



Board & Committee Handbook Training

Town of Scituate

August 10, 2016



PURPOSE

WHY THE HANDBOOK

- To assist Boards and Committees in the proper and legal conduct of their business
- Provide a brief description of procedures and details about important state statutes
 - Open Meeting Law
 - Conflict of Interest Law



ADDITIONAL PUBLICATIONS

- Town Charter
- Town of Scituate Code of General By-Laws
- Town Clerk provides the following upon swearing in
 - Sexual Harassment Policy
 - Open Meeting Law Guide
 - Summary of the Conflict of Interest Law & Online Training program



COMMITTEES

FORMATION

- Board of Selectmen is the appointing authority of 53 Boards & Committees
- Advisory & Capital Planning are appointed by the Town Moderator
- Elected Officials include the Moderator, Selectmen, Assessors, Town Clerk, School Committee, Planning Board, Library Trustees, Housing Authority

VACANCIES

- In May, vacancies are published in the newspaper and on the Town website
- Applications are due to the Selectmen's office by end of May
- New applicants invited to interview at Selectmen meeting in June/July

NEW APPOINTMENTS & REAPPOINTMENTS

- New appointments and reappointments are made in June/July
- Goal is to appoint qualified and interested Scituate residents who broadly represent the town.
- Appointee receives written notification and certificate of appointment
- Appointee sworn in by Town Clerk and receives documents to review & sign within 45 days

ORIENTATION

- Selectmen Office notifies board and committee chairs of appointment
- Committee chairs orient new members



CONFLICT OF INTEREST

AS IT APPLIES TO COMMITTEE APPOINTEES

- **Summary of Conflict of Interest Law**
 - Seeks to prevent conflict between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence.
 - Mass General Law Chapter 268A
 - Not a substitute for legal advice
 - Commissions Legal Division 888-485-4766
 - Online testing is mandatory for committee service
- **Municipal Employees**
 - Anyone performing services for a city or town whether paid or unpaid, including full-time, part-time municipal employees, elected officials, volunteers and consultants is a municipal employee under the conflict of interest law.
- **“Special” Municipal Employees**
 - An entire board and not a single individual



REAPPOINTMENTS, RESIGNATIONS & TERMINATIONS

REAPPOINTMENTS

- Based on evaluation by the appointing authority of the citizen's contribution to the committee.
- No fixed limit however Selectmen Policy may limit the length of service to two three-year terms (six-year rule).
- In cases where special training or expertise is required, longer periods of service may be desirable.
- Try to balance the need and the interests of others to serve.
- Committee Chairs must complete the Annual Appointment Chair Form with attendance record information to the Selectmen's office. Appointments/reappointments may be delayed until this form is submitted.

RESIGNATION

- A written resignation must be submitted to the Town Clerk with a copy to the appointing authority and the chair of the committee.

REMOVAL OF MEMBERS

- The Town Charter and By-Laws Section 7-12 provide for removal of a member by the Selectmen from Committees.
- In general this would include, but not be limited to, unexplained excessive absences or non-compliance with ethics requirements.



COMMITTEE MEMBER ROLES

ELECTION OF OFFICERS

- Committees must elect a chair, a clerk and a website editor
- The annual organizational meeting is generally the first meeting after new terms begin in July/August
- Massachusetts General Laws Chapter 30, Section 22, paragraph B: *“No vote taken at an open session shall be taken by secret ballot”*
- It is the responsibility of the chair to notify the Selectmen and the Town Administrator annually of changes in officers

CHAIR

- Presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the chair’s signature
- Can make or second motions. The Town follows Roberts Rules of Orders. Chairs of boards and committees have the same rights as all members
- Sets the tone of meetings and should be respectful of individuals coming before their committee and fellow members



COMMITTEE MEMBER ROLES Continued

SECRETARY/CLERK

- Each committee must have either a volunteer or paid secretary or clerk who is responsible for some or all of the following:
 1. Prepare agenda and any other material
 2. Submit to Town Clerk for posting within statute guideline of 48 business hours before the meeting
 3. Take and transcribe minutes
 4. Copy meeting materials and schedule meeting space (see Board Committee Building Contact Information page 18 in handbook)
 5. Process accounts payable for the committee, correspondence and meeting follow-up
 6. Some boards and committees rotate the clerk/secretary responsibilities on a monthly basis and take turns

WEBSITE EDITOR

- Responsible to post the meeting dates, agendas and minutes on the Town of Scituate Website
- Training will be arranged by the IT department
- The Secretary/Clerk may perform this function as well



MEETINGS

DEFINITION

- A public meeting is a deliberation by a quorum of a public body.
- You **must** have a quorum to hold a meeting
 - If you do not have a quorum the meeting must be cancelled & posted on the door of the meeting location
 - If the lack of a quorum becomes known as the members are gathering, the attending members should simply announce that due to a lack of a quorum a meeting cannot be held, and then the group should disband.
 - A group cannot meet with out a quorum of that board.

