

# COMMITTEE HANDBOOK

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# COMMITTEE HANDBOOK

## FOREWARD

This handbook has been prepared by the Board of Selectmen as a general informational aid for all Town committees and boards. Many residents have served the Town in its one hundred and seventy plus year history. Their contributions of time and thoughtful consideration on the many issues and challenges confronting the Town are greatly appreciated. Through this service to the community you will have a unique opportunity to help shape the future of the Town. It will be a rewarding and informative experience.

The Selectmen, in carrying out their duties as prescribed by [Charter](#), State Law and by the votes of Town Meetings, expend considerable time and effort to make logical and sensible appointments to committees. You will be working with people, who like yourself, have volunteered to address specific problems and bring back to the Selectmen - or perhaps Town Meeting - recommendations for a course of action and/or a solution that is best for the Town.

It is important that the good of the Town, present and future, be of primary consideration in your deliberations. It is also important to remember that you represent the entire Town, not just one segment of the Town. A solution that makes sense from the perspective of your committee may not always be what is best for the Town. Therefore, all plausible solutions need to be explored while considering many factors such as the impact on other programs or plans. The ultimate cost in tax dollars is of the utmost importance to all Townspeople and committees need to be cognizant of that fact.

Your committee or board should use the Town Manager's Office to facilitate communications and answer any questions you believe pertinent to your assignment. The Board of Selectmen wishes to thank you for your willingness to put forth your time and effort to improve of our community.

The handbook provides a general description of procedures and summarizes the important state statutes that govern the conduct of committees and their members, such as the [Open Meeting Law](#) and the [Conflict of Interest Law](#) (also known as the State Ethics Act). Official full-text versions of these and other governing by-laws may be accessed online (see links above or access them via through links embedded in the Town of Ashland website). The Town website also offers links to important documents such as the [Town Charter](#), [Town Bylaws](#), and the [minutes](#) and [video recordings](#) of past committee meetings

While this handbook has been published for use by committees and boards appointed by the Board of Selectmen, we would hope that this handbook is of use to other elected officers and the citizens at large.

Respectfully,

Ashland Board of Selectmen

Robert K. Scherer, Chair  
Steven Mitchell, Vice Chair  
Yolanda Greaves, Clerk  
Joseph J. Magnani, Jr.  
Carl Hakansson

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## Section I – Requirements and Responsibilities

A Statement of Commitment to the foregoing section and the attached Code of Conduct shall be signed by all elected and appointed members of the Town’s boards, committees, commissions and councils.

Members of municipal Committees are considered municipal employees under the Conflict of Interest law, subject to the provisions of [Chapter 268A of the Massachusetts General Laws](#) (M.G.L.), which is enforced by the State Ethics Commission.

### A. Requirements of the State Ethics Conflict of Interest Law:

**Swearing-in:** All new and reappointed members, associates and alternates must swear or affirm an oath of office administered by the Town Clerk within 15 days of appointment or before they may take a seat or vote in a public meeting of the committee to which they have been appointed if the meeting takes place prior to the 15 days.

Members may be sworn by the Town Clerk during normal Town Office business hours or another time amenable to the Town Clerk.

Members will receive from the Town Clerk printed editions of this handbook, the [Town Charter](#), The Open Meeting Law ([M.G.L. Chapter 30A, §§ 18-25](#)) and a summary of the Conflict of Interest Law for Municipal Employees ([M.G.L. Chapter 268A, §§ 1, 2 and 17-23](#)).

On-line links to all of the above documents and the State Ethics Online Training course are available by clicking the highlighted link above or on Town Clerk section of the Town of Ashland website, located on the internet at: [www.ashlandmass.com/211/Town-Clerk](http://www.ashlandmass.com/211/Town-Clerk).

**Annual Requirements:** Members of a municipal committee must review the summary of the Conflict of Interest Law, [M.G.L. Chapter 268A](#), and return the signed acknowledgement of receipt (last page of the summary) to the Town Clerk’s Office, 101 Main Street. The summary of the law is intended to help municipal employees understand how the law applies to them. The summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation.

A summary of the law can be found here: <http://www.mass.gov/ethics/education-and-training-resources/required-education-and-training/municipal-employee-summary.html>. For a hard copy of the law please visit the Town Clerk’s Office, 101 Main Street.

**Biannual Requirements:** Members of a municipal Committee must complete the Conflict of Interest Online Training Program for Municipal Employees and return the assessment certificate to the Town Clerk’s Office, 101 Main Street. First year Committee members must complete the assessment within the first 10 days of service. After the first year of service, the assessment must be completed biannually.

The Online Training Program for Municipal Employees can be found here: <http://www.mass.gov/ethics/conflict-of-interest-law-online-training-programs.html>. For additional assistance with the website, please visit the Town Clerk's Office, 101 Main Street.

