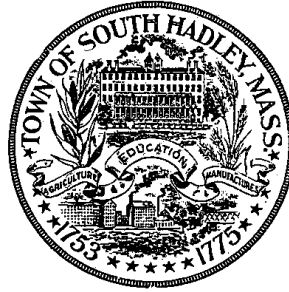


BOARD AND COMMITTEE HANDBOOK



TOWN OF SOUTH HADLEY, MASSACHUSETTS

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PURPOSE

Citizens serve on advisory boards because they want to improve the quality of life in their community, because they feel strongly about local issues, and because they feel they have something of value to offer. In order to have a board that is efficient, it is essential that board members be properly oriented so they understand their duties and carry them out effectively.

This handbook will assist those appointed to the boards and committees of the Town of South Hadley. It provides a brief description of procedures and details about important state statutes, such as the Open Meeting Law and the Conflict of Interest Law.

ADDITIONAL PUBLICATIONS

All committee members should read and keep for reference the Know Your Town publications (www.knowyourtown.org). These give an overview of South Hadley government, including most boards and committees.

COMMITTEE FORMATION

The Board of Selectmen is the appointing authority for the majority of committees and boards, with the exception of the Appropriations Committee and Personnel Board which is appointed by the Town Moderator. State statutes outline the powers and duties of many boards; the Town's general by-laws, which are adopted by Town meeting, may also request the appointment of a committee by approving an article for that purpose. Such committees may also report back at a future Town Meeting.

COMMITTEE VACANCIES

Vacancies on committees will be published in the newspaper and/or the Town's website: www.southhadley.org, by the appointing authority. Individuals interested in being considered for appointment should send a letter of interest to the Town Administrator at Selectboard Office, 116 Main Street, Suite 109 or e-mail Selectboard@southhadley.org. Interested candidates will be notified if an interview has been scheduled with the Board of Selectmen or an appointment has been made.

APPOINTMENT

The goal of the appointing authorities is to appoint qualified and interest South Hadley residents who are broadly representative of the Town. The appointing authorities

carefully consider applications and suggestions from many sources, including but not limited to letters of interest, verbal expressions of interest, recommendations by committees, etc.

The appointee receives written notification of appointment and a certificate of appointment signed by the appointing authority and must be sworn in by the Town Clerk prior to attending a committee meeting as an official member. The Town Clerk gives committee members information about the Open Meeting Law (MGL Chapter 39, Section 23B), as the statute requires. In addition, the appointee is given information pertaining to standards of conduct, the “Conflict of Interest” law (MGL Chapter 258A, Section 23).

COMMITTEE ORIENTATION

The Board of Selectmen urges that the committee chair orient new members to committee functions. New members should be informed about the committee’s specific role, powers and duties, and rules and regulations, and any issues frequently encountered by the board or committee.

CONFLICT OF INTEREST STATUTE AS IT APPLIES TO COMMITTEE APPOINTEES

According to the “Practical Guide to the Conflict of Interest Law for Municipal Employees” published by the State Ethics Commission, the “purpose of the conflict law is to ensure that public employees; private financial interests and personal relationships do not conflict with their public obligations.” The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

“The law restricts what a public employee may do: (1) on the job; (2) after hours (or ‘on the side’); and (3) after leaving public service.”

The law prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of committee members’ official actions, and acting as an agent or attorney for anyone with a claim against or who does business with the Town. The law prohibits all municipal employees from participating in a particular matter in which committee member or any of the following have a financial interest:

- immediate family
- partner or business associates
- a business organization in which the committee member is negotiating or has any arrangement concerning prospective employment.

If board or committee members have a conflict of interest or an appearance of conflict in

any matter before the board or committee, they should not be counted in the quorum nor participate in or be present for any pertinent discussions or votes. The law provides for the legal determination of conflict of interest status for any employee submitting a request to the appointing authority or State Ethics Commission. The law also provides for continued service in certain circumstances if full disclosure is made or a special exemption is granted by the Board of Selectmen. If committee members have any questions about their activities, they should file a written request with the Town Administrator. The answer to the request will be in writing and become a matter of public record.

PERSONS THE CONFLICT OF INTEREST STATUTE GOVERNS

Municipal Employees: “The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as ‘employees’) at the state, county and municipal levels of government. The term ‘employee’ at each level is defined expansively. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. People who work as consultants or on an intermittent basis are generally covered, as well.”

“Special” Municipal Employees: “Special” municipal employee status may be assigned to appointive positions by a vote of the Board of Selectmen. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated a special municipal employee provided that: (1) you are not paid; or (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

“It is the municipal position which is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee may not be classified as a special unless all members are similarly classified.”

REAPPOINTMENT

Reappointment is based on an evaluation by the appointing authority of the citizen’s contribution to the committee, the desirability of widespread involvement, and the changing needs of the committee and the Town. Although there is no fixed limit on length of service (with the exception of the South Hadley Council on Arts and Humanities and Council on Aging Board of Directors), the length of service is normally limited to two three-year terms. In cases where special training or expertise is required, long periods of service may be required.

