

BOARD OF SELECTMEN

Rules of Procedure

I. PROCEDURAL MATTERS

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

II. NATURE OF POLICIES AND PROCEDURES

These rules of procedure may from time to time be amended or revised by vote of the Board of Selectmen provided the amendment or revision has been placed on the agenda for the meeting wherein it is to be voted upon by the Board of Selectmen provided further that the amendment or revision is approved by at least three (3) members of the Board of Selectmen.

III. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

Adoption of new policies or changing existing policies regarding general town government is a responsibility of the Board of Selectmen. Policies will be adopted/amended only by the affirmative vote of a majority of members of the Board of Selectmen 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 to provide an opportunity for interested parties to react to proposed policies and to provide amendments will be presented as an agenda item to the Board in the following sequence:

1. Information item -- distributed with agenda
2. Discussion item -- first reading of proposed policy or policies
3. Response from the Town Administrator; report from any committee with responsibility in the area addressed by the proposed policy; public discussion; Board discussion and directions for any redrafting
4. Action, which may include further discussion, adoption, rejection, may be taken at the discussion at the second reading, or at a subsequent meeting.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Board so directs.

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

Policies will be effective upon the date set by the Board of Selectmen. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation. The Board may divert from policy by a 4/5 vote.

IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN

The Board is responsible for executive Town policy development and review. The Board works with the Town Administrator on policy development, and oversees the Town Administrator in his role as supervisor of town departments, as stipulated in the Charter.

No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board made at an open meeting. This shall be modified in the event of an emergency should immediate action be required in which case, the Chairman, Vice Chairman, or any Board members shall call an emergency session of the Board prior to the emergency action.

A Board member wishing an in-depth inquiry into a department’s policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by Board vote.

Requests by Board members for written legal opinions must be channeled through the Town Administrator or the Chairman, in the Town Administrator’s absence.

V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

Officers of the Board (Chairman, Vice Chairman, and Clerk) shall be elected annually at a meeting of the board to be scheduled for the first regular meeting following the Annual Town Elections. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Chairman shall preside at all meetings and shall have the same privileges as other board members to offer and second motions, to debate motions and vote on them.

The Board may at any time by majority vote remove the Chairman or any of the officers. The Chairman may not serve in the capacity for more than two consecutive years in a given term. In the event that the Chairman is not re-elected, the Vice Chairman shall serve as Chairman Pro Tem until the new officers of the Board are elected. In the Absence of both Chairman and Vice Chairman, the Clerk shall act as Chairman Pro-Tem.

VI. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chairman shall:

- Preside at all meetings of the Board at which he/she is present. In doing so, he/she 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 Chairman, following a vote of the board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meetings agendas with the Town Administrator;

- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chairman;
- Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
- Arrange for the orientation of new members, unless otherwise noted;

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

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

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

VII. MEETINGS OF THE BOARD

A meeting called for any time other than the regular meetings 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 Chairman, 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 Chairman or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions on a monthly basis or as it deems necessary. This requirement does not apply to budget preparation and review. 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.

VIII. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. 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, action on critical or environmental matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by name in the meeting minutes.

The Town Administrator is expected to be in attendance 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. He/she shall carry out the actions of

the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

VIII. BOARD MEETINGS: EXECUTIVE SESSIONS

Where practicable, executive sessions shall be scheduled at the beginning of the open meeting of the Board. Should an executive session be required, it may commence prior to the regularly scheduled meeting time of 7:00 P.M. as previously described. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive sessions, the Chairman shall state the reasons for which an executive session is sought.

The Chairman shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

Minutes of Executive Sessions shall be available to the board in written form within 7 days of the session. Unlike the case with open session, there is no right to tape record or videotape executive sessions. These minutes will then be voted on to approve their content at the next Board of Selectmen Open meeting. The Board will then vote to release or encumber the minutes depending on whether or not the reason for them being kept secret still exists. If they are released they will be filed in the Town Clerk's office. If the minutes are encumbered they will be kept in a confidential file in the Selectmen's Office entitled "Encumbered Board of Selectmen Executive Minutes." The Clerk of the Board of Selectmen is responsible for this file and to bring all encumbered minutes before the Board of Selectmen for review once in every six months to determine if any of the encumbered minutes should be released. This policy will help insure that closed session minutes are kept secret only as long as needed.