Any questions concerning ethics violations or the four general categories of responsibility shall be referred to the State Ethics Commission. The State Ethics Commission will provide guidance on whether a disclosure statement should be filed concerning any potential conflict of interest. If such disclosure is required, appointed members of a Town Committee shall file a conflict of interest disclosure with the appropriate appointing authority, which is typically the Board of Selectmen. If disclosure is required of an elected member of a Town Committee, that member shall file a disclosure statement with the Town Clerk. The State Ethics Commission website [www.mass.gov/ethics](http://www.mass.gov/ethics) provides additional information concerning the statute and specific scenarios.

The citizens and businesses of Ashland are entitled to fair, ethical and accountable local government that has earned the public's full confidence for integrity. The Town of Ashland's strong desire to fulfill this mission 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 and not for personal gain;

Public deliberations and processes be conducted in compliance with the Open Meetings Law; and

Public deliberations be conducted in an atmosphere of respect and civility.

This statute assigns personal responsibility to all regular and special municipal employees, including elected and appointed volunteers, in four general categories. These categories include: (1) Community Responsibility; (2) Responsibility to Municipal Administration; (3) Relationship to other Board and Committee Members; and (4) Prohibited Conduct.

## **B. Community and Member Responsibility**

1. A member of any Committee shall:

- Realize that the member's basic function is to make policy and provide advice on making policy, and not to administer policy unless expressly provided for by law;
- Realize that the member is one of a team and should abide by, and assist in carrying out, all decisions of the Committee once a decision is made by the board, commission, or committee;

- Remain well-informed concerning the duties and responsibilities the Committee may have on the state and local level, as well as a member's individual duties and responsibilities;
  - Remember that the member represents the entire community at all times;
  - Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit;
  - Make all decisions relative to individual appointments based only upon merit, experience, and qualifications, and avoid engaging in political patronage; and
  - Avoid voting on any matter in which the individual member has a conflict of interest, as defined under the Massachusetts Conflict of Interest Law, [M.G.L. Chapter 268A](#).
2. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, harassment, personal charges and or verbal attacks upon the character of other members of Committees, councils, the staff or the public.
  3. Members shall perform their duties in accordance with the processes and rules of order established by the Board of Selectmen and the Town Code governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board of Selectmen by Town staff.
  4. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.
  5. Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their role in dealings with Town staff, as well as Town Staff's role with the Committee, and refrain from creating the perception of inappropriate direction to staff.

### **C. Responsibility to Municipal Administration**

A member of any Town Committee during his/her interactions with the administrative officers of the Town shall:

- Respect the role of professional management as outlined in the Town Charter;
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside of the administration;

- Recognize that binding decisions of a Committee are enforced by administrative officers of the Town; and
- Direct all questions or concerns first to the appropriate Town personnel, then to the Town Manager, and if necessary to the Board of Selectmen. This is the most expedient way to resolve issues that need to be addressed; however, be advised that Town officials may not necessarily have jurisdiction over issues concerning elected officials.

#### **D. Relationship to Other Board, Commission, or Committee Members**

A member of any Town Committee, in the member's relations with fellow board members, shall:

1. Recognize that action taken during a public meeting is binding and that a single member alone cannot bind the Committee outside of a public meeting;
2. Not make statements or promises of how the member will vote on matters that come before the Committee until the member has had an opportunity to hear all aspects and sides of the issue during a public meeting;
3. Uphold the intent of the Executive Session and respect the privileged communication that occurs therein;
4. Make decisions only after all facts on a question have been presented and discussed; and
5. Respect the rights of members of the public, Town personnel, and other members of the Committee, despite differences of opinion.

#### **E. Prohibited Conduct**

A member of any Town Committee, in accordance with Massachusetts General Law, [Chapter 268A](#), shall NOT:

1. Accept gifts or other considerations or engage in any business or professional activity which might appear to impair a member's independence of judgment in the exercise of the member's official duties;
2. Improperly disclose confidential information acquired by the member in the course of the member's official duties, and not use information to further the member's personal interest;
3. Use or attempt to use the member's official position to secure unwarranted privileges or exemptions for the member or others;
4. By the member's conduct give reasonable basis for the impression that any person can improperly influence the member or unduly enjoy the member's favor in the performance of the member's official duties, or that a member is unduly affected by the kinship, rank, position, or influence of any party or person;
5. Pursue a course of conduct that will raise suspicion among the public that the member is likely to be engaged in acts that are in violation of the public's trust; and
6. Participate in any matter before the Committee in which the member has a direct financial interest, or an immediate family member has a direct financial interest.

