



GUIDE FOR COMMITTEES COMMISSIONS AND BOARDS

CHAPTER 1 INTRODUCTION

Where do committees come from?

Committees, commissions, and boards are normally established under Massachusetts General Law, as in the case of the Zoning Board of Appeals or the Conservation Commission; by Town Meeting through a local bylaw or warrant article, as in the case of the Architectural Review Committee or Marine and Fresh Water Quality Committee; by Charter, as in the case of the Board of Water and Sewer Commissioners, or by the Select Board under the powers given them in the Charter.

The formal powers and responsibilities under which a committee, commission, or board operates is referred to as its “charge”. The town has approximately 30 standing committees, plus several ad hoc committees established to deal with specific issues of limited scope or duration.

Who is eligible to serve?

In general, any resident of the town is eligible to serve on a committee. The most important qualification is the willingness to work within a group setting to achieve the goals outlined in the committee's charge. A few committee positions may also require special qualifications or experience.

What is expected of committee members?

With committee membership there is an expectation that members will participate fully in the work of the committee. Depending on the committee's regular meeting schedule, a time commitment can range from a couple of hours a month to several hours a week. Applicants should determine the amount of time they are willing and able to contribute and keep this in mind when considering volunteer opportunities.

Do you think you might be interested?

We suggest you do a few things before submitting an application to get a sense of how the committee functions, 1) Attend one or two meetings; 2) Review the charge; 3) Talk to the Chair or any member of your chosen committee. All meetings are open to the public and you are welcome to attend and observe at your convenience. Meeting agendas are posted on the bulletin boards at Town Hall and on the town's website. You can also ask the Town Clerk about the time and place of a specific committee's next meeting. Potential applicants are also encouraged to contact the Select Board/Town Administrator's Office staff to discuss volunteer opportunities.

The Citizen Interest Form

Individuals interested in being considered for appointment should complete a Citizen Interest Form. The form is available at Town Hall or on the town's website under the “Government” category. After you have filled out the form, it should be submitted to the Town Administrator's Office as the first step in the appointment process.

We encourage the submission of interest forms even if a vacancy on your chosen committee does not exist at that time. The Town Administrator's office will hold your form for one year in the

event a vacancy does occur. Once a form is received and a vacancy is confirmed, the Town Administrator's office will schedule you an interview with the Select Board at one of their Wednesday meetings.

From time to time, individuals are also needed to fill positions on ad-hoc committees. These positions will be publicized in The Cape Codder newspaper and on the town website when they occur.

Annual Orientation Meeting

In September, the Select Board, assisted by the Town Administrator, holds an annual committee orientation meeting. The meeting includes presentations by the Town Clerk and Town Counsel on important aspects of committee operations. While attendance is open to all committees, the focus is on required procedures, policies, and guidance for chairs and newly appointed members.

CHAPTER 2 COMMITTEE MEMBERSHIP

Appointments

The Select Board makes appointments to committees on an on-going basis throughout the year. As required by Charter, the location, time, and date when the Board anticipates making appointments is published as a legal advertisement at least seven days in advance. After an appointment is made, a confirmation letter is sent to the appointee.

Term Length

Most committee members are appointed for a term of up to three years, beginning on July 1st and ending on June 30th. There are some notable exceptions, such as an ad hoc committee that is appointed for a specific purpose. In that case, the members' terms will expire once the charge is completed.

When an appointment is made to fill a vacancy created by a committee member's early resignation, the new appointment is made for the remainder of the unexpired term. This maintains the overlapping terms specified by the Charter and ensures an even amount of turnover each year. The expiration date will be included on a member's appointment letter.

Membership Status

Several regulatory committees have both regular and associate members. Regular members normally vote on all matters that are before the committee. Associate members on the other hand, participate only if they are designated by the chair in matters where a regular member is either absent or has recused themselves due to a conflict of interest. Associate members generally serve an apprenticeship period and are elevated to regular members as vacancies occur. If you are appointed as an alternate member, your committee chair will explain your status and role on the committee.

Swearing In

Prior to attending your first meeting as an official member of any committee, you must be sworn in by the Town Clerk. The Town Clerk's Office is open Monday - Friday from 8:30 am to 4:30 pm. The Town Clerk also provides committee members with information about the Open Meeting Law (M.G.L. Chapter 30, §18-25) and Standards of Conduct as required by state law which you must sign a written acknowledgement of receipt. The Town Clerk will give you the signed, stamped original appointment certificate for your records.