RECORDINGS

- The chair should ask if anyone is making a video or audio recording or transmission of the meeting. The person wishing to do so must inform the chair. A committee **cannot** prevent a meeting from being taped or recorded if this process is followed.

GENERAL GUIDELINES

- A committee may adopt formal rules of order
- The chair should limit participants to concise, non repetitive statements
- Committees should discuss the merits of issues
- The Open Meeting Law does not require that visitors be allowed to participate but healthy and respectful discussion is encouraged
- No one may speak without the permission of the chair
- Executive Sessions are closed to the public see page 7-8 in the handbook for guidelines and purpose
- Executive Sessions should not be scheduled without contacting the Selectmen/Town Administrator office or Town Counsel in advance



MEETINGS CONTINUED

MEETING SCHEDULE

- Meetings may be held weekly, bimonthly, monthly, or less frequently depending on business coming before the committee
- The Chair calls the meeting
- When possible a regular meeting day, hour and location should be established

MEETING LOCATION

- Meetings must be held in a place, which is open and accessible to the public
- For scheduling a meeting refer to the Board Committee Building Contact Information page in the Handbook

POSTING

- Each committee must provide an agenda to the Town Clerk of the meeting time, date & place
- Notices of meetings **must** be posted at least 48 business hours in advance excluding Saturdays, Sundays and legal holidays
- Agenda's should be posted on the Town of Scituate website page and e-subscriber notification sent out
- The event calendar on the Town of Scituate website should be updated with all meeting information
- The board chair is required to list in the meeting notice all matters that the chair "Reasonably anticipates will be discussed at the meeting"
- Any change to a posted agenda requires a revision and all revisions follow the same procedure as agenda postings



MEETINGS CONTINUED

RECORDKEEPING

- State law requires that a committee keep accurate records of its public meetings
- The committee must vote to accept all minutes
- The records of each regular meeting is public information and committees must maintain a copy of all approved minutes for public inspection
- A copy of all approved minutes must be posted to the Town of Scituate website as per the Town Charter

MINUTES MUST INCLUDE

- The names of committee members present at the meeting and those absent
- The names of others present at an Executive Session
- Date, time convened, and time adjourned
- All agreements or decision reached by vote or consensus with motion and second identified and votes cast
- Assignments
- Names of additional participants (not press or observers)
- Summaries of discussion reflecting general comments and observations
- Listing of each document and exhibit or presentation used at the meeting



MEETINGS CONTINUED

PUBLIC RECORDS LAW

- The MA public records law provides right of access to public records
- Minutes, information data, emails, memoranda and circulating materials of any town board or committee are almost without exception public information and the town places a high value on transparency and compliance.
- New public records law is already being complied with in Scituate
- All public records requests should be forwarded immediately to our public records access officer Michele Seghezzi in the Town Administrator's Office
- Public records request must be date and time stamped upon receipt.
- Copies of all public records requests must be responded to within ten 10 days by statute. The request does not need to necessarily be fulfilled but a response must be provided to the requestor.
- Copies of public meeting materials are \$.05 per page plus labor time, which is charged at half-hour increments at the hourly rate of the lowest compensated person capable of fulfilling the request.



BUDGETS

COMMITTEE BUDGETS

- In general, an individual committee does not have a budget unless one is recommended by the Board of Selectmen and authorized by Town Meeting. In the case of an ad-hoc committee without dedicated staff, if the committee anticipates a need to expend funds, it should contact the Town Administrator's Office.

DISBURSEMENTS

- Expenditures must be pre-approved through the Town's requisition system and paperwork must be completed with all appropriate receipts attached and submitted to accounting for approval, processing and payment.
- Under MGL, incurring costs without pre authorization will result in personal responsibility for payment

PURCHASES

- Purchase order must be completed for all purchases over \$1,000 signed by the committee chair and submitted to the Accounting office
- Purchases in excess of \$5,000 must go through a more formal process and comply with Chapter 30B, the uniform procurement act
- A written contract is mandatory for any services over \$5,000 and there are no exceptions
- For questions please contact the Town Accountant at 781-545-8811



RECEIPT OF FUNDS/DONATIONS

PROCEDURES

- All gifts or donations received by a committee must first be accepted by the Board of Selectmen at a regularly scheduled meeting. Please contact Lorraine Devin in the Selectmen's office if this occurs 781-545-8740
- With limited exceptions, all funds received by any committee go into the Town's General Fund and may not be dispersed by the committee on its own without special arrangements
- Sometimes donations are made to the Town for deposit to a separate designated account for specified purposes
- A receipt for a restricted gift form to record the donation is available from the Town Accountant's office and for more information please contact the accounting office 781-545-8811



REPORTING PROCEDURES

APPOINTING AUTHORITIES

- The Board of Selectmen may require that the committee chair report to the appointing authority about the committee's actions and plans or to provide updates on projects.
- The Town Administrator helps in maintaining communication between the committee, staff and appointing authority.
- The chair may at any time request a meeting with the Town Administrator to resolve problems, especially if they involve town staff.