In general, Members of Town Committees are not subject to restrictions concerning private, political activity without the use of municipal resources. However, all members have an obligation to foster a sense of public trust. To foster this trust, individual members have a responsibility to disclose to a Committee any actual or potential personal interest or issue that pertains to a matter under consideration by the Committee.

#### **F. Compliance and Enforcement**

Members themselves have the primary responsibility to assure that these standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chair of a Committee shall promptly intervene when a member's actions appear to be in violation of the Code of Conduct. Subject to the provisions and procedures of sections 8-2 and 8-3 of the Town Charter, the Board of Selectmen, by a vote of a majority of its members, may remove members whose conduct does not comply with the Town's standards.

### **Section II – Structure of Ashland's Government**

Every one of Massachusetts' 351 cities and Towns share a common governmental structure and function. Each local governmental body has a person or group of persons in the executive role, the tax assessment department, the tax collection role, the record keeping role, and the health board role. Through specific local needs, and with the vote of the people, other elected positions and committees have been established through time. In Ashland, our Legislative Body is Town Meeting, and the Executive Body is our Board of Selectmen. However, there are many other committees and boards, staffed by citizen volunteers that perform critical roles for the Town.

#### **Listing of Positions and Terms**

**For a list of elected and appointed boards and committees go to:**

<http://www.ashlandmass.com/175/Boards-Commissions>

#### **A. BECOMING A COMMITTEE MEMBER**

##### **Qualifications for Appointment**

All Ashland residents are qualified to apply for membership on any committee.

Residents employed full-time or part-time by the Town may be appointed to Boards and Committees, at the discretion of the Board of Selectmen, subject to the Conflict of Interest Laws.

##### **Application — The Town Talent Bank**

The appointment application process begins with entry of your name and contact information on the Town of Ashland's Talent Bank, maintained by the Executive Assistant to the Board of Selectmen.

An electronic [Talent Bank application form](#) is accessible from a main portal page link located on the Town of Ashland Website at: [www.ashlandmass.com](http://www.ashlandmass.com). The link is titled “Talent Bank Form – Committee Appointment Form”. It allows you to easily complete and submit your Talent Bank application on-line. Printed Talent Banks forms may also be obtained, completed and returned to the Selectmen/Town Manager’s office at 101 Main Street in Ashland.

The Talent Bank application will also ask you the name the committee to which you seek appointment and explain the reason(s) for your interest; the application also requests you provide a copy of your resume/letter that describes your education, occupation or other practical experience.

You may register in the Talent Bank at any time, even when no vacancy exists on your desired committee.

Should such a vacancy occur, you and all other Talent Bank applicants who declared a similar committee preference will be contacted and invited to attend an upcoming committee meeting. Prior to interviewing and appointing any member to a board or committee, the Board of Selectmen, prefer to receive a recommendation from the committee on which you wish to serve. Once the recommendation is obtained, you will be contacted to set-up an interview at a regularly scheduled Board of Selectmen’s meeting. The Board of Selectmen conducts interviews of all first-time applicants, and interviews of all applicants are conducted in open public session with the Board of Selectmen. The interview session is video-recorded by the Town. The chair or other members of the designated committee may be present to participate in the interview.

You will be contacted by the Executive Assistant of the Board of Selectmen to schedule your appearance at a regularly scheduled meeting.

All five Selectmen are usually present to interview applicants for seats on the Town’s regulatory committees. The Selectmen strive to create a welcoming climate for each interview. Applicants should be prepared to answer general questions for the Board as well as provide information about their experience and qualifications. Fifteen minutes are usually scheduled for each interview, although the actual duration may vary.

The Board of Selectmen does not entertain comments from the public about an applicant during interview sessions.

There are often more candidates than available open seats. If you are not appointed to the desired committee seat, you will be contacted by the Executive Assistant of the Board of Selectmen to determine if you desire to sustain your registration in the Talent Bank and to: submit to a future interview for a seat on the same committee should a vacancy occur during the year; consider a new interview for an appointment to a different committee; or choose to withdraw your name from the Talent Bank.

### **Term Length — Full Voting Members**

The term of appointment to most committees in Ashland for full voting members is three years, commencing September 1<sup>st</sup> and concluding August 31<sup>st</sup> of the third year following. Terms for the Cultural Council, however, are three years from the day of appointment.

The Board of Selectmen may form special or *ad hoc* committees to fulfill short-term assignments or complete other responsibilities. Members appointed to temporary committees will serve until a date designated by Board of Selectmen or until work is completed.

### **Term Length — Alternate and Associate Members**

Alternate and Associate members are appointed for one year terms. Serving as an alternate or associate member is an excellent way to become familiar with the work of a particular committee before taking on the responsibilities of a full voting member.