X. AGENDA PROCEDURES

The Town Administrator bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Administrator, in consultation with the Chairman, shall approve the agenda and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Town Administrator by 12:00 noon on the Thursday preceding the meeting. Items added to the agenda after this time will be considered out of necessity or due to being routing in nature and exceptions may be made due to emergencies or other cause satisfactory to the Town Administrators and Chairman of the Board of Selectmen.

Agenda items may include:

- Call to Order
- Moment of Silence for Our Troops and Pledge of Allegiance
- Public Comment
- Acceptance of Meeting Minutes (as required)
- Correspondence
- Scheduled Appointments (as required)

- Hearings (as required)
- Committee Reports
- Report of the Town Administrator
- Other Selectmen Business (action as required)
- Reports of Members of the Board
- Adjournment

Each agenda item may state the action anticipated of the Board, as appropriate. Any member of the Board of Selectmen may request an item be put on the agenda for a future meeting. Requests are to be presented at a public Board of Selectmen's meeting or be presented in writing with copies to all Board of Selectmen members and the Town Administrator.

Members of the Board, staff, the Town Administrator, or others who prepare background materials for the meeting should have such material available for Board members by Friday evening. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.

The agenda shall be available to the public and the press at the Selectmen's Office at the time of posting and shall be posted on the Town bulletin board inside Town Hall that same day. It shall also be posted on the Town-maintained World Wide Web page by close of business on Friday. Copies of the minutes of previous meetings and all-important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for collection by or distribution to Board members.

All correspondence read by the Clerk must be submitted to the Town Administrator, and copies of the correspondence are to be distributed to all members of the Board before the meeting. Matters brought before the board by correspondence received at a meeting or during a public comment period shall be treated as information. Any required action of the board shall be taken up no earlier than the next scheduled meeting. It shall be the policy of the board to take no formal policy vote of the Board of Selectmen. Items of correspondence that are exempt from public disclosure pursuant to the Public Records Law (Chapter 4, Section 7 of the Massachusetts General Laws), or relate to subject matters that qualify for an executive session under the Open Meeting Laws (Chapter 39, Section 23B of the Massachusetts General Laws), will be marked as "Confidential Correspondence" and will not be subject to review in public session. Public comment shall be limited to non-agenda items and discussion be no longer than 2-3 minutes. Non-agenda items that require subsidiary discussion should be placed as a regular item at the request of the proponent.

XI. MEETING MINUTES

The Town Administrator shall ensure that open meetings of the Board are recorded. The Town Administrator shall ensure that minutes are drafted and made available to Board members in a timely manner, generally not to exceed 14 days.

XII. BOARD APPOINTMENTS

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 about their availability for reappointment. The Town Administrator will ensure that the Selectmen receive by June 15 a list of appointment vacancies to be filled by the Board.

The Board of Selectmen shall request each appointed Committee Chairperson to submit a report and written record of attendance for each member of his or her Committee for the period of May 1 to April 30 of each year. Any absences excused by the Committee for good cause shall be noted in said record and report, along with any other information that might be helpful to the Board of Selectmen in making decisions concerning the appointment or reappointment of members to said Committee. The Board of Selectmen shall enforce Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.

When the bylaw states or when the Selectmen/Sewer Commissioners or Administrator requests a designee of another Board or Committee, the Board or Committee making the designation will vote the appointment of their representative and notify the Town Administrator of the vote including the name of their representative and the date of the vote. One or more names may be submitted. The Town Administrator will bring the names(s) of the representative(s) to the next available Board of Selectmen/Sewer Commissioner meeting for the appointment to be authorized by the Board of Selectmen/Sewer Commissioners or Administrator. The Selectmen/Sewer Commissioners or Administrator may appoint from the designated Committee any other Committee member, who submits a written request to the Board of Selectmen/Sewer Commissioners.