Attendance

Your attendance at meetings is important to the efficient operation of your committee. The concept of the committee structure is based on teamwork and participation as a member of a group. Attendance is also important to ensure that meetings can be conducted. In order to convene a meeting, a quorum of the full committee must be present at the meeting. This means that if the committee is a five member committee, at least three members must be present in order for an official meeting to be held. Therefore, you must notify your chair of any upcoming absence.

Reappointment

Committee members may request to be considered for reappointment at the end of their term. Reappointments are at the sole discretion of the Select Board based on an evaluation of the individual's contributions to the committee, the changing needs of the town, the balance on the committee, and the pool of available candidates.

Resignation

If you need to resign from a committee position prior to the expiration of your term, a written letter of resignation must be submitted to the Town Clerk with copies to the Select Board's Office and the committee chair. Resignation letters should be submitted promptly so that the vacancy can be filled as soon as possible.

Removal

Section 6-1-9 of the Orleans Home Rule Charter states as follows: "Members of appointed town boards, commissions, and committees may be removed for cause by the appointing authority after notice to the affected member. Any such member so notified shall be entitled to a public hearing prior to any such removal."

CHAPTER 3 COMMITTEE ORGANIZATION

Annual Reorganization and Election of Officers

The first order of business for all committees after July 1st of each year is to reorganize by electing a chair, vice-chair, and clerk. Detailed explanations of the duties of each of these positions on the committee are provided below:

Chair

The chair presides over the meetings and ensures that the rules of order are observed and that meetings are conducted in accordance with the open meeting law. They have the same rights as other members to offer resolutions, make or second motions, participate in discussions and vote on any matter before the committee.

It is the responsibility of the chair to provide new members with guidance on committee procedures, including a review of the charge, so they will be able to participate actively and effectively in the work of the group. The chair should address problems or impediments to the group's progress, either with the group as a whole or with an individual if appropriate. It is usually a good idea to deal with a situation or potential problem in a proactive manner before it interferes with the ability of the committee to move forward.

Vice Chair

The vice chair fulfills the duties of the chair in the event of his or her absence and performs other necessary duties.

Clerk

The duties of a committee clerk include all of the following unless the committee has formally delegated some of these responsibilities to other members:

- Maintain an up-to-date roster and contact information for all committee members.
- Keep a copy of the committee charge available for review at meetings.
- Reserve space for meetings through the Town Clerk's Office and post meetings with the Town Clerk at least 48 hours in advance in accordance with the Massachusetts Open Meeting Law (see Chapter 4, Committee Operations).
- Record the minutes of the meeting for review and adoption by the committee. The minutes should be signed, dated and filed with the Town Clerk within 30 days of the meeting (see Chapter 6, Committee Reporting/Communications for a description of what should be included in the minutes).

Member Roster

As stated above, the committee clerk should maintain an up-to-date roster or mailing list of all members with phone numbers and emails, and notations as to the chair, vice chair, clerk, and associate members, if applicable. The roster should be updated by the clerk after the annual reorganization in July and submitted to the Town Administrator's office.

Charge

A charge is the official description of the purpose, responsibilities, and goals of an appointed committee. The charge is developed by the Select Board and generally includes the purpose of the committee, membership composition, reporting requirements, itemized tasks or scope of activities and completion dates. The committee should develop a work plan to complete its objectives, referring to the charge regularly in order to remain focused. A charge may be amended by the Select Board upon written request of the committee chair through the Town Administrator's Office detailing the proposed modification.

Dissolution

If the charge has been completed, the committee may be dissolved. The process would be determined by how the committee was formed – statute, bylaw, article, charter, or Select Board action. In some cases, a committee is established with a specific time limit in its charge and is automatically dissolved without any further action being required. A committee that feels it has fulfilled its charge should notify the Town Administrator's Office of their status and request further direction.

Staff Liaison

Several regulatory committees have a staff liaison assigned (usually a Department Manager) who serves as an information resource. The liaison can answer questions and provide guidance about town regulations, policies, and procedures. The extent of staff's involvement in committee activities varies widely, but their role does not include providing clerical assistance. If a committee does not have a staff liaison, the Town Administrator's Office will be your information resource.

