

# CITY OF ATTLEBORO



## **A HANDBOOK FOR COMMITTEE, BOARD, & COMMISSION MEMBERS (Elected and Volunteer Appointments)**

**AUGUST 2023**

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## **INTRODUCTION**

***Congratulations on your appointment or election to one of Attleboro's Committees, Boards, or Commissions and thank you in advance for your service to the city!***

The Mayor and City Clerk have compiled this Handbook to assist all members and potential members of the City's many committees, boards, and commissions (hereafter referred to as "Committees"). The Handbook provides requirements and guidelines for membership, for the organization of committees, for posting meetings, and for record keeping. Should you have any questions or need clarification of any information written here, please reach out to the Mayor's Office or the City Clerk's Office.

## **ELECTED BOARDS**

As described in the City Charter, the Attleboro Municipal Council and the School Committee are elected bodies with terms of two years each. Positions on these bodies appear on the city election ballot. To appear on the ballot, candidates must obtain nomination papers from the Elections Department. Elected officials are required to comply with Campaign Finance Laws (MGL Ch. 55) and to file various reports throughout the year.

Following an election, the City Clerk will contact newly elected officials with information about online training for the Conflict-of-Interest Law for Municipal Employees and to schedule a time to take the oath of office prior to their first meeting or taking any official action as a member of the Committee. The City Clerk will also share information about Open Meetings law and have the individual elected sign a Certificate of Receipt.

### **Massachusetts Conflict of Interest Law (M.G.L.c.268A):**

Whether by election, appointment, contract, or engagement, whether serving with or without compensation, on a full or part-time, intermittent, or consultant basis, a person performing services for or holding an office, position, employment, or membership in a municipal agency is considered a municipal employee according to the Massachusetts Ethics Commission. As a municipal employee, elected and appointed members of city committees, boards, or commissions are required to annually review and acknowledge receipt of the "Summary of the Conflict-of-Interest Law" and every two (2) years complete an on-line Conflict of Interest Training. Details are available on the State Ethics Commission website <https://www.mass.gov/ethics-commission> or <https://www.massethicstraining.skillburst.com>

**Resignation:**

An elected official who is no longer able to serve, or who moves out of the city should resign promptly so that the vacancy may be filled as soon as possible. It is recommended that a written letter of resignation promptly be submitted to the president of the body.

**APPOINTMENTS TO VOLUNTEER COMMITTEES**

Any resident of the City of Attleboro may request appointment to a volunteer (non-elected) city committee. Information about volunteer opportunities can be obtained by inquiring with the Mayor's Office. A resident interested in being appointed to a volunteer committee must submit a letter or email expressing their interest in serving on a particular committee and/or a current résumé and submit these materials to the Mayor's Office [mayor@cityofattleboro.us](mailto:mayor@cityofattleboro.us) or mail to the Mayor's Office, CITY of ATTLEBORO, 77 Park Street, ATTLEBORO, MA 02703. Applicants are strongly encouraged to attend a regularly scheduled meeting of the board or committee for which they are applying. If there is not a current opening, requests will be kept on file.

**Massachusetts Conflict of Interest Law (M.G.L.c.268A):**

Whether by election, appointment, contract, or engagement, whether serving with or without compensation, on a full or part-time, intermittent, or consultant basis, a person performing services for or holding an office, position, employment, or membership in a municipal agency is considered a municipal employee according to the Massachusetts Ethics Commission. As a municipal employee, elected and appointed members of city committees, boards, or commissions are required to annually review and acknowledge receipt of the "Summary of the Conflict of Interest Law" and every two (2) years complete an on-line Conflict of Interest Training. Details are available on the State Ethics Commission [website](https://www.mass.gov/ethics-commission) <https://www.mass.gov/ethics-commission>

**Appointment:**

The Mayor appoints members to all city committees, which also requires confirmation of the Municipal Council. After appointments are confirmed, appointees will receive a written letter of appointment with information about online training for the Conflict-of-Interest Law for Municipal Employees and about contacting the City Clerk to take an oath of office prior to taking any official action as a member of the Committee. The City Clerk will also share information about the Open Meetings Law and obtain a signed Certificate of Receipt.

