

Town of Monterey, Select Board

Rules of Order

1. Matters may be discussed before a formal motion is made. It may be helpful to discuss the wording of a motion before actually proposing it, thereby avoiding the time-consuming process of amending the motion to reach the agreed form. However, formal motions and votes should be used to keep the Board on task and moving along efficiently.

2. Any member, including the chair, can make a motion, second a motion, speak on a motion, and vote on a motion (presuming there is no conflict of interest or other prohibition).

3. Seconds are assumed, and therefore not always necessary. However, any member can respond to a motion by asking "is there a second?" If there is no second in response to this question, the motion fails due to lack of second. A motion that fails due to lack of second cannot be made again by the same member during the same meeting of the Board.

4. If a motion is made (and seconded if required), it is then open for discussion.

5. Board members and members of the public must be recognized by the chair in order to speak.

6. The chair must be fair in recognizing speakers. The chair has a duty to make sure contrary and possibly minority opinions are given the opportunity to speak.

7. Once Board members have had a chance to speak on an agenda item or a motion, the chair, at his own discretion, should recognize members of the public who would like to speak. First-time speakers should be recognized before those who have already spoken.

8. Remarks must be on topic and courteous in language and deportment – avoid all personalities, never allude to others by name or to motives. Off topic or out of decorum speech should be ruled out of order by the chair. The chair may also be ruled out of order by any member of the Board should the chair's remarks be inappropriate as noted above.

#. The Board reserves the right to close the floor to public comment to allow for Board deliberation, for discussions with employees, and for other reasons should the need arise.

9. A substitute motion can be made, or an amended motion can be made.

Reasoning: The rule for seconds applies to these motions as well. If properly made, the substitute motion would be acted on before the main motion. It's best to try to have no more than one substitute motion pending.

10. Members have a right to know at all times what the immediately preceding motion is, and to have it restated before a vote is taken.

11. Any member may make a motion to "call the question." If successful, this motion ends discussion and calls for a vote on the motion being discussed. The rule for seconds applies, and generally this motion is not debated, although limited discussion may be allowed by the chair. This motion should be an isolated statement and not made immediately after the same member presents an opinion.

12. The chair shall conduct votes on each motion and declare the results.

13. Votes can occur either by general consent or by roll call.

Roll Call: Each member answers “yes” or “no” as his name is called.

General Consent: When a motion is not likely to be opposed, the Chairman says, “if there is no objection ...” The membership shows agreement by their silence, however if one member says, “I object,” the item must be put to a vote.

14. These rules of procedure for the board may be suspended by action of the board.

Reasoning: A failure to comply with the rules does not affect the validity of any action. This will help in instances where someone is challenging a board's actions because the board did not strictly comply with its own rules. While compliance is important, government should not be hamstrung by what is often a technicality.

Code of Conduct
Adopted by the Select Board
For Public Officials of the Town of Monterey

Preamble

The citizens of the Town of Monterey are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain;
- Public officials exhibit steady and reliable leadership; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of cooperation.

To this end, the Monterey Select Board has adopted a Code of Conduct for our public officials to assure public confidence in the integrity of local government and its effective and fair operation.

Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Monterey, not for any private or personal interest. They will assure fair and equal treatment of all persons, claims and transactions coming before them.

Comply with the Law

Officials shall comply with Federal and State laws, as well as the Town of Monterey's Bylaws and policies in the performance of their public duties. This code of Conduct aims to encourage ethical behavior and adherence to laws, including but not limited to: Open Meeting Law, Public Records Laws, and State Ethics Law.

Positive Work Place Environment

Officials shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Officials shall work cooperatively and regularly with the Town Administrator, Department heads, town employees and members of other Town Boards and Committees to help create a healthy work environment. In addition, it is incumbent upon the Select Board to hear concerns and stay apprised of issues that may require Select Board involvement.

Attendance

Officials shall endeavor to attend all meetings of the board, committee, or commission of which they are a member. Officials shall actively listen and participate in each meeting, and remain for the duration of each meeting in order to attend to all business. To the extent that an official is unable to attend a meeting, or the whole meeting, the official should notify at least one other member of the multi-member body.

Responsibilities

Officials shall complete all duties for which they are responsible, alerting the appropriate party when they are unable to fulfill any of their responsibilities, so that this can be accounted for and business can be completed. For the Select Board, these responsibilities include the weekly reviewing and signing of warrants, and attendance at Town Meetings.

Conduct of Officials

The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other officials, staff, employees or public.

Respect for Process

Officials shall perform their duties in accordance with the processes and rules of order which have been established by their respective board, commission or committee, and which govern the deliberation of public policy issues, meaningful involvement of the public, and the ability of Town staff and employees to implement policy decisions as authorized by the Select Board.

Conduct of Public Meetings

Officials shall prepare themselves for agenda items by giving due attention to related correspondence and conducting other research as necessary; listen courteously, attentively, and with an open mind to all public discussions before the body prior to drawing conclusions on topics; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments, or any other comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Endorsement of Candidates

Officials have the right to endorse candidates for Select Board seats or other elected offices. It is inappropriate to mention endorsements during public meetings or other official Town functions.