Associate and Alternate members are allowed and encouraged to participate in committee deliberations but, as a general rule, have no power to vote. However, Alternates and Associates on certain committees may be called upon by the Chair to vote when certain circumstances arise.

### **Appointment**

All appointments require a majority vote of the Board of Selectmen convened in open public session. The nominating motion will specify the name of the proposed appointee and designate the dates on which the term of service will expire.

If, for any reason, an appointed member leaves a committee before completion of a term, the appointed replacement's term of service will expire on the same date previously assigned to the vacating member.

### **Reappointment**

There is no Charter provision or Board of Selectman policy that sets limits on the number of terms a member may serve on a committee.

Prior to the designated date of their term's expiration, incumbent members of a committee will receive notification from the Board of Selectmen. The notification requests appointed members to indicate if their desire is to conclude their service at term's end; seek appointment for an additional term on the same committee; or apply for an appointment to a different committee.

A committee member is under no obligation to accept reappointment, nor is the Board of Selectmen obligated to offer reappointment.

Reappointment to an additional term on a committee is based on an evaluation of the committee member's contribution to the committee, the number of applicants seeking appointment, and the discretion of the Board of Selectmen.

Incumbent members of committees, who seek appointment to a different committee, shall also apply through the Town Talent Bank for a scheduled interview with the Board of Selectmen.

### **Resignation**

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

## **Removal**

The Board of Selectmen may remove members of committees as outlined in the Charter, Section 8-2(b) and (c) and Section 8-3, which requires the Board of Selectmen to provide written notice to the appointee and hold a hearing. Once the hearing is held, an appointee may be removed by a majority vote of the Board of Selectmen. Appointments to fill vacancies will cover the remaining term of the vacated position.

## **B. GENERAL PROCEDURES**

### **Election of Officers**

All committees and boards shall annually elect a Chair, Vice Chair and a Secretary or Clerk.

For newly-formed committees meeting for the first time to elect officers, the individual with senior rank (e.g. the first person appointed by the Board of Selectmen) shall serve as temporary Chair and preside over the nomination and election of officers. It is the responsibility of the newly-elected Chair to notify the Board of Selectmen and the Town Clerk of changes in membership and officers.

Ongoing committees should elect officers at the first meeting held after the reappointments each year, which typically occurs at the first meeting in August.

### **Responsibilities of Officers**

Chairman: As the presiding officer, the Chair schedules the place, date, and time of meeting. The Chair creates the meeting agendas and ensures meeting notices are officially posted as required by Open Meeting Law. 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 motions, discuss questions, and vote.

At the outset of meeting, the Chair must request notification from any person, who intends to make a video or audio recording or transmission of the meeting. A member of the public may record the meeting as long as the Chair and the public are made aware that they are recording. For meetings televised or live streamed on WACA TV, the chair must announce that the meeting is being broadcast live and/or recorded for future re-broadcast, as appropriate.

Vice Chair: The Vice-Chair assumes all responsibilities of the Chair whenever the latter is absent from meetings, and performs other duties as necessary.

Clerk: The Clerk will read aloud the official notice of a public hearing whenever a committee convenes for a public hearing. The Clerk is also responsible for ensuring that meeting minutes are recorded and, once approved, are filed with the Town Clerk when no Town of Ashland staff member is assigned to capture and record the minutes.

### **Convening, Structure and Management of Meetings**

Meetings of Town committees are subject to [Massachusetts Open Meeting Law](#), which influences many of the following guidelines.

The Open Meeting Law applies to every meeting of a quorum of a governmental body if any public business over which the governmental body has jurisdiction is discussed or considered.

A meeting must be held in public even if there will be no vote or decision reached.

The Open Meeting Law does not apply to chance meetings or social gatherings; however, no chance or social meeting may be held to circumvent Open Meeting Law requirements.

A meeting occurs any time a quorum (usually a simple majority) of the members convenes and discusses any public business or policy over which they have jurisdiction or advisory power.

Depending on a committee's workload, meetings may be held weekly, bimonthly, monthly, or less frequently. A routine regular meeting day, hour, and location should be established whenever possible.

There may be occasions when two or more committees may desire to meet together to conduct business in joint session. This is permissible, but the Open Meeting still applies to committees meeting in joint session. Each committee must separately post advance notice of their own meeting date and agenda; each committee must have their own quorum present; and the Chairman of each committee may receive motions or call for votes only from the members of the committee he or she chairs.

Except in unique cases, committees should not meet on weekends. Committees must not meeting on legal holidays. Committees should not meet while Town Meeting is in session, except as necessary to participate in the proceedings of Town Meeting.

