

# **Town of Monterey MA**



**Manual for all Elected and Appointed Multi-Member Bodies**

**Adopted October 24, 2023**

**Amended December 12, 2023**

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## Introduction:

This handbook serves as a guide for all elected and appointed members of the boards and committees in our Town. It outlines the expected standards of conduct and behavior for elected and appointed officials to ensure a professional, respectful, and productive working environment. Adhering to these standards is crucial to uphold the best interests of the town and its residents.

## 1. Becoming a Member of a Multi-member body (Board, Committee, Commission, Council, etc.):

### Qualifications for Appointment:

The general law does not require members of town multi-member bodies be a town resident unless the statute or Town bylaw requires residency.

The Select Board prefers to appoint Town residents (whether registered to vote in the Town or not) to appointed multi-member bodies.

If there is a vacant position on an elected multi-member body, the person appointed to fill the vacancy “shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified” (MGL Chapter 41, Section 11). For more detail about the process of filling a vacant position on an elected multi-member body, please see Section 3 of this document: “Vacancies/Resignations/Lack of Attendance.”

The Select Board is the appointing authority for all positions in the Town that do not answer to another elected position or multi-member body.

### Application Procedure

Town residents who are interested in being considered for appointment should fill out an appointment application. The application form is available in hard copy at Town Hall from the Town Administrator’s office or can be found on the Town’s website at <https://www.montereyma.gov/select-board/webforms/appointment-request-application>. Applicants may be scheduled for a meeting with the interested multi-member body prior to being considered for appointment. Applicants to any committee may inquire as to the time requirements of the specific multi-member body and the frequency with which that multi-member body meets.

The appointing authority shall have sole discretion to make such appointments or other changes as the appointing authority deems to be in best interest of the Town. It is encouraged that applicants attend one or two meetings of the multi-member body in which they are interested to become familiar with the time commitment and other functions of that multi-member body.

## 2. Oath of Office, Open Meeting Law, Conflict of Interest training:

New elected and appointed officials need to:

1. Take an oath of office administered by the Town Clerk
2. Receive Open Meeting Law materials
3. Complete Massachusetts Conflict of Interest Law Training

Written notification of appointment will be issued to newly appointed members. Appointees must report to the Town Clerk's office, within two weeks of being appointed, to be sworn to faithful performance of their duties prior to taking any official action as a member of the board (MGL Ch. 41 section 107). The Town Clerk will give appointees information about the Open Meeting Law, as required in Chapter 39, Section 23B of the Massachusetts General Laws. Members are required to sign written acknowledgement of receipt. Within 30 days of initial appointment or election, and every other year thereafter, all municipal employees (which include members of boards, committees and commissions) must complete the Online Ethics Training. In addition, every year each municipal employee must acknowledge in writing that they received a summary of the Conflict of Interest Law for municipal employees. You will need speakers to listen to the video training.

The new link requires you to create an account, please keep your login information for future years to log in. Once you create your account and complete the requirements, this link keeps track of who has completed the requirements so that the Town can see who has done this. There is no need to print off a copy to give to the Town but you may want to print a copy for yourself.

<https://www.mass.gov/new-conflict-of-interest-law-online-training-program-now-open>

## 3. Vacancies/Resignations/Lack of Attendance:

Any member who, for any reason, chooses to resign before a term is complete shall provide immediate written notice of the resignation to the Town Clerk, and the Town Administrator, and cite the effective date of resignation.

Removal: In cases where the SB has statutory authority they may remove members of a board or commission at their discretion.

Attendance: All persons appointed to a board shall be expected to attend regularly scheduled meetings. Excused absences reported to the board/committee Chair prior to a regularly scheduled meeting shall be allowed. Three unexcused absences in a row may be cause for removal by the Select Board of those persons who have been appointed to fill a board position for whom the Select Board has removal authority. After notice and hearing, a majority vote by the Select Board shall be required to cause the removal. The total attendance excused or unexcused may be considered to continue serving on the board/committee.

### Elected Boards and Committees

Interim appointments on elected boards are governed by the provisions of MGL Chapter 41 Sections 10 and 11 unless otherwise provided by statute:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section10> .

