least one year, or for the remainder of their elected term, in order to provide continuity to the Committee.

B. ORGANIZATION:

1. Responsibilities of Members:

All members shall make every effort to attend and make every effort to remain at the meeting for the entirety of each scheduled meeting.

Members of the CIPC have authority only when acting as a CIPC legally in session. The CIPC shall not be bound by any action or statement of any individual CIPC member except when such statement or action is pursuant to instructions from the CIPC.

2. Officers:

(a) Election - A Chair, Vice-Chair and Secretary shall be elected at the first regularly scheduled meeting of each budget year. Election shall be by a majority vote of those present. Vacancies in membership created during the year shall be appointed by the Town Council if the Town Council or resident membership is vacant. The Planning Board is responsible for appointing the Planning Board member if vacant and the Budget Committee is responsible for appointing the Budget Committee member if vacant pursuant to municipal ordinances and policies. Alternates for the Town Council, Planning Board, Budget Committee, or resident positions may be appointed by the appropriate committee. The Town staff positions shall be appointed by the Town Manager if vacant.

(b) Duties - The Chair shall preside at all meetings of the CIPC and perform all duties required. In the absence of the Chair, the Vice-Chair shall preside and assume all duties and responsibilities of the Chair. The Secretary shall preside in the absence of the Chair and Vice-Chair.

The Chair's duties are as follows:

- to open the session at the time at which the CIPC is to meet by calling the members to order;
- to announce the business before the CIPC in the order in which it is to be acted upon;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if they think it advisable;
- to manage the members when engaged in debate within the rules or order;
- to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any

two members) unless they prefer to submit the question for the decision of the Committee;

- to inform the CIPC on a point of order or practice pertinent to pending business;
- to authenticate by signature, when necessary, all acts, orders and proceedings as directed by vote of the CIPC.
- The Chair shall vote as a member of the CIPC.
- Discussions which are not addressing the business before the CIPC, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chair shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

(c) **Secretary Duties-** The Secretary shall be the Recording Officer of the CIPC, and an official copy of the records are to be filed in the Town Council's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Secretary to keep a roll of members and to call the roll when required. The Secretary shall record, or delegate to staff, the essentials called "the minutes" of the proceedings as follows:

- The kind of meeting - regular, special, work session, or recessed.
- Time of meeting and place of meeting
- The presence/absence of CIPC members
- Whether the minutes of the previous meeting were approved or amended.
- All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- The hour of adjournment.

The Secretary shall record, or delegate to staff, the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second and should enter the number and names of votes on each side. The minutes should show what action was taken by the CIPC in regard to them.

3. Staff Support:

One Town employee will be appointed as the Staff Liaison to assist the CIPC, to coordinate with other town employees, prepare the minutes on behalf of the committee, and perform other duties as necessary. In addition, the Town Finance Director will assist the CIPC with financial data.

C. OPERATION:

The CIP process is intended to be focused and within the constraints of the proposed scheduling and direction for the particular program year. Every effort by the CIPC members and staff shall be made to prepare for meetings to maintain the schedule and program for the production of a high-quality CIP to the benefit of the Town of Salem. Extraneous dialogue, discussions, and reports which raise matters that

are not within a reasonable interpretation of the relevant topics and jurisdiction of the CIP, shall be considered as not meeting the intent of a focused and productive process.

1. Meetings:

- (a) All meetings are subject to the requirements of RSA 91-A.
- (b) **Organizational Meetings** - An organizational meeting to elect officers shall be held in the spring of each year. The CIPC may adopt the previous policies and procedures, subject to amendment as provided in these by-laws. The CIPC shall establish a schedule for meetings.
- (c) **Program Meetings** – The CIPC shall develop formalized sequential meeting agendas for the entire CIP period based on the CIP cycle diagram in Appendix A. Business shall generally be conducted in accordance with the order of the approved agendas.
- (d) **Workshop Meetings** - Less formalized meetings generally conducted for the purpose of providing CIPC members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth. These meetings may be conducted offsite as site visits.
- (e) **Special Meetings** - May be called by the Chair in accordance with RSA 91-A:2,II; upon demand of three (3) members of the CIPC; or at the request of the Town Manager through the Chair. The Chair shall notify each member in accordance with RSA 91-A:2,II.

2. Meetings Schedule:

The schedule for program meetings shall be published after the first organizational meeting for the budget season. Each meeting shall be posted in accordance with RSA 91-A. The posting of such schedule shall not limit the ability of the CIPC to post and hold additional meetings, amend and post meeting dates, or cancel meetings. The annual CIPC schedule (as described in the CIP cycle diagram in Appendix A) is a general guide created to ensure the orderly annual production of a six-year Capital Improvements Program.

3. Reports of Committees:

Written reports from committees received by the CIPC shall be distributed with the minutes of the CIPC.

4. Review of Reports, Projects, Submittals:

The CIPC shall review reports, projects, submittals, and other relevant materials in the course of developing the Capital Improvements Program for the particular year. Such review shall be in accordance with applicable criteria and policies as contained herein and as may be amended.

