



**TOWN OF TISBURY**  
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**TOWN OF TISBURY Board of Selectmen**

**Issue Date: May 12, 2020**

**Type of Policy: New (X) Amendment ( )**

**Effective Date: July 1, 2020**

**Town Board, Committee and Task Force Policy**

**I. General**

This policy has been adopted by the Board of Selectmen, and is intended to cover all committees, boards, commissions and task forces (each, a “Committee”) and the member(s) appointed by the Board of Selectmen (each, an “Appointing Authority”). This policy does not apply to Town employees.

**II. Powers and Duties**

Effective local government requires that all Appointees and Committees respect the duties and responsibilities of other Committees and coordinate their activities to the greatest extent possible. It is in the overall best interest of the Town that each Appointee and Committee carries out its responsibilities in a consistent and professional manner that is in harmony with the general policies promulgated by the Board of Selectmen. The powers and duties of some Appointees and Committees appointed by the Board of Selectmen are governed by State statute. Once appointed by the Board of Selectmen, Appointees and Committees operate with a high degree of autonomy. However, it is in the best interests of the Town that Appointees and Committees be guided by the general policies promulgated by the Board of Selectmen to the maximum extent possible. Other Appointees and Committees appointed by the Board of Selectmen serve as, among other things, advisors to the Board of Selectmen in the performance of their respective duties to the public. Appointees and Committees have the powers and duties delegated to them in their specific charges. Appointees and Committees may be called upon to represent the Town in dealing with other local, regional, or State agencies to the extent requested by their Appointing Authority. When doing so, they shall take positions on all issues consistent with the views of the Board of Selectmen, and they shall keep their Appointing Authority fully informed concerning their activities.

**III. Officers of Committees, Boards, and Task Forces**

Each Committee shall annually elect from among its members a Chair and a Clerk. Certain Committees may also find it desirable to elect a Vice-Chair who may act in the absence of the Chair and Clerk to keep minutes of the Committee’s proceedings. In the case of new Committees, or Committees that have become inactive, the Appointing Authority may appoint a chair pro-tem to serve until the Committee

itself elects a Chair for the balance of the current year. Except in unusual circumstances, the chairmanship and the clerkship should rotate yearly amongst the Committee membership.

#### IV. Open Meeting Law and Minutes

All Appointees and Committees shall operate in accordance with the Open Meeting Law (MGL Ch. 39, sect. 23A- c) and shall keep minutes of their proceedings. Each Committee shall establish its own procedures for approval and submission of minutes to the Town House on a timely basis. Committees are strongly urged to prepare, review and approve minutes as expeditiously as possible in order to maximize the public's access to information concerning Committee activity. In most instances, Committee minutes should be reviewed and approved within six weeks of the original meeting date. All Committees shall submit electronically a copy of approved minutes to the Town Clerk and to the Board of Selectmen immediately upon approval. Committees are reminded that "draft" copies of the Committee's minutes are considered a public record and must be made available to the public upon request, even when the Committee has not yet had the opportunity to review and adopt the minutes.

Upon the dissolution of any Committee, either by action of the Appointing Authority, or pursuant to an expiration date provided in the Committee's charge, all records, documents, correspondence and files concerning the Committee's work shall be promptly turned over to the Town Clerk for appropriate filing and archival storage.

#### V. Participation in Town Government

Effective Town government requires active and informed citizen participation. The work of every Appointee and Committee is inter-dependent with that of others. The Selectmen believe for this work to be accomplished that the Committee must meet on a regular basis. To foster informed decision making in the Town, the Board of Selectmen believe it appropriate that every Committee have as full representation of its membership as possible at the following regular governmental functions: • Town government Coordination Meetings (September & December) • Finance Committee budget hearings • Planning Board hearings on Town Meeting warrant articles • Board of Selectmen's hearings on Town Meeting warrant articles • Town Meeting The objective is not to enforce uniformity or adherence to a majority view, but to assure understanding of all issues relating to the work of the Committee on which an individual serves and an understanding of Town government in general. Broad participation is essential to maintain an open Town Meeting and to avoid domination by those having only a limited range of knowledge or special interests.

#### VI. Conflict of Interest

All Committee members are subject to the requirements of Massachusetts General Laws, Chapter 268A, Conduct of Public Employees. The statute covers: (a) Gifts or receipt of compensation or gratuities from anyone other than the Town (b) Offers or promises to influence official acts (c) Financial interest in contracts or other particular matters (d) Acting as agent or attorney before a Town Committee (e) Unfair advantage in relation to a particular matter If a prospective Committee member has any question concerning a potential conflict of interest under MGL ch. 268A, the member shall raise the question in advance of appointment. Those members currently serving should discuss questions of conflict with the Committee chair and the Appointing Authority as soon as possible. The State Ethics Commission is a

useful resource for information concerning the application of the law, and Committee members are expected to follow guidance provided by the State Ethics Commission. Subject to review by the State Ethics Commission

The Appointing Authority will make the final determination concerning conflict of interest, with the assistance of Town Counsel as appropriate. In addition, all Committee members must avoid the appearance of conflict of interest in all matters coming before the Committee. Committee members shall seek guidance from the State Ethics Commission as appropriate, and file with their Committee chair and the Appointing Authority written notice of facts potentially creating the appearance of a conflict of interest as required.