Upon an appointment to a board or committee, et.al, authorized by a vote of the Board of Selectmen/Sewer Commissioners or by the Town Administrator, as authorized by the Town of Bourne Charter, as amended, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board of Selectmen or Town Administrator (for those committees authorized by the Town Administrator or Charter). 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 sign and date the appointment slip. The appointee shall then deliver a copy of said slip to the office of the Selectmen for filing. Further, this protocol must be completed before the appointee is authorized to cast a vote at a meeting of the board or committee **to which she/he is appointed.**

All appointments shall be staggered as provided by Section 2.4.3 of the Town Bylaws. Said appointments shall run from July 1 to June 30 of each year.

Committees in which members of the Board of Selectmen 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.

XIII VOTING PROCESS FOR MULTI MEMBER BOARDS

All candidates' names are automatically placed in nomination. No formal nomination or second is required.

Each Board member may vote the number of times equal to the number of vacancies on the multi-member board. For example, if there is one vacancy, each member can only vote for one candidate. If there are three vacancies, each member can vote a maximum of three candidates.

When it's time for voting, the Chairman reads each Selectmen's name and Board members declare their vote.

After all Selectmen have voted, a count of votes is made.

Candidates who receive a majority of votes are appointed. If the vacancies are not all filled, the process is repeated with remaining candidates.

XIV. Board of Selectmen New Committee Procedures

The Board of Selectmen will choose one of its members to attend the first meeting of a newly established committee.

At the first meeting the designated Selectman will read the charge by the Board of Selectmen and answer any questions by committee members so that each member is clear what 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 Selectman shall conduct the 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 Selectmen 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 Chairman, Vice Chairman and Clerk. Officers of the committee shall be chosen at the committee's first meeting after the start of each fiscal year.

In all procedural matters, the committee shall conduct its meeting in accordance with the latest revised edition of Robert's Rules of Order. In the absence of the Chairman, the Vice Chairman shall conduct the meeting.

In accordance with the state 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 Attorney General's Open Meeting Law Guide dated March 12, 2013. "The minutes must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of members present or absent, and the decisions made and actions taken including a record of all votes. The law requires that existing minutes be made available to the public within 10 days upon request, whether

they have been approved or remain in draft form. Materials or other exhibits used by the committee in an open meeting must also be made available to the public within 10 days upon request.” Minutes should be approved at the next meeting of the committee and must be submitted to the Clerk’s office no more than two (2) weeks after they have been approved. The minutes may also be included in the Selectmen’s meeting packets so they may be apprised of the actions of the committee.

Any board, committee or commission appointed by the board of selectmen shall be responsible to the board of selectmen.

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 Selectmen. The Selectmen also reserve the right to request that the committee present this report in person at a Selectmen’s meeting. NOTE: per the Attorney General’s Open Meeting Guide dated March 12, 2013: “ Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings.”

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 selectman to attend a meeting must be made by a vote of the majority of the committee.

The Chairman shall prepare the agenda on behalf of the committee. Any committee member may insert an agenda item for any meeting. The Chairman or designee will post the agenda at Town Hall according to the state Open Meeting law.

SPECIAL PERMIT RULES AND PROCEDURES

These rules and procedures have been prepared and adopted by the Bourne Board of Selectmen in compliance with General Laws Chapter 40A, Section 9 as amended by Chapter 808 of the Acts of 1975. They may be amended or rescinded from time to time by majority vote of the Board. Said rules and procedures to become effective at such times as may be specified therein and upon filing a copy thereof with the Town Clerk.

