

#1

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, but are not limited to: 1) fiscal responsibility for the town, including the weekly reviewing and signing of warrants, 2) hiring/appointment and oversight of town employees, appointed boards and commissions, Town Counsel, etc. 3) setting policy and strategic direction, 4) preparing the annual and special town meeting warrants and attendance at all Town Meetings.

Commented [SC1]: This section makes no mention of any other duties of the SB. We are responsible for many things, including fiscal matters, town employees, and identifying future issues of import to the town. Should we address that here?

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.
 - Include annual employee reviews, as well as a structure for compensation adjustments.
4. The Town should revise and update all employee job descriptions.
- 4.5. 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.
- 5.6. The Town should immediately implement procedures to independently address and provide redress to complainants.

Reorganize Town Administrator position

- 6.7. 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.
- 7.8. The Town should better and more narrowly define the Town Administrator role in the manner originally recommended to the Town.
- 8.9. 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

- 9.10. The Town should offer leadership training for all SB members and commission or council chairs.
- 10.11. 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.

Commented [M1]: This item and the one above are a responsibility in the shared HR Director job description

Commented [M2]: How will the board address retaliation by an elected official who does not answer to the Select Board or may be a selectperson themselves?

Commented [SC3]: Discuss in meeting. Access to docs is a separate issue from record keeper. 1) Who COULD be record keeper if not TA? and 2) Shouldn't the SB members ALWAYS have access to any town related document?

Commented [M4R3]: I think this needs further discussion, if the TA advises the SB then who else would have "control" over these documents. The only position that makes sense is the person that is full time and maintains the confidentiality of some documents that may be included (such as legal issues, personnel files, etc). The only thing I "control" is the key to the filing cabinet, Board members can come in any time to look through.

Commented [SC5]: Revise the Town Administrator's job description, in cooperation with HR, to accurately reflect what they currently envision as that job's proper role.

Commented [M6R5]: Please note that the job description adopted is no different than any surrounding town TA (with minor differences). Also I would respectfully request prior to any changes being suggested or made to my job description that I actually be allowed to fulfill my role as TA as I have not been allowed to do that since being promoted. You will never know if it will work if you don't first let me try to succeed.

Commented [SC7]: Discuss in meeting. TA's typically are intimately involved in information flow to the SB, as they have knowledge of items that need to be addressed. The SB itself can directly control its agenda and can use its own agency to do so. Minutes are a separate matter.

Commented [M8R7]: The new position approved at town meeting is for an Office Assistant and I have a draft job description. But please note that in a town our size this is not unusual for the TA to have "administrative" duties and this was actually pointed out to the Board by Mark Webber.

Commented [SC9]: I would suggest that the leadership training not be limited to the SB. The TA and department heads (DOO and Chief of Police) could probably also benefit from such a training.

#10

19 May 2022

Selectboard
Monterey MA01245

Dear Selectboard,

We continue to solicit membership for the Conservation Commission.

We interviewed Roslyn Dolber of Stevens Lake who expresses her intent in the attached note to us.

Please consider this our request to appoint her to the Monterey Conservation Commission.