## VII. Appointment Policy and Procedures

(a) General It is the policy of the Board of Selectmen to seek the best qualified persons to serve on each Committee. The Board of Selectmen will endeavor to develop a pool of persons interested in serving on each such Committee from at least the following sources:

1. Letters of interest on file 2. Personal knowledge 3. Recommendations from Town organizations or individuals 4. Suggestions from the Committee having a vacancy 5. Suggestion by prospective appointee(s) 6. Research of skills available in Town 7. Individual responses to publicity regarding vacancies (new letters of interest) It is the policy of the Board of Selectmen to enlarge the general pool of applicants through active solicitation of Town organizations and through publicity in the press and on community access television. The timing and extent of specific active solicitations shall be determined by the Appointing Authority based on its judgment as to appropriateness and need. The Appointing Authority shall determine the year in which a given term expires at the time of appointment. Exception: Ad hoc committees appointed for a specific responsibility, at which time the charge to the Committee should include a specific time frame for submission of the Committee's final report and dissolution of the Committee.

(b) Term. All terms, unless prescribed by statute, shall terminate on June 30<sup>th</sup>.

(c) Reappointment. Before reappointment to a second term or subsequent term, the individual contribution of the member's value to the Committee and his or her attendance record shall be reviewed by the Selectmen. Attendance of less than 75% of all Committee meetings shall prejudice reappointment.

(d) Leave of Absence. With the consent of the Committee chair, a Committee member may take a leave of absence from Committee meetings and responsibilities not to exceed 90 days. For an absence longer than 90 days, the Committee member should resign and otherwise face automatic removal. Each Committee member shall hold office until his or her successor has been appointed and qualifies, unless his or her office shall become vacant by reason of resignation or removal.

(e) Criteria for Selection. Actual appointments from the pool of applicants shall be made by the Board of Selectmen on the basis of: 1. the level of applicant's interest in serving and interest in the work of the Committee; 2. the need taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood

representation, gender, age, and other demographic characteristics. 3. special skills needed by a Committee.

(f) Residency. In most instances, Committee members should be residents of the Town of Tisbury. There may be occasional exceptions when an individual's unique skill or experience supports the appointment of a non-resident and would be beneficial to the Committee's work; however, this should be relatively rare. Non-residents shall not be eligible for appointment to any Committee responsible for exercising statutory or regulatory authority. In the event a Committee member becomes a resident of another community, the member or the Committee chair shall promptly notify the Appointing Authority.

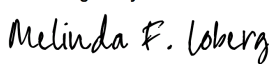
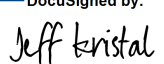
(g) Role of Committee. In Appointments each Committee is expected to: 1. Encourage individuals to complete letters of interest 2. State the qualifications they are looking for in appointments 3. Make suggestions to the Appointing Authority on potential members Committees may invite prospective members to attend meetings to familiarize themselves with the work of the Committee. Committees shall not make any representation to candidates concerning the likelihood of appointment nor provide their suggestions on candidates to the Appointing Authority with any rank order, nor take any vote with respect to candidates.

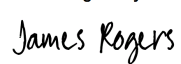
(h) Selection Procedures. 1. The individual member and the Committee chair shall notify the Appointing Authority in writing as soon as a vacancy occurs. 2. A notice will be prepared for release to the press and for public posting 3. No action will be taken on a vacancy for at least two weeks after the announcement of the vacancy. 4. For Board of Selectmen appointments, nominations may be made at one Board meeting, and formal action may not be taken until a subsequent Board meeting. 5. Except in unusual circumstances, the Appointing Authority shall endeavor to make appointments within two months of the announcement of a vacancy.

(i) Orientation Procedure Upon appointment, all Committee members shall present themselves at the Town Clerk's office in order to take the oath of office. The Town will provide the new Committee member with an informational packet referred to as the "Committee Handbook" which shall include: a copy of the Committee charge or relevant administrative bylaw, and copies of the Open Meeting, Public Records, and Conflict of Interest laws. It shall be the responsibility of the Committee chair to provide for the orientation of new members to familiarize them with the work of the Committee, current projects, and Town government operations in general as they may impact the Committee's work.

(j) Removal from Committees, the Board of Selectmen may remove, after such hearing as the Board of Selectmen deem advisable, any Committee members appointed by the Board.

VIII. Conflicts with Law In case of a conflict between any provision of this Appointment Policy and the laws of The Commonwealth of Massachusetts or the Town Bylaw, Massachusetts law or the Town Bylaws shall take precedence.

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