### **Posting of Public Meetings**

It is the responsibility of the committee to provide timely notice to the Town Clerk of the committee's scheduled public meetings. The Attorney General's Office requires each Town to have one primary and one secondary posting location. For the Town of Ashland, the Town Clerk maintains a current listing of all posted meetings on the Town Website, which is the primary location and on the Town bulletin board outside of the Clerk's Office, which is the secondary location. The Chair or another designated member will obtain access to post meetings via CivicPlus to enable committees to conveniently meet the posting requirements. Meetings posted in alternative locations do not meet the posting requirements.

By law, notice of an upcoming public meeting of a committee must be posted by the Chair or other designated member at least forty-eight (48) hours in advance, not including Saturdays, Sundays or legal holidays.

The forty-eight (48) hour requirement may be waived if unusual events or circumstances require an emergency meeting, but notice of an emergency meeting must still be posted as soon as reasonably possible prior to the meeting being held.

Posted meeting notices must contain the name of the committee, date, time, meeting location and an agenda which presents the anticipated topics of discussion.

Posted notice of the cancellation of a scheduled public meeting should be made by the Chair or designated member as soon as it becomes evident a cancellation is appropriate.

## **Meeting Locations**

Other than meetings which may require on-site visits elsewhere, public meetings are held in facilities that meet American Disability Act (ADA) requirements and offer audio/video recording capability.

The Town offers suitable meeting rooms at Town Hall, the Police Sub Station, the Library and the Community Center.

## **Agendas**

The Agenda is a specific list of items to be discussed at a meeting of the committee. Agendas are created by the Chair, often with advice and assistance of the Town Staff Liaison or members of the committee. Agendas must be posted at least forty-eight hours before the start of the scheduled meeting.

Once the meeting date and agenda have been posted, only those topics specifically listed on the agenda may be discussed when the committee convenes. The Chair should ensure that discussions, deliberations or any motions made are within the realm of the posted agenda item.

The Chair should rule as out-of-order any deliberations or discussion that appear to stray beyond the realm of the posted agenda item. If the matter appears of sufficient interest to the members of the committee, or the public, it may be placed on a future meeting agenda. In limited situations, if an unforeseen issue arises which is time sensitive, the Chair can allow discussion thereon. This should not occur frequently and must be done in compliance with the Open Meeting Law.

## **Motions, Discussion and Voting**

Once recognized by the Chair, any member of a committee may make a motion for consideration and action. For clarity, motions should be made in the affirmative.

To advance discussion of the motion, the motion must be seconded by another member of the committee. Discussion does not proceed if there is no second to the motion.

During Discussion, the Chair will grant each member of the committee the privilege to comment, ask questions or otherwise deliberate on the motion.

Members of the public may be invited to comment on a motion under discussion at the discretion of the Chair. The Chair may set standards and limits for comments received from the public. There is no town bylaw or state statute that requires a Chair to entertain public comment, except as may be required for public hearings as discussed later on in this handbook.

The member who made the motion may withdraw or revise the terms of the motion prior to the Chair's calling of a vote of the committee. The revised wording of the motion requires a second. Any future discussion or public comment of the revised motion is allowed at the discretion of the Chair.

The Chair will call for a vote once the Chair is satisfied that discussion and deliberations are concluded. No votes on motions made in open public session or Executive Session shall be made by secret ballot.

A voice vote of “Aye” or “Yes” will be counted in the affirmative. A voice vote of “Nay” or “No” will be counted in the negative. Members who choose to abstain from a vote will declare “Abstain.”

A motion is passed or approved only when a simple majority of participating members vote in the affirmative. A motion fails if the vote is tied— an equal number of members voting Yes or NO.

**NOTE:** Some statutes may require a supermajority or other quantum of vote for a decision to be adopted. For example, four (4) votes in favor of a motion would constitute a supermajority on the 5-member Planning Board or Zoning Board of Appeals. For a committee that meets with seven (7) members, such as the Conservation Commission, a favorable vote of five (5) members constitutes a supermajority if all seven members are present. Further, the quantum of vote required may be of those present and voting or may be based on number of membership regardless of presence. Each committee should consult applicable statutes.

Following the vote, the Chair will announce the number of votes cast in the Affirmative and Negative, note any abstentions, and declare if the motion is approved or has failed.

### **Record Keeping**

Most meetings of committees are electronically recorded by camera and audio and digitally archived for viewing on WACA TV, the Town’s public information channel, which may be accessed through the [Town of Ashland website](#).

Nevertheless, each committee shall also maintain accurate minutes of its meetings, setting forth at a minimum the date, time, place, members present or absent, the business taken up at the meeting, a summary of discussions, and all votes or actions taken at each meeting, including executive sessions.

Minutes of all meetings must be created and approved in a timely manner. [M.G.L. Chapter 30A, §§ 22 \(a\)](#). Pursuant to the Open Meeting Law regulations, “timely manner” has been determined to be within the next three meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay. has been determined to mean

### **Quorum Requirement**

Except as otherwise specified by law, attendance by a majority of the regular members of the committee constitutes a quorum.