Thank you,

Chris Blair
Chair

17 May 2022

To: Monterey Conservation Commission

From: Roslyn Dolber 

Re: Letter of Intent

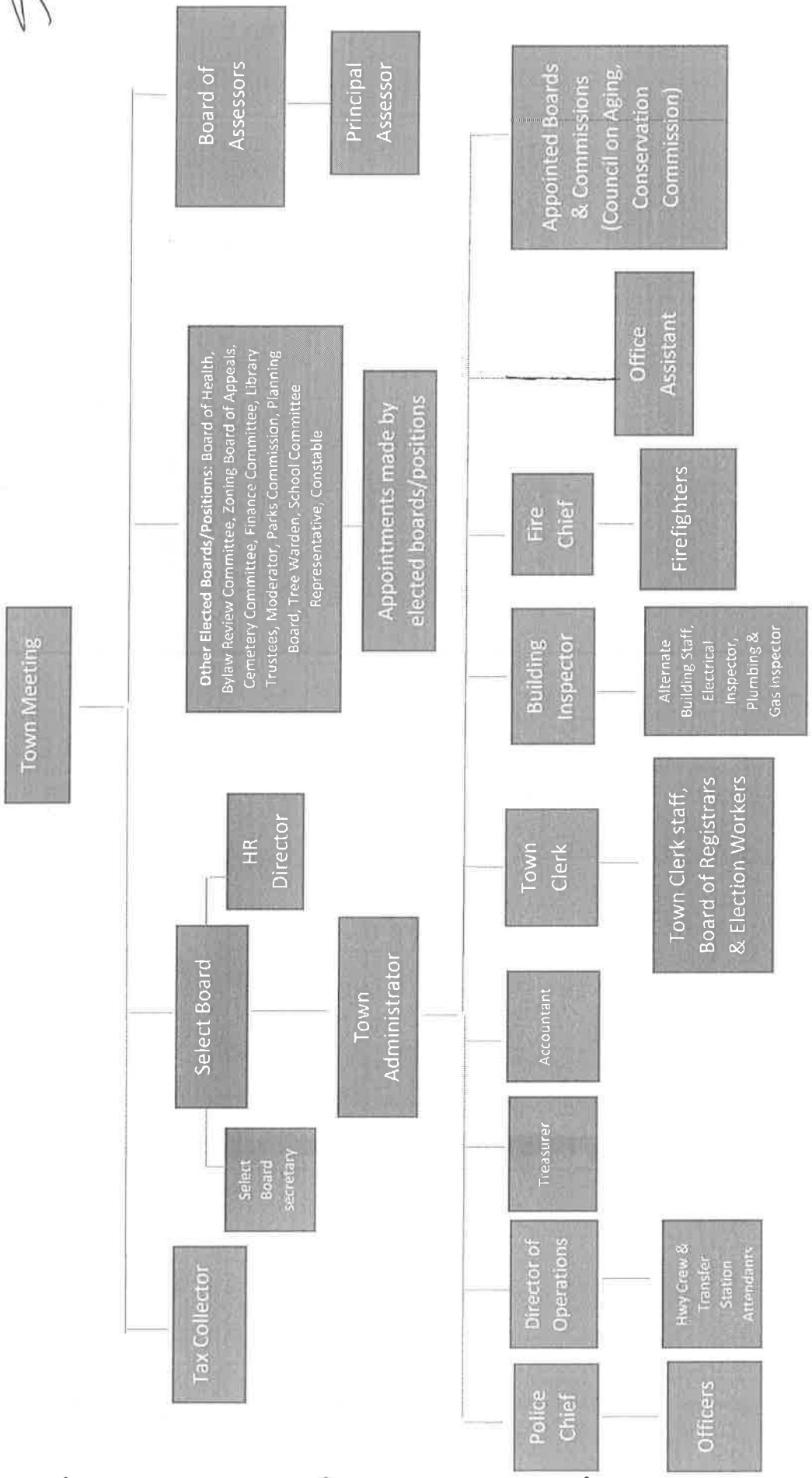
Kindly consider this Letter of Intent to indicate my interest in becoming a member of the Conservation Commission.

I am eager to take part in carrying out the mandate of the Commission, and learn about environmental regulations, and am open to and available for related training.

I am a full time resident, and a homeowner in Monterey since 1998 and have rented in Monterey for several years before building our home—and welcome the opportunity to serve our community!

May 17, 2022

JM
SL



#11

DRAFT DRAFT DRAFT

Select Board policy regarding letters of understanding following public meetings

When the Select Board meets with other Boards, Commissions, and Committees, employees, and any other as deemed necessary in a public meeting, and matters of consequence are discussed, the SB may draft a letter of understanding to the other party(ies) clarifying the SB's understanding of the substantive issues of that meeting, and clearly identifying any actions which must be undertaken by the various parties involved.

While we recognize that the meeting minutes will mention the matters discussed, we feel that this is a clear and direct way of clarifying our understanding of the important matters addressed. This process allows for clear communication, and ensures that all parties are fully aware of any subsequent responsibilities and timelines. In matters pertaining to employees, this also allows for a clear transfer of information to the employee's file.