The board or committee in which the vacancy occurs shall, within one month, notify the Select Board in writing of the vacancy. After one week's notice, the Select Board will advertise the position and accept applicants through the appointment request application which can be found here:

<https://www.montereyma.gov/select-board/webforms/appointment-request-application> . The vacancy will be filled by vote of the remaining members of the board or committee with the vacancy and the Select Board, who will vote by roll call. The Select Board shall fill the vacancy itself if the board or committee fails to notify the Select Board of the vacancy within the required time period.

If there is a vacancy in the office of the Select Board, the remaining Select Board may call a Special Election; or an election must be held upon written petition of 200 or 20% of registered voters whichever is less. If a Special Election is not called either by initiative of the Select Board or citizens' petition, the office remains vacant until the next regularly scheduled election.

## 4. Organization of Boards/Duties of Officers:

### **Election of Officers:**

All elected boards and Officers shall reorganize at their first meeting following the Annual Town Elections and all appointed boards shall reorganize each year at their first meeting following June 30th. After re-organization, the Chair should notify the Town Administrator of changes in officers.

### **Duties of Officers:**

#### **Chairman:**

1. Presides at all meetings, decides questions of order;
2. Calls meeting dates and times, ensuring that members are kept informed of meetings;
3. Ensures that meeting and agendas are properly posted in accordance with the Open Meeting Law;
4. Sets agenda topics;
5. Represents the board before the appointing authority, other town bodies and the public, as required;
6. Ensures that all members have taken the oath of office and acknowledged receipt of information from the Town Clerk with regard to the Open Meeting Law and Conflict of Interest Law;
7. Ensures that a summary of the board's actions of the previous year are submitted to the Town Administrator for inclusion in the Annual Town Report;
8. Exercises control over public meetings and hearings, ensures that the proper decorum is maintained and that such meetings and hearings are conducted in an orderly and appropriate manner.

#### **Vice-Chairman:**

1. The Vice-Chairman acts as Chairman in the absence of the Chair.

**Clerk/Secretary:**

1. Ensures that minutes of every meeting are taken, prepared, voted and filed with the Town Administrator in a timely manner, in accordance with the Open Meeting Law.
2. Ensures that copies of documents and other exhibits used during meetings are provided and referenced in a list to be included as addenda to the approved meeting minutes, in accordance with the Open Meeting Law.
3. In the absence of paid staff, performs any other clerical or administrative duties as required.

## 5. Quorum:

In order for a board to meet or take any action, a quorum must be present. The Open Meeting Law defines a quorum as a simple majority of the members of a public body, unless otherwise provided in a general or special law, executive order, or other authorizing provision. G.L. c. 30A, § 18. If a quorum of a public body wants to discuss public business within that body's jurisdiction, they must do so during a properly posted meeting.

More information is available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about quorums may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

## 6. Conducting a Meeting:

Although most board discussions may seem too casual to be called debate, it is advisable for the board 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 encourage all participants to offer concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the board to continue discussion until complete consensus is achieved. Other actions, such as calling for a vote, postponing until more information is available, or referring to a subcommittee may be required.

All votes must be taken publicly. The use of secret ballots is prohibited. Anyone on the Board may make a motion, second a motion, and speak on a motion. Motions require a majority vote unless the law calls for another quantum of vote.

All votes taken to go into executive session, all votes in executive session, and all votes in which one or more members participate remotely must be by roll call.

## 7. Meetings/Open Meeting Law:

All board members are required to take the time to familiarize themselves with the provisions of the Open Meeting Law (MGL c 30A, §§ 18-25) and its accompanying regulations (940 CMR 29.00). The Open Meeting Law sets forth specific requirements for posting, scheduling, conducting, and recording meetings. The purpose of the law is to promote the democratic process in assuring that deliberations and decisions made by our public officials are conducted openly, and not hidden from the public. Failure to follow the Open Meeting Law may result in the invalidation of actions taken at a meeting and could result in the imposition of a penalty upon the public body. More information of the Open Meeting Law is available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open Meeting Law may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

### Definition of Meeting:

For purposes of the Open Meeting Law, a "meeting" is defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

- An on-site inspection of a project or program, so long as the members do not deliberate;
- Attendance by a quorum of a public body at a public or private gathering, including a conference or training program or media, social or other event, so long as the members do not deliberate.
- Attendance by a quorum of a public body at a meeting of another public body that has complied with the requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate.
- A meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- A session of a town meeting convened under MGL c. 39 §10 which would include the attendance by a quorum of a public body at any such session.

