

Town of Bourne

Select Board

Policies and Procedures



RULES OF PROCEDURE

ADOPTED:

AUGUST 28, 2001

AMENDMENTS:

November 12, 2002 by adding section 2.4.2
July 13 2004 – Special Permit Rules & Procedures added
Revised: May 16, 2006
Revised: November 21, 2006
Revised: May 1, 2007
Revised: April 29, 2008
Revised: December 17, 2013
Revised: February 24, 2015
Revised: September 25, 2018, Comprehensive Revision
Revised: October 10, 2023, Comprehensive Revision

SELECT BOARD MEMBERS:

Mary Jane Mastrangelo

Mary Jane Mastrangelo, Chair

Melissa A. Ferretti

Melissa A. Ferretti, Vice Chair

Ann Marie Siroonian

Ann Marie Siroonian, Clerk

Jared P. MacDonald

Peter Meier

Peter J. Meier

I. PROCEDURAL MATTERS

In procedural matters not covered by the Rules or any provisions of the Charter or Town Bylaws, or statute, the Select Board ("the Board") shall be guided by Roberts Rules of Order, as most recently revised.

II. POLICY DEVELOPMENT

Adoption of new policies, amending or rescinding existing policies regarding general town government is a responsibility of the Select Board ("the Board"). Policies will be adopted, amended or rescinded only by the affirmative vote of a majority of members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and thus to provide an opportunity for interested parties to react to proposed policies and to provide feedback, the proposed language will be presented as an agenda item to the Board in the following sequence:

1. An informational item may be raised by any member, or the Town Administrator, at any time to recommend the review or establishment of policy – the Board will determine if any action will be pursued. If the Board approves taking action, the Board will determine if the item should be referred to the Policy Subcommittee for development. If the item is referred to the Subcommittee, the Board should provide direction on how to proceed set general expectations for the draft language. If the Board does not refer the item to the Policy Subcommittee, the Select Board is the responsible party for drafting the policy or amendment.
2. The Board, or Subcommittee, will develop a 1st draft of the language. This will be distributed to all interested parties and stakeholder groups.
3. The Select Board will hold a 1st reading on the draft and consider any feedback that was provided by interested parties.
4. The Board, or Subcommittee, will develop a 2nd draft based on the discussion at the 1st reading. The proposed 2nd draft will be sent to Town Counsel for review.
5. The Select Board will hold a 2nd reading on the draft and consider the revisions suggested by Town Counsel.
6. The Board, or Subcommittee, will develop a 3rd draft based on the discussion at the 2nd reading and will bring the matter back to the Select Board for a 3rd reading. (The Board may choose to waive the 3rd reading and approve the 3rd draft at this point).
7. The Board, or Subcommittee, will develop a final draft based on the discussion at the 3rd reading and will bring the matter back to the Select Board for adoption.

The Select Board may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the Board. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

POLICY REVIEW PROCEDURE

The Board shall meet at least once annually to review the list of policies on record that need review and to add any policies which might need to be written. This meeting shall result in a document that prioritizes policies requiring amendments or to be written. The exercise and document need to include who has the lead responsibility (Board or Town Administrator) and the documented speculation of the time involved to complete the work understanding that the process is dynamic and additional priorities may arise throughout the year.

The Select Board will have at least a quarterly review of progress on policies that have been prioritized as needing review or to be written. Workshops on policy will be scheduled as needed.

III. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chair shall:

- Preside at all meetings of the Board at which s/he is present. In doing so,
- S/he shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- Sign official documents that require the signature of the Chair, following a vote of the Board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meeting agendas with the Town Administrator;
- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;
- Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair;
- Coordinate with the Town Administrator, Moderator, and Board on Town Meeting process, logistics and presentations (written and verbal).
- Arrange for the orientation of new members, unless otherwise noted;

The Chair shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

The Vice Chair shall act in the place of the Chair during his/her absence at Board meetings. Should the Chair leave office, the Vice Chair shall assume the duties of the Chair until the Board elects a new Chair.

Clerk of the Board shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for the minutes. S/he is responsible for recording minutes of any portion of meetings held in executive session for which the Town Administrator or Assistant Town Administrator is not present.

IV. MEETINGS OF THE BOARD

A meeting called for any time other than the regular meetings¹ shall be known as "special meetings." The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chair, in consultation with the Town Administrator, and with the informal consent of a majority of Board members, or whenever at least three (3) members of the Board make such a request in writing to the Chair or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions as it deems necessary. Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

The Board shall meet to review and vote on the Warrant per the requirements of the Charter.

The Clerk of the Board is responsible for the minutes. The Town Administrator is responsible for the process of arranging for minutes to be drafted, circulated, reviewed, and voted upon by the Board according to the Public Records Law. A copy of the minutes shall be filed with the Office of the Town Clerk (Section 8-6(c) of the Charter).

V. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules note in Section 1, Procedural Matters. It is the practice that application of said procedure may be on a relatively informal basis.