PUBLIC INFORMATION MEETINGS

- The success of a committee's endeavors often depends on effective communication with the public.
- The committee may hold public meetings and hearings when needed, both to inform citizens of work in progress and to gain public reaction and response.
- Committees are encouraged to use the Town's website and Facebook page to educate, update and inform the public about its activities.
- Website and Facebook posts should be forwarded to the Board of Selectmen/Town Administrators office for approval. The Town reserves the right to have final determination for any postings.



REPORTING PROCEDURES CONTINUED

TOWN MEETINGS

- If a relevant article is on the warrant or if the committee's charge specifies a report to the Town Meeting, the committee should make these reports clear, concise and brief
- Deadlines for all warrant article requests are in mid-December each year and there are no exceptions to this deadline

ANNUAL TOWN REPORT

- All appointed committees must file an annual report of committee activities
- This report is due to the Selectmen/Town Administrators Office each February
- The chair or other designated member should detail committee membership including changes and a narrative explanation of major accomplishments that may be subject to editing for length

MINUTES

- Accepted minutes of all boards and committees are to be posted on the Town's website within a reasonable period of time. A copy of minutes should also be forwarded to the Board of Selectmen/Town Administrators office and the Town Clerk



STANDARDS OF CONDUCT

A member of a board or committee in relation to his or her community should:

- a) Realize that his or her basic function is to carry out the board or committee's mandated responsibilities and develop Town policy related thereto, with administration delegated to the Town Administrator.
- b) Realize that he or she is one of a team and should abide by board or committee decisions once they are made.
- c) Be well-informed concerning the duties of board/committee members on both local and state levels.
- d) Remember that he or she represents the entire community at all times.
- e) Accept appointment as a means of unselfish service, not to benefit personally or politically from any board or committee activities in accordance with the law.
- f) In all appointments or contract awards avoid political patronage by judging all individuals solely on merit, experience and qualifications.
- g) Abide by the ethics established by the Commonwealth and not use the position to obtain inside information on matters which may benefit someone personally.



STANDARDS OF CONDUCT CONTINUED

A member of a board or committee in his or her relations with administrative staff of the Town should:

- a) Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
- b) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- c) Give the Town Administrator the appropriate responsibility for discharging his or her disposition and solution.

A member of a board or committee in his or her relations with fellow board/committee members should:

- a) Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board or committee outside of such meetings.
- b) Not make statements or promises of how he or she will vote on matters that will come before the board/committee until he or she has had an opportunity to hear the pros and cons of the issue.
- c) Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
- d) Make decisions only after all facts on a question have been presented and discussed.
- e) Treat with respect and civility the rights of all fellow members, attendees and staff despite differences of opinion.



ORGANIZATION OF BOARDS AND COMMITTEES

- The chair shall be elected annually at the first Board meeting following the annual appointments or as soon as practical thereafter
- A chair may be removed by majority vote of the board/committee at any time
- The immediate past chair shall preside as chairman pro-term until the chair is elected
- If there is no immediate past chair, the senior member in terms of current service shall serve as chair pro-term
- In the case of members with the same amount of seniority, the member receiving more votes in the most recent appointment/election shall serve
- If a vacancy occurs in the office of chair, the board/committee shall elect a successor
- The board/committee shall further appoint a vice-chair, clerk and website editor under the same provisions as stated for the chair



RESPONSIBILITIES OF THE CHAIR

The chair of a board/committee shall:

1. Preside at all meetings of that board/committee and start all meetings and hearings on time. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items and hearings.
2. Be circumspect in allowing each member to present his/her views while tactfully preventing any member from monopolizing the meeting and/or discussion.
3. Be familiar with parliamentary procedure as it applies to public meeting operations
4. Provide time in his/her schedule to consult with staff on the preparation of the agendas and meeting materials.
5. Provide leadership which brings individual board/committee members together as an effective policy-making body.
6. Sign official documents that require the signature of the chair.
7. Call special meetings in accordance with the Open Meeting Law.
8. Facilitate with staff orientation for new members.
9. Represent the board/committee at meetings and other gatherings unless delegated to another board member.
10. Serve as spokesperson for the board/committee and present its position unless otherwise determined or delegated by the chair.
11. The chair shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.
12. Complete an “Annual Appointment Chair form” (attached) and submit to the Selectmen’s office by every May 31st.



RESPONSIBILITIES OF THE VICE CHAIR

- The vice-chair (if applicable) of a board/committee shall act in the place of the chair during his/her absence at meetings. Should the chair leave office, the vice-chair shall assume the duties of chair until the board/committee elects a new chair.



BOARD/COMMITTEE HANDBOOK TRAINING

Questions regarding the Board & Committee Handbook can be referred to the Board of Selectmen's office at 781-545-8740

A copy of the Board and Committee Handbook is available on the Town of Scituate Website Board of Selectmen page or you can pick up a hard copy in the Town Clerk's office.

Thank you for serving our Town!