Select Board Liaison

Every committee has a member of the Select Board assigned to be their liaison to serve as a conduit for information and communications. The liaison will receive and review copies of the committee's meeting minutes and may also attend meetings or contact the chair directly. Feel free to mention any concerns you may have to the liaison so that they can bring the information back to the full Select Board.

CHAPTER 4 COMMITTEE OPERATIONS

All committee meetings are governed by the Massachusetts Open Meeting Law, Chapter 30A, §18-25. Committee members are provided with a copy by the Town Clerk when they are sworn in and a copy is also posted on the town's website for reference. It is mandatory that this law be reviewed, understood, and followed in the performance of your volunteer service.

Meeting Schedule

Each committee should establish a regular meeting schedule designed to achieve committee objectives. In most cases, meetings should be held no less than once a month. In some cases, the committee's workload dictates more frequent meetings. In addition to the regular meeting schedule, work meetings or special meetings can be called as needed. All meetings are public, except as otherwise provided by law.

Meeting Room

All meetings should be held in one of the public meeting rooms at Town Hall. Committee chairs can arrange for a meeting room by contacting the Town Clerk at (508) 240-3700, x2405. Meeting space is normally assigned on a first come, first served basis, and some flexibility is requested in order to accommodate everyone's needs. In order to ensure that all meetings are accessible to all citizens who may wish to attend, meeting room assignments may not be changed except as authorized by the Town Clerk's Office.

Cancellation

In the event a meeting is cancelled for any reason, the person calling the meeting should notify the Town Clerk immediately so notice of the cancellation can be posted and the meeting room freed up for possible use by another committee.

Meeting Agenda

Meeting agendas are required to comply with the Open Meeting Law guidelines and must include a call to order; approval of prior meeting minutes; listing of all topics reasonably anticipated to be discussed at the meeting in specific enough detail so that the public will understand what will be discussed; correspondence; reports; and adjournment. Some committees set aside time for public input on their agendas as a regular item. The chair decides whether or not to accept public comment or questions while business is being conducted and may choose to permit public input at any time.

Posting Requirements

The Open Meeting Law requires that a notice of every meeting of any governmental body, including date, time and place and a detailed agenda shall be filed with the Town Clerk and be publicly posted forty-eight (48) hours prior to said meeting. The 48-hour notice does not include Saturdays, Sundays, and legal holidays. Therefore, a meeting that is scheduled for 2:00 pm on a Monday afternoon would have to be filed with the Town Clerk and posted no later than 2:00 pm on the previous Thursday in order to comply with the new notice requirements.

Upon receipt the Town Clerk's Office will date stamp the meeting notice and post it on the town bulletin boards. The meeting agenda will also be posted on the town's website under Boards and Committees/Agendas. A sample posting for committee meetings is available for your information and use.

Meeting Procedures

The Orleans Home Rule Charter, Chapter 6, Section 6-1-3 requires that all committees publish a quorum requirement for their meetings in accordance with general law; adopt rules of procedure and voting; and maintain minutes and all other records of proceedings, copies of which shall be a public record and filed monthly with the Town Clerk.

Under the Open Meeting Law, the following terms are defined:

- "Meeting" is a deliberation by a public body with respect to any matter within the body's jurisdiction.
- "Deliberation" is an oral or written communication through any medium between or among a quorum of a public body on any public business within its jurisdiction.
- "Public Body" is a multi-member board, commission, committee, or subcommittee however created (elected, appointed, or otherwise constituted), to serve a public purpose.
- "Quorum" is a simple majority of a government body, unless otherwise defined by constitution, charter, rule, or law applicable to such governing body.

The quorum requirement for a committee is based on its full membership, not including associates. Rules of procedure and voting should be established to set the standard for the way

meetings are conducted. Although most small committee discussions are too casual to be called debate, the committee should adhere to a minimum of generally accepted procedures. Most committees select *Robert's Rules of Order* as a guide on procedural questions. A copy of Robert's Rules is available in the Town Administrator's office and the Snow Library for review. Inexpensive paperback editions are available in local bookstores.

It should be noted that votes in committee meetings may not be taken by secret ballot.

Public Information Meetings

Effective communication with the public is an important part of all town government activities, including the activities of committees, commissions, and boards. Committees should hold public informational meetings and hearings, when needed, both to inform citizens of work in progress and to gather public reaction and comment. The committee may also issue press releases periodically to keep the public informed. All press releases should be submitted to the Town Administrator's office for review prior to distribution.