A committee member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment. Committee chairs are annually requested to report to the Board of Selectmen the number of committee meetings held, appointee's attendance records, and number of abstentions.

RESIGNATION

A committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the Town Clerk, appointing authority and the chair of the committee.

OTHER TERMINATIONS

In rare circumstances such as continued, unexplained absences or conflict of interest, the appointing authority may ask for a member's resignation or, if necessary, revoke the appointment. Also, the appointment of a committee member who fails to attend meetings may be terminated. Prompt, written notification to the committee member will be given in the event of such action.

OFFICERS

Elections

Committees elect a chair, and in some cases a clerk usually at the first meeting after new terms begin in July. It is the responsibility of the chair to notify the appointing authority and the Town Administrator of changes in officers.

Chair

The chair presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the chair's signature. The chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon.

Secretary or Clerk

On some committees, there is a secretary or clerk who is responsible for the following duties of the committee:

1. Take and transcribe minutes.
2. Prepare agendas and any other material.
3. Copy meeting materials.
4. Schedule meeting rooms with selectmen's secretary and post meeting with the Town Clerk.
5. Where applicable, process the accounts payable for the committee.

MEETINGS

Definition

A public meeting occurs at any time a quorum of the committee members get together to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power. In most cases, more than one-half of the committee's full membership constitutes a quorum and is necessary for conduction official business.

OPEN MEETING LAW

General Information

The Massachusetts Open Meeting Law requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in eight specific situations where an Executive Session is permitted. No vote taken in open session by a governmental body, other than Town Meeting, may be by secret ballot.

The law does not apply to chance meetings or social occasions; however, such meetings cannot be used to circumvent the requirement of discussing and deliberating at public meetings.

If clarification is needed, particularly concerning Executive Session and the rights of individuals, the committee chair may request that the Executive Session obtain advice on specific questions from legal counsel.

Recordings

Any person may record a meeting (with exception of Executive Session) with a tape recorder or any other means of sonic reproduction and/or videotape equipment provided there is no active interference with the conduct of the meeting. The manner in which this right is to be exercised is subject to the reasonable direction of the chair and the chair must be notified before the meeting of an individual's intent to record the meeting.

General Guidelines

A committee may adopt formal rules of order. Although most small committee discussions may seem too casual to be called debate, it is advisable for the committee to observe a minimum of generally accepted procedures. Attentive guidance by the chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The chair should limit all participants to concise, non-repetitive statements. Although desirable, it is not necessary for the committee to continue discussion until complete

Consensus is achieved. Other actions such as calling for a vote, postponing until more information is available, or referral to a subcommittee may be required.

Careful preparation before meetings, e.g., organizing agenda items, distributing information in advance, and anticipating possible questions can expedite discussion, facilitate action and avoid long and exhausting meetings.

Committees discuss the merits of issues, personal comments are considered out of order. The Open Meeting Law does not require that visitors be allowed to participate, and time constraints and agendas often require brevity. It may be advisable to the chair to remind the speakers of time and repetition limits. No one may speak at a committee meeting without permission of the chair. If a speaker refuses to be silent after warning from the chair, the chair has the authority to order the speaker removed from the meeting by the police. Nevertheless, all committee members represent and serve the Town. They should treat all visitors and other committee members with courtesy and consideration. Whenever possible, it is advisable to permit public participation in some form, such as a short period at each meeting or occasional meetings for public hearings.

Executive Session

An Executive Session is closed to the public, but the committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion should specify the applicable reason and state whether or not the Open Session will reconvene following the Executive Session. Records of an Executive Session remain closed to the public only as long as publication may defeat the purposes of the Executive Session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Those attending the Executive Session should not discuss these matters with anyone until the purpose for the Executive Session no longer exists and the minutes can be released to the public.

Executive Sessions may be held for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual provided the individual is accorded notice and certain rights.
2. To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual provided that the individual is accorded notice and certain rights.
3. To discuss strategy with respect to collective bargaining or litigation strategy if open meeting may have a detrimental effect on the governments' bargaining or

litigating position. Also to conduct strategy sessions in preparation for negotiations with non-union personnel to actually conduct collective bargaining and contract negotiations with non-union personnel.

4. To discuss deployment of security personnel or devices.
5. To investigate charges of allege criminal misconduct or to discuss filing criminal complaints.
6. To consider the purchase, exchange, lease, or value of real estate if open discussion may have a detrimental effect on the negotiating position of the governmental body.
7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.
8. To review resumes and interview candidates for employment if an open meeting will have a detrimental effect in obtaining qualified applicants. Note that this section does not apply with respect to consideration of applicants who have passed a prior preliminary screening.

NOTE: Purposes #1 and #2 should be used with great caution and should ordinarily be discussed in advance with the Town Administrator and/or Town Counsel.