It is a violation of the Open Meeting Law to conduct "telephone meetings," "revolving door meetings," "e-mail meetings," or to hold other such discussions outside of a duly posted meeting at which the public is deprived of the opportunity to attend and monitor the decision-making process. This includes individual conversations that occur in serial fashion in which a quorum of members participates and/or deliberates. "Deliberation" is defined as "an oral or written communication through any medium, including electronic mail, along with social media deliberations between or among a public body or any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution or reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed."

\*Open Meeting Law training videos can be found at:

<https://mass.gov/service-details/open-meeting-law-training-videos>

## 8. Posting/Scheduling of Meetings and Agendas:

The Open Meeting Law Regulations (940 CMR 29.03) provide, in part, that the “public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meetings, excluding Saturdays, Sundays and legal holidays. The date and time that the notice is posted shall be conspicuously recorded thereon or therewith.”

A copy of Monterey’s agenda posting policy can be found here:

[https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/agenda\\_posting\\_policy\\_adopted\\_6.30\\_0.pdf](https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/agenda_posting_policy_adopted_6.30_0.pdf)

The website is the legal posting place for Monterey.

The Town Administrator **will not be responsible for any missed Postings or noncompliance with the state’s Open Meeting Law requirements**. The official calling the meeting is responsible for ensuring that the posting and meeting is in compliance with the Open Meeting Law. It is the responsibility of the Committee Chair to ensure that the meeting agenda was posted prior to the meeting.

**Notice/Posting Recommendations:** The following items are suggested, but not required:

Agendas should be in bulleted/numbered list format, preferably in the order that the items will be discussed in the meeting.

## 9. Meeting Minutes

### Content of Minutes:

Section 22 of the Open Meeting Law requires every governmental body to “...create and maintain accurate minutes of all meetings, including executive session, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” More information of the Open Meeting Law and meeting minutes is available on the Attorney General’s website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open meeting Law may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

### Availability/Filing of Minutes:

Meetings may not proceed without a designated secretary responsible for providing a written record of the meeting as prescribed by the Open Meeting Law. Audio or video recordings may not be used as permanent records of a meeting. Recordings can be destroyed once written minutes are approved unless specifically entered into the minutes on the record. The approval of the prior meeting’s minutes should always appear as an agenda item to encourage timely completion and filing of the minutes. It should be noted that the minutes of an open meeting, in whatever form (notes, draft, tape recording, etc.) are considered public records and must be made available to the public upon request.



Boards should strive for transparency, posting minutes as soon as they have been approved. A copy of approved open session minutes can be found on the town's webpage.

Minutes of executive sessions are kept confidential and separate from open session minutes. The board or committee should review executive session minutes periodically to determine if the need for confidentiality no longer applies such that the minutes may be made public. The review of the executive session minutes may be made in executive session or delegated to a single member of the board or committee.

All approved minutes of every Town of Monterey board and committee shall be sent via email to the Town Administrator ( [admin@montereyma.gov](mailto:admin@montereyma.gov) ) and the Town Clerk ( [clerk@montereyma.gov](mailto:clerk@montereyma.gov) )

#### Speaking for a Board of Committee:

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or exercise the authority of the board except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the board. Such a perception should be avoided. An individual board member should not speak publicly as a private citizen before the board upon which they sit. Members of public bodies may communicate with members of the public through any social media platform. However, members of public bodies must be careful not to engage in deliberation with the other members of the public body through such communications. If a member of a public body communicates directly with a quorum of the public body over social media platforms that communication may violate the Open Meeting Law. Public body members should proceed with caution when communicating via these platforms.

## 10. Remote Participation:

A vote was taken by the Select Board to authorize remote participation in public meetings pursuant to 940 CMR 29.10 and M.G.L. c4 sec. 7. For the most current remote participation guidelines please refer to the Open Meeting Law, available on the Attorney General's website: [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law)

Questions about the Open meeting Law and remote participation may be sent to [openmeeting@mass.gov](mailto:openmeeting@mass.gov)

## 11. Administration:

#### Public Records:

With few exceptions, every document and record (hard copy or electronic) made or received by a board or other public entity is presumed to be a public record under the Massachusetts Public Records Law (MGL c. 66, § 10). As such, the public has a right of access to these records.

Town boards and departments are also obligated to properly secure and maintain public records. Public records should never be kept in a home or on private property of a board member.