Recording

Any person may record a public meeting with a tape or video recorder provided there is no active interference with the conduct of the meeting. The committee chair may provide reasonable direction as to the manner in which the meeting is recorded. A copy of any meeting recorded by the town is available on a DVD for a nominal fee through the M.I.S. Department.

Supplies, Postage, Printing

The Town Administrator's Office budget includes limited funding for committee activities including the purchase of supplies, postage, printing, or attendance at outside workshops. To receive consideration, a written request must be submitted by the committee chair to the Town Administrator for review and approval.

Members may use the copy machines at Town Hall for committee purposes only. Limits on copying include a general guideline of not more than 50 copies at a time. When more copies are needed, such as for handouts at town meeting, a commercial printing or copy service should be used. In such an instance, please submit a request to the Town Administrator's office so they may ensure funds are available.

Each committee has a designated mailbox located in Town Hall where all mail and notices, are sorted. Your committee should have a procedure in place so that a member checks the mailbox regularly.

CHAPTER 5 LEGAL ISSUES

Town Counsel Appointments

Chairs may occasionally require legal advice about some aspect of committee business. Town Counsel is available on Tuesday mornings at Town Hall. All meeting requests must be submitted to the Town Administrator's Office on the form provided. Town Counsel requests should be

submitted by Friday at 3:00 pm for an appointment the following Tuesday. In addition to initial request, all follow up correspondence must go through the Town Administrator's office unless otherwise permitted by TA staff.

Conflict of Interest

Chapter 268A of the General Laws governs your conduct as a public official or employee. The statutory definition of a public employee for these purposes is very broad. Everyone who performs services for, or holds an office or position with the town, is subject to the conflict of interest law. The purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent situations which could result in a conflict of interest or give the appearance of a conflict. Town Counsel has issued an opinion that in cases where a technical conflict of interest does not exist under Chapter 268A, but individual committee members harbor a particular bias or prejudice towards a particular project or the interested parties to said project, such that they are unable to objectively apply the criteria and undertake the review within their charge as a committee member, they should recuse themselves from those proceedings.

The State Ethics Commission oversees enforcement of this law and its stringent standards. Severe personal penalties such as substantial fines or even jail sentences may be imposed on violators. Violations may also invalidate committee actions, such as the granting of a variance. It is important that every committee member understand and uphold both the letter and spirit of Chapter 268A in all their actions.

If you have a question or a concern that a conflict or appearance of a conflict may exist with respect to your town service, you are encouraged to either (1) contact the State Ethics Commission directly at <https://www.mass.gov/request-advice-from-the-state-ethics-commission>, or (2) contact the Town Administrator's Office for guidance.

Public Records Law

Chapter 4, §7(26) of the General Laws provides right of access to public records, broadly defined to include all documentary materials except for eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The regular minutes, informational data, memoranda, and emails of a committee are public information. The committee chair should contact the Town Administrator's Office if questions arise concerning public records and freedom of information requests so that they can be responded to in a timely manner.

CHAPTER 6 COMMITTEE REPORTING/COMMUNICATIONS

Meeting Minutes

Minutes must be kept to serve as a permanent record for all meetings and must include a summary of the discussion including actions, motions, and votes taken. The Open Meeting Law requires that documents and exhibits, such as photographs, recordings, or maps used by the body at an open or executive session shall, along with the minutes, be part of the official record of the

session. The approved version of the minutes and exhibits should be signed and dated by the committee clerk before it is filed monthly with the Town Clerk's office. The Town Clerk will provide a duplicate copy of the approved minutes and exhibits to your Select Board liaison. A summary guide to the legal requirements for preparing committee meeting minutes is available for your information and use.

Annual Town Report

In accordance with the Charter, committees shall submit a report for inclusion in the annual town report. The report is normally prepared by the chair with the approval of the committee and is submitted to the Town Administrator's Office by the first week in January. An electronic copy should be submitted as a Word document via email attachment.

Warrant Articles

Warrant articles sponsored or proposed by a committee for any annual or special town meeting must be submitted to the Town Administrator's office on or before the deadline for "in-house" articles, normally two to three weeks prior to the deadline date for petition articles. Check with the Town Administrator's office if you are not sure which timeframe applies. Each article submitted must include a summary that contains factual information to help the voters make a decision. See past warrants for examples of what language to use when drafting an article.