A quorum shall consist of three members of the Board. As a practical courtesy, the meeting will identify any action involving the Town regarding critical or environmental matters, the adoption of policy, or appointments to be taken, whenever practicable, with the full Board in attendance. Actions by motions offered shall be seconded, discussed, and voted. Split votes will be identified by name in the meeting minutes. Equal yes/no votes result in a lost motion.

The Town Administrator or his/her designate, starting with the Assistant Town Administrator, shall attend, unless excused by the Chair of the Board at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. S/he shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction as indicated in the Charter.

¹ Tuesdays

VI. EXECUTIVE SESSION

Where practicable, executive sessions shall be scheduled prior to the regularly scheduled meeting time of 7:00 PM. All executive sessions shall be held in accordance with the Open Meeting Law.

Minutes of executive sessions shall be drafted by the Clerk (of the Board), or designee, in written form within 7 days of the session for edit and vote at the next executive session. Executive Sessions shall not be audio or video taped. The Board will then vote to disclose or withhold from disclosure the minutes depending on whether or not the reason for their being kept from disclosure still exists.

- If the vote is to disclose, the minutes will be filed by the Town Administrator's office in the Town Clerk's office.
- If the minutes are voted to be withheld from disclosure they will be delivered to the Town Clerk's Office by the Town Administrator's Office as hard copies and kept in a confidential file, in accordance with Section 2.4.5 of the General Bylaws, entitled "Withheld from Disclosure Select Board Executive Minutes."

The Town Administrator is responsible for this file and to bring all withheld from disclosure minutes before the Board for review at least annually, prior to the Town Election, to determine if any should be disclosed.

Any member of the Board and the Town Administrator/Assistant Town Administrator may request to view the minutes "withheld from disclosure" in the Town Clerk's Office through the process of signing and recording the date and time period of review. Once viewed, all documents are required to be placed in a new envelope, sealing it, and returned to the file.

VII. AGENDA PROCEDURES

The Board's business meetings generally shall be on Tuesdays. The Board may call special meetings as required and as provided for by the Massachusetts Open Meeting Law.

The Town Administrator, in conjunction with the Chair, bears primary responsibility for coordinating and planning the agenda. The agenda shall include a "future topics" item where members can raise issues they want to be scheduled for discussion.

Agenda items may include:

- Call to order
- Vision/Mission of the Board
- Moment of silence for our troops and first responders, Pledge of Allegiance
- Public comment, which shall be limited to non-agenda items and not be longer than 3-minutes per speaker
- Report of the Town Administrator
- Scheduled appointments (as required)

- Hearings (as required)
- Policy
- Future Agenda Items
- Consent Agenda
- Workshops, which are generally a time for the members to discuss an item in-depth, but not open for extensive public input
- Acceptance of meeting minutes (as required)
- Committee reports
- Correspondence
- Other Select Board business – not open to deliberation
- Adjournment

Reference materials for the Board should be provide to the TA no later than the close of business on the Thursday before a regular meeting. Generally, meeting materials will be sent to the Board by email the Friday before the meeting. Occasionally, supplemental materials will be sent to the Board members on the following Monday or Tuesday.

The agenda shall be available to the public per the Open Meeting Law in Town Hall and on the Town of Bourne website. To the extent practicable, a public version of the Board's meeting materials will also be posted online in advance of the meeting.

VIII. CORRESPONDENCE PROCEDURES

These procedures explain how correspondence is handled by the Select Board once received and what correspondence are included in the public packet at a Select Board meeting.

There will be a Correspondence agenda item at each Select Board meeting to notify the public of correspondence received by the full Select Board. Correspondence may include, but are not limited to, the following:

- Communications from town, state, or federal agencies.
- Communications from town committees or boards.
- Announcements of non-profit events.
- Letters or emails to the full Select Board to notify the Board of an event or opinion on an issue, or to request that the Select Board address a specific issue at a public meeting.

Correspondence from individual residents of Bourne will only be included in the Board's packet when a Select Board Member notifies the Chair with a request to include it in the meeting materials. If the Chair determines it should be included, the Chair will instruct the Town Administrator to place it in the packet for the next meeting.

When an individual Select Board member receives correspondence from a citizen that requires staff action, it is recommended that the Board member reply and have the citizen contact the TA or appropriate department head directly.

Correspondence to the full Select Board will be reviewed by the Chair, for consideration to be included in the public packet, when it includes the name and address of the writer, also contact information in the form of an email or telephone number must be included. Anonymous correspondence without a name and address will not be responded to, or included in the public correspondence record.

Correspondence received by the Select Board before noon on the Thursday prior to the next Tuesday meeting will be included as correspondence on the agenda, unless there is an exception due to public records applicability.

The Clerk of the Select Board is responsible for replying to acknowledge receipt of correspondence and for forwarding the correspondence to the Chair for review. Receipt will not be acknowledged when the Board is listed as a "CC" recipient, and correspondence with the Board listed as a "CC" may not be included in the public packet.

Individual Select Board members may reply to correspondence received, but to avoid an open meeting law violation "Reply All" should not be used when an email is received by the "All Select Board Member" and an individual member does reply.

Correspondence deemed to be public record will be available in hard copy, or digitally, on the town website in the applicable agenda packet.