Applications:

- A. All applications for special permits authorized by the Zoning Bylaw to be issued by the Board of Selectmen shall be made in writing on such form or forms adopted by the Board of Selectmen and available at the offices of the Building Inspector, Board of Selectmen, Town Clerk or Engineering.
- B. Said form shall be filed in quadruplicate with the Board of Selectmen and a

copy shall be filed with the Town Clerk. All of said copies shall bear the signature of the applicant or his duly authorized agent or attorney.

- C. The applicant shall attach to his application a list of all parties in interest and their addresses as appear on the most recent tax list. "Parties in interest" as defined in General Laws Chapter 40A, Section 11, as amended, shall mean the applicant, owner of land for which the permit is sought (if different than the applicant), abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line, the Bourne Planning Board, and the Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.
- D. Applications shall state the section of the Zoning Bylaw for which the Special Permit is sought.
- E. All applications at the time of filing shall be accompanied by:
 - 1) FOUR (4) prints of the latest recorded plan of the land which will be affected, or in cases where no such plan exists, FIVE (5) prints of a plan of the land endorsed by a registered engineer or land surveyor.
 - 2) FOUR (4) prints of the plot showing the exact location of existing and proposed buildings, signs, and other structures.
 - 3) Such additional information and plans as may be required under the Site Plan Review provisions of the Zoning Bylaw, or any other applicable provisions of the Zoning Bylaw.
 - 4) A filing fee payable to the Town of Bourne in the amount of \$250.00 for advertising and mailing costs.

The Board, in its discretion, may dismiss (without prejudice) an application, which fails to comply with the foregoing requirements.

NOTICE OF HEARING

Notice of hearing will be given by the Board of Selectmen in accordance with General Laws Chapter 40A, Section 11, as amended, by mailing and publication.

HEARINGS

- A. An open public hearing will be held at the time and place specified in the notice of the hearing.
- B. The hearing will proceed as follows:
 - 1) The Chairman of the Board of Selectmen will call the meeting to order and read the notice of hearing as published.
 - 2) The Chairman shall inform those present at the hearing of the time requirements under Chapter 40A, Section 17, as amended, for appealing of the decision of the Board.
 - 3) The applicant or his representative shall present the case to the Board.
 - 4) Parties of Interest at the hearing shall be heard.
 - 5) Town representatives may be heard.

6) The hearing shall be closed and no further evidence shall be heard.

DECISIONS

- A. All decisions of the Board of Selectmen shall be made in writing and shall contain, but not limited to, the following:
- 1) Date decision rendered.
 - 2) Number of Special Permit
 - 3) Name and address of applicant.
 - 4) The place, time and date of the public hearing.
 - 5) Findings of facts.
 - 6) Statement of applicable law.
 - 7) Decision of the Board of Selectmen
 - 8) Roll-call vote setting forth the vote of each member of the Board of Selectmen
 - 9) A statement of right of appeal pursuant to General Laws, Chapter 40A, Section 17, as amended.
- B. A copy of the decision shall be filed with the Town Clerk.
- C. A decision granting a special permit shall be effective after the appeal period has expired and an appropriate notice has been filed by the Town Clerk with the Registry of Deeds. A fee for the Registry of Deeds filing shall be paid to the Town Clerk by the applicant.
- D. Duplicate copies of the decision shall be mailed or delivered to the applicant or his agent or attorney, the owner of the property, the Building Inspector, Planning Board, Board of Health, and all parties in interest who at the time of the hearing request a copy.

RECORDS OR PROCEEDINGS

- A. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
- B. Original summary account shall be kept with the case record in the office of the Board of Selectmen, a copy to be filed with the Town Clerk.
- C. All summary accounts shall be signed by the Clerk of the Board of Selectmen who shall be the keeper of the records of said Board.

BOARD OF SELECTMEN

Peter J. Meier
Donald J. Pickard
Linda M. Zuern
Donald E. Ellis
Stephen F. Mealy

Adopted on August 28, 2001

Amended November 12, 2002 by adding section 2.4.2

Amended July 13, 2004 -Special Permit Rules & Procedure 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