D. RULES OF ORDER:

1. **Quorum** - A quorum shall consist of four (4) members of the CIPC.
2. **Program Agenda** - Shall be established at the first meeting of each budget year. As the CIPC is established to produce a document, the agendas represent a sequential series of meetings toward the completion of the final document. Such agendas may be amended from time to time to address the unique aspects of any given CIP annual production cycle.
 - (a) Persons, including CIPC members, wishing to place an item on the agenda must notify the Town Liaison one week prior to the meeting date. If the person is going to make a presentation, they must provide a copy of all presentation material and documentation to be included in each CIPC "packet" to be delivered prior to the scheduled meeting.
 - (b) Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business unless a motion has been made at the start of the meeting to adjourn at a specified time.
3. **Conduct of Meetings:**

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters Robert's Rules of Order shall serve as a guideline with a vote of the CIPC being the final deciding authority.
4. **Recording of Votes:**

Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same budget year except by majority vote of the members present and voting.
5. **Requests for Information:**

Should it become apparent to the Chair or an individual CIPC member, in the interim between meetings, that additional information relative to a specific item may be needed for CIPC use at the next regularly scheduled meeting, a request for this information shall be submitted to the Town Liaison before the agenda is set. Any information provided to any individual CIPC member shall be provided to all other members of the CIPC.

E. CAPITAL IMPROVEMENTS PROGRAM:

1. **Introduction and RSA Guidance:**

Salem's Capital Improvements Program or CIP is a six-year document detailing projected capital needs as proposed by municipal departments. The original direction for the Planning Board to prepare and amend a CIP for a period of at least six (6) years comes from the legislative body in accordance with RSA 674:5. The 1989 Annual Town Meeting, Article #53, authorized the Planning Board to prepare and adopt a CIP for the Town of Salem. Prior to July 2002 RSA 674:5 directed the Planning Board as the primary authors of the Capital Improvements Program. As indicated herein in section "A.1 Authority" the Town Council is now the appointing authority pursuant to the Town Meeting 2005 Article #45. In accordance with the authority of the Town Council and CIPC, the following

excerpts from the RSAs indicate the general outline of a Capital Improvements program:

674:6 Purpose and Description. – The capital improvements program shall classify projects according to the urgency and need for realization and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the implementation and operation of each project. The program shall be based on information submitted by the departments and agencies of the municipality and shall take into account public facility needs indicated by the prospective development shown in the master plan of the municipality or as permitted by other municipal land use controls.

Source. 1983, 447:1, eff. Jan. 1, 1984

674:7 Preparation

- (a) In preparing the capital improvements program, the planning board or the capital improvement program committee shall confer, in a manner deemed appropriate by the board or the committee, with the mayor or the board of selectmen, or the chief fiscal officer, the budget committee, other municipal officials and agencies, the school board or boards, and shall review the recommendations of the master plan in relation to the proposed capital improvements program.
- (b) Whenever the planning board or the capital improvement program committee is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency, and every affected school district board, department, or agency, shall, upon request of the planning board or the capital improvement program committee, transmit to the board or committee a statement of all capital projects it proposes to undertake during the term of the program. The planning board or the capital improvement program committee shall study each proposed capital project, and shall advise and make recommendations to the department, authority, agency, or school district board, department, or agency, concerning the relation of its project to the capital improvements program being prepared. **Source.** 1983, 447:1. 1995, 43:1, eff. July 2, 1995. 2002, 90:2, eff. July 2, 2002

674:8 Consideration by Mayor and Budget Committee. – Whenever the planning board or the capital improvement program committee has prepared a capital improvements program under RSA 674:7, it shall submit its recommendations for the current year to the mayor or selectmen and the budget committee, if one exists, for consideration as part of the annual budget. **Source.** 1983, 447:1, eff. Jan. 1, 1984. 2002, 90:3, eff. July 2, 2002

2. Parameters for a CIP Submittal:

A “capital project” is defined as a tangible project or assets having a cost of at least \$150,000 and a useful life of at least five years. Eligible items include but are not limited to land purchases, new buildings or additions (including related studies, i.e. architectural, engineering and planning), substantial road improvements, and purchases of major vehicles and equipment. Capital improvement projects should also:

- Significantly improve the efficiency of the existing services,
- Preserve a previous capital investment made by the town,
- Significantly reduce future operating costs or increase future operating revenues, or
- Protect the health and safety of employees and/or the community at large.

A CIP classifies projects according to the urgency and need and recommends a time sequence for their implementation. The Finance Director shall determine applicability of projects to the CIP process as opposed to placing in the operating budget. Like projects shall be grouped to create an aggregate of submittals. A project which requires payments over multiple years are considered “like” and therefore require submittal providing it meets the limits of a CIP project. Projects shall not be split into separate submittals to achieve separate projects that would remain under the CIP project limits. Phasing of one project over multiple years will require the aggregation of the entire project. Placing projects in both the operating budget and CIP will constitute a reason for removal from both by the Town Manager. The failure to submit a proposal within the context of the CIP and project timeframe shall not serve to facilitate an expedited review, an avoidance of the CIP process, or the inclusion of the project within the operating budget where CIP was required.