Correspondence that requires immediate action of the Board will be taken up at the next scheduled meeting.

Correspondence that requires deliberation may be discussed, however, no action may be taken until it is placed as a regular item on the next available meeting agenda. Board members who would like an agenda item related to a piece of correspondence should make the request during the correspondence agenda item at the posted meeting where the correspondence is listed.

PUBLIC RECORDS APPLICABILITY

It must be understood that written or email correspondence related to the activity of a public body or municipal employee is deemed a public record under the law and is subject to disclosure to the press and to private individuals upon request. The term "public records" is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees (not received as a "cc") at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees, committee members acting in their official capacity and the public emailing to employees or committee members should have no expectation of privacy in their use of electronic mail.

IX. APPOINTMENTS

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 if they wish to be considered for appointment to another term. The Town Administrator will ensure that the Board receive by June 1st a list of appointment vacancies to be filled by the Board.

The Chair of any appointed Committee should notify the Select Board if there is just cause for enforcing Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.

When the bylaw states, or when the Board or Town Administrator requests, a designee of another board or committee, the board or committee making the designation will vote the appointment of their representative. The board or committee shall notify the Town Administrator of the action taken. The Select Board shall take action to appoint the designee at the next business meeting.

All candidates for appointment should be prepared to address the Board and answer any questions.

When there are more candidates than open seats available for any committee, there will be a motion made to nominate candidates. Once nominations are made, each Select Board member will vote for as many candidates as there are open seats. Candidates will be appointed according to the voting results with the candidate receiving the highest number of votes taking the first vacant seat, then the next highest filling subsequent seats until all open seats are filled. In the event of a tie, there will be a runoff vote taken between the candidates with the same number of votes to fill any remaining vacancies.

Upon an appointment to a board or committee, as authorized by the Town of Bourne Charter, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board or Town Administrator. Each appointee must present the signed appointment slip to the Town Clerk or his/her authorized designee to be sworn in. The appointee shall have the Town Clerk/or designee sign and date the appointment slip and will bring the slip back to the Select Board/Town Administrator's Office for their records. Once the appointee is sworn in by the Town Clerk the appointee is authorized to cast a vote at a meeting of the board or committee to which s/he is appointed.

Committees in which members of the Select Board are seated either as ex-officio, committee as required by statute or as requested by outside governmental and non-governmental agencies shall not be greater than one (1) year and shall not extend beyond an individual's term of office unless otherwise specified.

X. NEW COMMITTEE PROCEDURES

The Board will choose one of its members to attend the first meeting of a newly established committee. Any board, committee or commission ("committee") appointed by the Board shall be responsible to the Board.

At the first meeting, the designated Board member will read the charge by the Board and answer any questions by committee members so that each member understands the scope of the committee. Committee Meeting Procedures will also be given to each member and discussed. The members of the committee will establish a regular meeting schedule and determine the date of the next meeting.

The designated Board member shall conduct the initial election of officers of the committee. The committee may decide to hold the election of officers at the beginning of their second meeting; however, at no time shall a committee created by the Board be without officers after the conclusion of its third session. No substantive business will be conducted before the election of officers. By majority vote of the members who constitute the make-up of the committee, they shall elect a chair, vice-chair and clerk.

In all procedural matters, the committee shall conduct its meetings in accordance with Robert's Rules of Order. In the absence of the chair, the vice chair shall conduct the meeting.

In accordance with the Open Meeting Law, the clerk of the committee or the recording secretary shall keep accurate minutes of the proceedings of the committee including executive session minutes, per the Open Meeting Law.

Upon request, the committee shall send a written update of its actions/recommendations that were taken by a majority vote of the committee members to the Board. The Board also reserves the right to request that the committee present this report in person at a Board's meeting. NOTE: per the Open Meeting, individual members of the committee may also ask that a member of the Board be present at a particular meeting as a member of the audience. A formal request for a Board member to attend a meeting must be made by a vote of the majority of the committee. The chair shall prepare the agenda on behalf of the committee. Any committee member may insert an agenda item for any meeting. The chair or designee will post the agenda at Town Hall according to the Open Meeting Law.

XI. CERTIFICATE OF VOTE

Certificates of vote shall be prepared for filing with the Town Clerk in the following cases:

1. When formal action of the Board needs to be communicated to an agency and there is no other documentation generated as part of the proceedings (i.e. if the Town Administrator has been authorized to sign a contract or document on behalf of the Select Board).
2. The recession/removal of any policy.
3. To set the dates on which to open and close Town Meeting Warrants.

4. To reduce or increase the number of members on a committee.
5. To declare Town property or equipment as surplus.
6. To establish or dissolve a standing or ad hoc committee.
7. To establish or amend a charge for a standing or ad hoc committee.
8. To revoke the authority of an Acting Town Administrator.
9. Upon request of the Town Clerk, or when determined necessary by the Board or Town Administrator.

Furthermore, unless specifically limited by the Select Board, the Town Administrator is authorized to use the Board Member's signature stamps when preparing Certificates of Votes.