Keep political support away from public forums

Just as Board and Commission members may offer political support to a Select Board member, but not in a public forum while conducting official duties, Select Board members may also support Board and Commission members who are running for office, but not in an official forum in their capacity as a Select Board member.

Communication

Officials shall publicly share substantive information that is relevant to a matter under consideration by a board, commission, or committee, which they may have received from sources outside of the public decision-making process.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their public positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Gifts and Favors

Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Confidential Information

Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Use of Public Resources

Officials shall not use public resources not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

Representation of Private Interests

In keeping with their role as stewards of the public interest, Public Officials shall not appear on behalf of the private interests of third parties before any Board, Commission, Committee or proceeding of the Town (unless they are exempt from this requirement and have clarified this with the State Ethics Commission). When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

Advocacy

Officials shall represent the official policies or positions of the Town to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, public officials shall refrain from using their position to unduly influence the deliberations or outcomes of proceedings. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

Policy Role of Officials

Officials shall respect and adhere to the Town Meeting and Select Board structure of government. In this structure, the Select Board determines the policies of the Town with the advice, information and analysis provided by the public, other boards, committees, commissions, and Town staff. Public Officials therefore should not interfere with the administrative functions of the Town or the professional duties of Town staff. Town staff and Select Board members have an obligation to abide by any lawful decision made by the Select Board.

Implementation

As an expression of the standards of conduct for public officials expected by the Town of Monterey, this Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the written orientation materials for candidates for all Town positions, applicants to boards, committees, and commissions, and newly elected and appointed officials. All public officials shall annually review the Code of Conduct, and the Select Board shall consider recommendations to update it as necessary.

Compliance and Enforcement

The Monterey Code of Conduct expresses standards of ethical conduct expected for all Public Officials. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, committees and commissions have the additional responsibility to intervene when actions that appear to be in violation of the Code of Conduct are brought to their attention. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a board, committee, or commission decision.

Justin Makuc: _____ Date: _____

Susan Cooper: _____ Date: _____

10 point plan based on recommendations made by the Greene Report

Town of Monterey, Select Board

Retain professional services for Human Resources

- 1. The Town should retain professional human resource services.
- 2. The Town should retain professional mediation services.

Update and clarify Human Resources policies and procedures

- 3. The Town should adopt a new employee handbook.
 - details specific procedures for the reporting, investigating and responding to employee disputes outside of the chain of command.
 - directives for handling disputes between members of the Town’s staff (including those under the direction of committees, counsels and boards) who are not necessarily employees.
 - A specific chain of command, spelling out who is responsible for the oversight of individuals working for independent bodies that may or may not answer to the SB.
- 4. Immediate action must be taken by the Town to address retaliatory conduct.
 - assuring employees who have initiated complaints that they have the right to be free from retaliation.
 - providing a conduit through which any retaliatory conduct can be reported.
- 5. The Town should immediately implement procedures to independently address and provide redress to complainants.

Reorganize Town Administrator position

- 6. Record keeping duties should be transferred from the Town Administrator position.
 - If the Town Administrator is advising the SB, she should not also be able to control members’ access to documents.
- 7. The Town should better and more narrowly define the Town Administrator role in the manner originally recommended to the Town.
- 8. The Town should separate the Town Administrator role from the Administrative Assistant role.
 - The position of Administrative Assistant be reinstated as a separate position from the Town Administrator and preparation of meeting agendas and minutes be reassigned to be a part of that position’s duties, such that the agendas and minutes are being compiled by someone who doesn’t also advise the SB on policy or personnel matters.

Improve Select Board leadership

- 9. The Town should offer leadership training for all SB members and commission or council chairs.
- 10. The Town should adopt a Select Board Code of Conduct.
 - gives direction on SB interactions with other boards and committee members, Town staff, and the Town Administrator specifically.

#7c

Final Recommendations from 5/11/22 meeting effective July 1, 2022

	Fluorscent/ Mercury	Electronics	Cell Phones	Mattresses/ Boxsprings	Stuffed Furniture	Appliances/ Small Equipment	Items containing refrigerant	Demo Debris 45gal can	Demo Debris 6ft truck	Demo Debris 8ft truck	Car batteries	Tires (pass vehicles)
Final Rec	no charge	\$20	no charge	\$20 each	\$25	\$15	\$25	\$10	\$50	\$75	no charge	\$10 each

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Subject: My formal resignation

From: "John F. Weingold" <johnweingold@gmail.com>

Date: Wed, May 11, 2022 9:41 am

To: clerk@montereyma.gov

Received
5/11/22
Jerry Walker
Town Clerk

Along with a long list of former disillusioned and frustrated town employees over the years, based partially on the dysfunction and inaction of a feckless puppet SB, I hereby officially resign my position as a Monterey Selectboard member effective immediately.

—
John F. Weingold, Esq.
PO Box 279
Monterey, MA 01245

johnweingold@gmail.com

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