3. CIP Process:

The Capital Improvements Program Committee (CIPC) process is generally conducted over several meetings. Municipal department heads develop project submittals throughout the year to prepare for the CIP process.

The CIP process refreshes after the Town elections of each year with an organizational meeting. The purpose of this meeting is to review the process and bylaws with new members and to set the meeting schedule. The CIPC generally follows the CIP Process Chart (see Appendix A).

4. Rating the Proposals:

The below criteria are utilized to create a uniform method to equally rate projects. The criteria favors issues such as benefit to the public, readiness to proceed, addressing mandates, funding opportunities and validity of project planning. The below criteria combined with a numeric scoring system allows the CIPC the opportunity to develop a score for the project based on the average of the CIPC members voting. To explain the CIPC reasons for the score, a recommendation is provided for each project. Projects will be rated in the first year but are not rated in subsequent years due to the lack of information for subsequent years. The rating criteria (see below table) measures whether the project is Significant, and related to an overall plan, and whether it is Ready to proceed, within the context of that plan.

	<u>Rating Criteria</u>	
Category	Significance	Readiness
Essential	4: (highest priority): Projects which are required to complete or renovate a major public improvement; will remedy a condition dangerous to the health, safety, and welfare of the public; will provide facilities for a critically needed community program; are in response to a State or Federal mandate; or have available other sources of funding which will not be available at a future date.	4: The project clearly and specifically depicts by virtue of plans, studies, cost estimates and other sufficiently detailed documentation that it is ready to proceed given its scheduled placement in the plan. The project is an integral part of a larger long-range program/plan whereby this project and other related projects are clearly and specifically integrated, coordinated, and prioritized.
Desirable	3: (second priority): Projects which will benefit the community; have established validity of planning and timing; have other available sources of funding; or are in response to a pending State or Federal mandate that is within the six years of the CIP.	3: The project demonstrates a readiness to proceed and is part of a larger long-range program/plan, but is lacking some of the detailed documentation needed to proceed.
Acceptable	2: (third priority): Needed projects which can be postponed if budget reductions are necessary.	2: The project by virtue of plans, studies, cost estimates and other documentation provides a conceptual overview of a readiness to proceed given its scheduled placement in the plan. The project is presented as generally related to a concept of a larger long-range program/plan whereby this project and other related projects are conceptually integrated, coordinated, and prioritized.
Deferrable	1: (fourth priority): Desired projects which have no pending mandate or will not pose a threat to the health and safety of the public if deferred.	1: The project lacks plans, studies, cost estimates and other documentation that provides even a basic overview of a readiness to proceed given its scheduled placement in the plan. The project has little or no relation to a larger long-range program/plan and this project and other possibly related projects are not integrated, coordinated, and prioritized.

5. **Six Year Capital Program Approach:**

The CIPC shall create a summary spreadsheet showing estimated total project costs by year which will facilitate a long-term comprehensive plan that effectively allocates the costs over the six years to minimize fiscal spikes.

The spreadsheet will provide the basis to determine how to allocate projects within the context of a six-year period. The Town will use appropriate technologies to facilitate the effective and efficient processing of the narrative, numerical information, and data. The CIP Report will include profile sheets for each project and spreadsheets to illustrate.

(a) Minimum Contents of the Capital Improvements Plan

According to RSA 674:5 and :6, there are required elements and optional elements.

A CIP “shall” do the following:

- Address capital improvement projects over a period of at least six years. It can be a longer period, of course, and 6-10 years is typical in many municipalities.
- Classify projects according to the urgency and need for implementation.
- Include a timetable for implementation of projects.
- Take into account public facility needs that are indicated by the development shown in the master plan or which are permitted under the municipality’s zoning ordinances and regulations.

A CIP “may” include the following:

- The estimated cost of each project.
- The probable operation and maintenance costs.
- The probable revenues (if any) from each project.
- Suggested funding sources.

All of the above items will be addressed in Salem’s Capital Improvements Plan. The operations, maintenance, and revenues will be requested for the current, or first year projects as those numbers change in any given year. Additionally, the plan will include, as an introduction, demographic, development, and impact issues which may affect the Town priorities.

- (b)** The final product for the CIP Committee is a report with recommendations of projects which the Town should proceed with for the subsequent six years. The projects should be ranked for the subsequent year only. A report shall be submitted to the Town Council and Budget Committee for their review.

F. AMENDMENT PROCEDURE:

An amendment to these Bylaws may be recommended for adoption at a CIPC meeting and be referred to the Town Council for final review and approval. A copy of any amendment shall then be submitted to the Town Council’s Office for inclusion in the Town Records.