A quorum must be present at each public meeting, and a voted decision ordinarily requires the supporting vote of a simple majority of the members present and voting, unless otherwise legally required.

If a quorum cannot be achieved, the meeting must disband and no committee business should be discussed by the members present.

On regulatory boards that permit Alternate or Associate member voting, the Chair may designate an appointed Alternate member or Associate member to achieve a quorum and vote as a full member.

## **Improper Quorum or Meeting**

A “meeting” occurs any time a simple majority of the members gets together, intentionally or by chance, to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power.

Under the [Open Meeting Law](#), this constitutes an improper meeting if not properly posted and open to the public.

A quorum shall not meet in private for purposes of deciding or deliberating toward a decision on public business unless it does so in a valid Executive Session.

Polling of committee members for a decision prior to an open public meeting violates the Open Meeting Law.

## **Executive Session**

Executive Sessions are closed sessions that are permitted only for a very limited number of specified purposes. Unless they are involved in personnel matters or litigation, most appointed committees rarely, if ever, convene in Executive Session.

Notice of an intended Executive Session must be posted by the Chair or other designated member at least forty-eight (48) hours in advance, not including Saturdays, Sundays or legal holidays.

To convene in Executive Session, the committee must first convene in open session, at which time the Chair or presiding officer must make a formal motion to enter into Executive Session and announce the purpose of the Executive Session. The purpose must be one of the permitted purposes outlined below. The presiding officer must indicate whether the board or committee intends to reconvene in open session after Executive Session. The Chair or presiding officer must poll the members of the committee by name, and a majority vote in the affirmative is required to enter into Executive Session. All votes taken in Executive Sessions shall be recorded roll call votes and shall become a part of the record of said Executive Session minutes. A roll call vote is also required to exit Executive Session.

Under the Open Meeting Law, an executive session may be called for only the following purposes:

- a. To discuss the reputation, character, physical condition, mental health rather than the professional competence of a single individual. The individual must be notified of such meeting, and may request that the meeting remain open;
- b. To consider the discipline or dismissal of an individual or to hear charges against an individual. The individual must be notified of such meeting, and may request that the meeting remain open;
- c. To discuss strategy regarding collective bargaining or litigation;
- d. To discuss, deployment of security personnel or security devices;
- e. To investigate allegations of criminal conduct;

- f. To consider matters regarding real property;
- g. To comply with the provisions of any general or special law or federal grant-in-aid requirements;
- h. To consider and interview applicants for employment by a preliminary screening committee;
- i. To meet and confer with a mediators; and
- j. To discuss trade secrets and confidential information provided in conjunction with governmental body acting as an energy supplier.

Please consult with the Town Manager's office, as to the permissibility of any executive session.

### **Email, Texting, Telephone or Other Communication Technologies**

A committee may only conduct administrative business, such as notifying members of a scheduled meeting and agenda, by email or phone. Substantive discussions or deliberations on public business involving a quorum of members or "serial" discussions that occur via email or telephone or other electronic technologies will be deemed a violation of the Open Meeting Law.

There is no distinction in law between written and electronic records. The ease by which email messages are sent and forwarded may inadvertently facilitate the improper discussion of public policy issues. While it is important for boards and committees to be responsive to inquiries from citizens, members must be careful that their replies do not become quorum discussions among the members, which would violate the Open Meeting Law.

Members are also advised that email or text messages written or received in the capacity of a board, committee or commission member may be considered [public records](#) which may be made available for public inspection in the same manner as hardcopy documents.

Use of one's own computer and personal email accounts for Town business are also subject to the public records law.

All electronic mail sent and received at a Town-issued email address may be a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and committee members acting in their official capacities should have no expectation of privacy in their use of electronic mail.

### **Conflicts of Interest and Recusal**

All members who participate in a public meeting or hearing must be impartial in their judgment and abide by the state's Conflict of Interest law.

A conflict of interest may exist if a committee member can reasonably expect that his or her official conduct will directly result in a financial benefit to the member, the member's family, business associates, employers, or any businesses that the member represents. The Conflict of

Interest pamphlet provided to each enrolled member fully explains what constitutes a Conflict of Interest and remedies.

Recusal is the responsibility of the individual member and is not subject to request by members of the committee, or the public. When a committee member recognizes that a potential conflict of interest exists, the member should announce recusal from all participation in the matter, i.e. from discussing, questioning, commenting and voting. The recused member is advised to leave the meeting table or dais during deliberations on the matter to avoid any appearance of exerting undue influence.