A guide to the Massachusetts Public Record law:

<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

### Use of Town Counsel:

Request for opinions or assistance from Town Counsel must be directed through the office of the Select Board. A copy of the town's policy and procedure for contacting Town Counsel may be found here: [https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/contacting\\_town\\_counsel\\_policy\\_7.20.pdf](https://www.montereyma.gov/sites/g/files/vyhlf3496/f/pages/contacting_town_counsel_policy_7.20.pdf)

### Appointing Authorities:

The Select Board may require that the board chair report regularly to the appointing authority about the board'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 Select Board to resolve problems and report progress.

## 12. Annual Report:

All appointed boards and 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 an explanation of accomplishments and future plans to be submitted to the Town Administrator no later than December 15<sup>th</sup> to be made available in a full copy of the annual report for the use of the inhabitants of the town by March 15th.

## 13. Elected and Appointed Officials Standards of Conduct:

All elected and appointed officials are expected to:

- Act with integrity, honesty, and impartiality in carrying out their official duties.
- Serve the public interest and make decisions that are fair, transparent, and based on the best available information.
- Be polite and non-confrontational when addressing an issue or opposing opinion of another board member or a Town employee.
- Treat all individuals with dignity, respect, and fairness, irrespective of their race, ethnicity, gender, sexual orientation, religion, or other protected characteristics.
- Avoid conflicts of interest and disclose any potential conflicts promptly to the appropriate authorities.
- Comply with all applicable laws, regulations, and policies related to their role and responsibilities.
- Maintain the confidentiality of sensitive information and refrain from disclosing it without proper authorization.
- Engage in open and honest communication with fellow officials, employees, and the public.
- Foster a positive and collaborative work environment that encourages diversity, inclusion, and mutual respect.
- Refrain from using their position for personal gain, financial or otherwise.
- Adhere to the standards of conduct required by State Ethics law.
- Uphold and promote ethical behavior in all aspects of their work.

## 14. Board Chairs Standards of Conduct:

Board Chairs, as leaders of their respective boards or committees, have additional responsibilities to ensure effective governance and promote a positive working environment.

They are expected to:

- Lead board meetings in a fair, impartial, and efficient manner, allowing for productive discussions and decision-making.
- Maintain order and decorum during meetings, ensuring that all members have an opportunity to participate and express their views.
- Respect the opinions and perspectives of all board members, valuing diversity of thought and fostering an inclusive atmosphere.
- Act as a liaison between the board and other town entities, promoting effective communication and collaboration.
- Ensure compliance with applicable rules, regulations, and bylaws governing the board's operations.
- Encourage board members to prepare adequately for meetings, providing relevant materials and information in advance.
- Set an example of professionalism, ethical behavior, and adherence to the Standards of Conduct for all board members.
- Seek opportunities for professional development and growth to enhance their leadership skills.
- Promote transparency, accountability, and public trust by effectively communicating board decisions and actions to the community.
- Foster a positive working relationship with town staff, promoting cooperation, and mutual respect.
- Reprimand/address other board members when they are acting inappropriately.

## 15. Violations of Standards:

Violations of the codes of conduct outlined above may result in disciplinary action by the Select Board. These disciplinary actions may include, where permitted by law:

- Reprimands, warnings, or censures.
- Removal from committees or specific roles.
- Termination or removal from office.
- Referral of serious misconduct to relevant authorities for investigation and legal action.

## 16. Benefits:

### **Employee Assistance Program (EAP) Policy**

Town of Monterey will provide confidential and voluntary assistance through its employee assistance program (EAP) to all volunteers, Board members, employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages taking advantage of this valuable benefit.

## **Procedures**

Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. **1-800-451-1834**

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.

There is no charge for employees or their families to use the services of the EAP. The EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with his or her ability to pay.

## ***Confidentiality***

All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent on calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment. Information given to the EAP counselor may be released to the Town of Monterey only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

## **17. Conclusion:**

By adhering to these standards of conduct, members of the Town's multi-member bodies contribute to a positive work environment and help fulfill the Town's goals. It is essential to familiarize yourself with these guidelines and refer to them whenever necessary. Failure to comply with these standards may result in disciplinary action. Let us strive for professionalism, respect, and dedication as we work together for the betterment of our community.

Acknowledgment:

I acknowledge receipt and understanding of this document.

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Print Name

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Signature

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Date