Meeting Schedule

Depending on a committee's workload, meetings may be held weekly, bimonthly, monthly, or less frequently. The chair calls each meeting. When possible, a regular meeting day, hour and location should be established. Except in cases of emergency, Town committees shall not meet on major religious or official holidays. Public hearings are prohibited from being scheduled on a holiday regardless.

Meeting Location

Meetings must be held in a place which is open and accessible to the public. The Board of Selectmen requires committees to meet in a Town building because meetings held in private homes or restaurants may give the appearance of being secret and discourage the public from attending. A committee may reserve a room in a Town building by contacting the following number 538-5017.

Posting

It is the responsibility of each committee to give notice to the Town Clerk of the committee's meeting with time, date, and place. Except for emergency meetings, meetings must be posted 48 hours in advance by the Town Clerk; Saturdays are counted; Sundays and holidays are not. In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body), or adjourned meetings if

scheduled for less than 48 hours from the adjournment, prior posting is not required; however, the Town Clerk must be informed and the meeting posted as soon as possible. The Town Clerk is responsible for maintaining a current listing of all posted meetings on the bulletin board at the Town Hall. All posting notices should be addressed to Ms. Judith Barthelette, Town Clerk, 116 Main Street, South Hadley, MA 01075.

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 are public information, and chairs or their designees must maintain a copy of all approved minutes for public inspection. In addition, a copy of all approved minutes should be sent to the Board of Selectmen.

Minutes must include:

- the names of committee members present at the meeting.
- the names of others present at an Executive Session.
- date, time convened, and time adjourned.
- all agreements or decisions reached by vote or consensus.

Minutes should include:

- assignments.
- mention of topics discussed.
- names of additional participants (not press or observers)

Minutes may include:

- summaries of discussion (recommended only if they are helpful in understanding decisions or provide factual information that may be useful to the committee).
- schedule of future meeting(s).

Public Records Law

The Massachusetts Public Records Law (MGL Chapter 4, Section 7(26), 1986, 1989) provides right of access to public records, broadly defined to include all documentary materials except eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The minutes, information data, memoranda and circulating materials of any town board or committee are mostly all public information. The committee should consult Town Counsel or the Town Administrator if questions arise concerning freedom of information. Copies of public meeting materials are \$.20 per page plus labor time which is charged at half-hour increments at the rate of \$11.84/hour. (07/01).

BUDGETS

Committee Budgets

In general, an individual committee does not have a budget unless one is authorized by Town Meeting. In the case of an ad-hoc committee, if the committee anticipates a need to expend funds, it can request a budget for the next fiscal year through the Appropriations Committee; or if funds are needed during the fiscal year, it can make a request for a transfer from the Reserve Fund. Such a request is subject to a review and evaluation of need and the availability of funds and does not constitute any pre-approvals.

Disbursements

As bills are incurred by the committee, bill schedules are to be completed, with all appropriate receipts, paperwork, etc., attached, and submitted to the Town Accountant for approval, processing and payment.

Purchases

Purchase orders must be completed for all purchases over \$1,000.00 signed by the committee chair, and submitted to the Accounting Office. Purchases in excess of \$10,000 must go through the bid process and comply with MGL Chapter 30B, the Uniform Procurement Act. For more information contact the Chief Procurement Officer at 538-5017.

FUND RAISING

Procedures

All funds received by the committee go into the General Fund and may not be dispersed by the committee on its own without special arrangements most generally through an existing bylaw. 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.

PLANNING

Charge and Plan of Action

The committee should review the charge prepared by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the committee is established because of Town Meeting action, the appointing authority usually incorporates the purpose of the article within the charge. However, the Town Meeting vote is advisory and not legally binding.

The committee, with advice from staff and the appointing authority, should develop a plan of action to accomplish its objectives. The plan should include reporting major milestones so that the committee and the appointing authority may assess committee progress

REPORTING PROCEDURES

Appointing Authorities

The Board of Selectmen may require that the committee chair report regularly to the appointing authority about the committee's actions and plans. The Town Administrator helps in maintaining communication between the committee, staff and appointing authority. If needed, the chair may request a meeting with the appointing authority to resolve problems and report progress.

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. The committee might also want to issue press releases periodically to keep the public informed.

Town Meeting

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, keeping in mind the large volume of materials town meeting members receive.

A committee may request inclusion of an article in the Town Meeting Warrant by a letter to the Board of Selectmen from the committee if a majority of the committee consents to the submission. The Board of Selectmen may reword articles upon advice from Town Counsel. All articles must be submitted to the Board of Selectmen c/o the Town Administrator, by the deadlines established by the Selectmen's Office. There are no exceptions to this policy.

Annual Town Report

All appointed committees must file an annual report of committee activities for the Annual Town Report. The chair or other designated member should detail committee membership including changes, and a one to three paragraph explanation of major accomplishments and future plans. A request for committee reports is issued in September of each year.