It is not necessary for a member to stay away from an entire meeting because he or she has a potential conflict of interest that may cause recusal on one agenda item. The member should plan to attend the meeting and participate in all other agenda items.

### **Adoption of Rules and Regulations**

State law permits some statutory committees, such as the Board of Health, Conservation Commission, Planning Board, and Zoning Board of Appeals, to amend or adopt rules and regulations.

Public hearing procedures set forth in [state law](#) should be observed when considering and adopting such rules and regulations.

### **Public Hearings**

A public hearing differs from a regular public meeting in that all formal public hearings must be conducted in accordance with Massachusetts General Laws and Town Bylaws.

Those serving on the Board of Selectmen, Planning Board, Zoning Board of Appeals, Historical Commission, Conservation Commission, or the Board of Health will be required periodically to hold public hearings in accordance with [M.G.L Chapter 40A §11](#). Hearings are held for the purpose of gathering information from which to draw a conclusion and reach a decision.

Written hearing notices, the initiation of the hearing and the conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the committee.

Committees holding a public hearing should work with Town staff liaisons and refer to Mass General Laws to ensure that it is properly noticed. This often includes advertising the hearing in a local newspaper, on the website and notifying abutters.

The Chair, Clerk or other designated person will read aloud the advertised notice of a public hearing. The Chair should clearly state guidelines and presentation time allowances at the outset of the hearing before any testimony is given. Detailed minutes must be kept. All questions should be directed to the Chair who, in turn, may ask for a response from committee members, staff or a member of the public.

All decisions must be based on the testimony and evidence submitted at the hearing or, if written, entered into the record at the hearing. The decision must be based on facts and cannot be arbitrary. Information not presented or explored in the public hearing should not be considered. No votes taken at a public hearing may be made by secret ballot.

## **Access and Use of Town Counsel**

Town Counsel is appointed by the Board of Selectmen to provide legal opinions and advice on Town matters. At the direction of the Board of Selectmen, access to Town Counsel is administratively managed by the Town Manager.

The Town Manager periodically schedules Information Meetings/Trainings during which committee members may consult Town Counsel and ask questions pertaining to the Open Meeting Law, Conflict of Interest Law or other changes of law that may affect committee or board procedure.

Should an appointed committee agree that the legal guidance or opinion of Town Counsel is needed on a matter under deliberation, a formal request should be directed to the Town Manager by the either the Town Staff Liaison assigned to the committee or a committee member.

Requestors shall file a "Request for Legal Services" form with the Town Manager. Both paper and digital submissions of this form are acceptable.

The request submitted to the Town Manager shall include the subject matter of the legal advice requested and any written materials to provide background information for the request. With certain exceptions, questions presented to and advice received from Town Counsel are ordinarily protected by the Town's attorney-client privilege. That information should be labeled as such and segregated in the committee's files to avoid inadvertent disclosure and waiver of the privilege.

Requests for the initiation or defense of litigation require the approval of the Board of Selectmen or by the Chairman of the Board of Selectmen in instances requiring expeditious action by the Town. In either case, a written record of the approval will be maintained by the Town Manager.

## **Town Staff Liaison**

The Town Manager may appoint a staff member, often an appropriate department head, to serve as a Town Staff Liaison to a committee.

The Staff Liaison serves as a facilitating resource to the committee, providing administrative support with meeting agendas and informational/supporting documentation, ensuring required notices are adhered to, and providing institutional knowledge and informed guidance on matters of concern to the committee. Town staff reports to, and takes direction from, the Town Manager; therefore, if there is a request additional support or a change in workload, it should be directed to the Town Manager's Office.

The Staff Liaison keeps the Town Manager informed of the body's work and any items of significance which may arise. The Town Staff Liaison does not direct the deliberations of the committee; nor is the Town Staff Liaison an *ex officio* member of the assigned committee.

Committee requests for the Town Manager to appear at a scheduled public meeting should ordinarily flow through the Staff Liaison.

## **Staff Support**

Some committees have a Town staff person who serves as an administrative assistant. In such cases, the town staff person may record minutes of meetings, prepare and circulate information for meetings and perform other administrative duties.

## **Use of Town Equipment and Facilities**

Each committee is responsible for its own clerical work. However, with advance notice, Town staff can provide assistance in assembly of documents, photocopying, mailings, and other services. Town equipment and facilities may be used for official committee business only. Most committees are assigned a mailbox at Town Hall, which the Chair should check on a weekly basis.

## **Committee Expenses**

In general, an individual committee does not have an operating budget.

If a committee anticipates a need to expend funds, it can request funds through the Town Manager's office or seek appropriation from Town Meeting. Such a request is subject to a review and evaluation of need, availability of funds, and approval by the Board of Selectmen.

## **Public Records Law**

[Massachusetts General Law, Chapter 66 Section 10](#) gives a right of public access to "public records," which are defined to include any document, regardless of physical form or characteristics, made or received by a public official or employee to serve a public purpose.

Government records generated, received or maintained electronically, including electronic mail, constitute "public records" under this standard.

If you, as a member of a board or committee, receive a request for public records please forward the request to the Town's Records Access Officer at [publicrecords@ashlandmass.com](mailto:publicrecords@ashlandmass.com). The Town Clerk, serves as the Records Access Officer, and will ensure that all mandated timeframes are met. In November 2016 the Public Records Law was updated; public officials are required to provide the requested documents within ten (10) business days of receiving a request. If you have documents that are responsive to a public records requests they should be promptly sent to the [publicrecords@ashlandmass.com](mailto:publicrecords@ashlandmass.com) or brought to the Town Clerk's Office. Depending on the request, the Town Clerk, with the assistance of Town Counsel, will ensure that any exempt/protected information is redacted and the requested information is provided to the requestor.

**Note:** Committees and boards are not required to create public records or respond to questions to satisfy public records requests.

Retention and destruction of any public record should follow the schedule specified by [Massachusetts General Law](#). No public records should be deleted or destroyed without first consulting the Town Manager.

The Town of Ashland has a current electronic record retention plan approved by the Supervisor of Public Records, which allows committee files to be maintained electronically.

## **Municipal Employee Definition and Liability**

Members of a Town committee (regular, alternate, and associate members) are considered municipal employees, even when they do not receive compensation.

State law generally allows a municipality to indemnify its officials and employees from personal financial loss, due to acts occurring in the course of, within the scope of and during the good faith execution of the municipal employee's employment duties. The Town of Ashland accepted a statutory provision and has purchased various liability insurance policies for this purpose. The statute provides that the town shall indemnify and hold harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

This indemnification does not protect the employee against a prosecution for violation of the State Ethics Act. Nor may Town Counsel represent an employee facing such an enforcement action by the State Ethics Commission.

## **Civil Discourse**

The Board of Selectmen recognizes the importance of civil discourse at all levels of the government including those who volunteer their time and services on behalf of the Town.

Committees should conduct themselves so as to maintain public confidence in their local government and in the performance of the public trust. They should strive at every meeting to treat every person fairly and with respect. In turn, it is expected that those members from our community attending Town committee meetings will display respect to the public, committee members and Town staff.

Professional respect does not preclude differences of opinion but requires respect for those differences and the people who express them. Everyone should strive for civil discourse on all matters.

## **Conduct at Town Meeting**

Effective Town government requires strong and informed citizen participation.

An individual committee member has a right to speak publicly as a private citizen at Town Meeting but should not purport to represent the committee or exercise the authority of the committee unless specifically authorized by that body to do so.

When speaking at Town Meeting as a private citizen, members should refrain from identifying themselves as members of a committee because it may be perceived that they speak for the committee. Members of committees who speak at Town Meeting should clearly state they are expressing views they hold as private citizens.

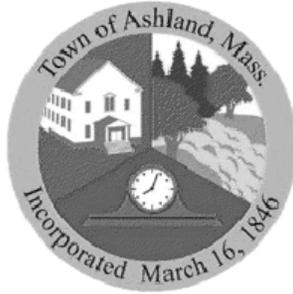
## **Conclusion**

We all possess valuable skills, experiences and insights gained from our education, occupations, or from time devoted as active volunteers for community groups or nonprofit organizations. Those assets can be of great benefit to Town of Ashland, but municipal service also requires an understanding of additional responsibilities or limits, often defined by law.

This Town of Ashland Committee Handbook provides only a summary description of the distinct responsibilities, code of conduct and unique obligations for citizens who volunteer and accept an appointment on a committee serving the Town of Ashland.

Members are advised to read and understand all statutes governing their municipal service, including the [Open Meeting Law](#), [Conflict of Interest Law](#) and the [Ashland Home Rule Charter](#).

The Board of Selectmen thanks you for your commitment and willingness to serve!



**Town of Ashland Code of Conduct  
for Elected Officials and Members of  
Appointed Boards, Committees, Commissions, Councils and Work Groups**

**STATEMENT OF COMMITMENT**

As a member of the Ashland Board of Selectmen or an Ashland board, commission, committee, council or work group, I hereby acknowledge that I have reviewed the Requirements and Responsibilities as set forth in Section 1 of the Town's Boards, Commissions and Committees Handbook, and agree to uphold and abide by the provision of the Code of Conduct (attached) and conduct myself in accordance.

I affirm that I have read and that I understand the Town of Ashland's Section 1 of the Town's Boards, Commissions and Committees Handbook and the Code of Conduct Policy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Position: \_\_\_\_\_