**Terms of Office:**

The full term of office for positions on city committees generally varies from 1-3 years. If a vacancy occurs in the membership of a committee, the Mayor shall

appoint a new member to serve for the balance of the unexpired term.

**Reappointments:**

Reappointments are not automatically issued. Prior to the expiration of all appointments, the Mayor's office will notify members with expiring terms and request written confirmation of interest in reappointment. Unless and until a successor is appointed, a committee member shall hold their position on the city committee until reappointment. (City Charter, art. 3, sec. 3-3(a)).

**Resignation:**

A (non-elected) committee member who is no longer able to serve, or who moves out of city should resign promptly so that the vacancy may be filled as soon as possible. A written letter must be submitted to the Mayor and the Committee Chair.

**COMPOSITION OF ANY CITY COMMITTEE**

**Organization:**

All city committees shall elect a chair and other necessary officers, as described in the relevant law, ordinance, or committee bylaws. The new organization of committees needs to be communicated to the Mayor's Office and then will be updated on the city website.

**Chair:**

The Chair's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, assists with setting the agenda, decides questions of order, calls special meetings, and signs official documents that require the Chair's signature. The Chair has the same and no more rights as other members to offer resolutions, discuss questions, and vote thereon. The Chair should allow other members to make and second motions and should be mindful in offering amendments to motions and in discussion, since the Chair's primary role is to facilitate a full range of opinion from the Committee and, in a public hearing, from the Public.

The duties the Chair typically performs include:

- ☐ Reserving meeting space
- ☐ Preparing agendas,
- ☐ Posting agendas with the City Clerk
- ☐ Assuring the list of topics is posted in accordance with Open Meeting Law
- ☐ Assuring needed material will be available to the Committee
- ☐ Notifying the Mayor of important changes to the Committee

**Vice Chair:**

The Vice Chair serves as the Chair whenever the Chair is absent or steps down.

**Secretary/Clerk:**

The Secretary/Clerk responsibilities include:

- ☐ Taking and transcribing the Committee’s minutes, see also the section on Minutes
- ☐ Recording any amendments
- ☐ Adding the following notation at the end of the last page upon final approval of minutes by the Committee:  
 “Respectfully submitted as approved at \_\_\_\_\_(date) meeting  
 \_\_\_\_\_(name and title of person submitting)”
- ☐ Retaining approved minutes and filing copies of same with the City Clerk

**Speaking for a Committee:**

Usually, the Chair speaks for the Committee. An individual board member has a right to speak publicly as a private citizen, but should not purport to represent the Committee or exercise the authority of the Committee except when specifically authorized by a majority vote of the body to do so. One should clearly identify oneself and state publicly that they are speaking as a private citizen authorized to speak on behalf of the Committee for the record.

**MEETINGS**

**Definitions:**

Public Body – a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region, or CITY, however created, elected, appointed, or otherwise constituted, established to serve a public purpose.

Public meeting – a deliberation by a public body with respect to any matter within the body’s jurisdiction. A public meeting occurs at any time a quorum of the Committee members get together to discuss or consider any public business or policy over which the committee has some jurisdiction or advisory power.

Quorum is a simple majority, greater than 50%, of the full membership of a public body. A quorum is necessary for conducting official business.

Deliberation – an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction. Deliberation shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting, or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

**Open Meeting Law (OML) M.G.L. c. 30A, §§ 18 - 25:**

The Massachusetts Open Meeting Law requires that all meetings of elected or appointed boards, committees or commissions be open to the public except in

the specific situations where an Executive Session is permitted. Open Meeting Law requirements and procedures identified here apply to all types of meetings including: special meetings, workshops, emergency meetings, sub- committee meetings, and public hearings.

- Open Meeting Law states that “meetings” shall not include:
  - a. An on-site inspection of a project or program, so long as the members do not deliberate.
  - b. Attendance by a quorum of a public body at a public or private gathering, including a conference, training program, or a media, social or other event, so long as the members do not deliberate.
  - c. Attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate.
  - d. A meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it.
  - e. A session of a CITY meeting convened under section 9 of chapter 39, which would include the attendance by a quorum of a public body at any such session.

The use of technology for communication may be considered a public meeting. However, the OML prohibits the use of email or telephone conferences by a quorum of a committee to consider Committee business. Email may be used to provide information, or to determine the availability of members for a meeting. However, members must refrain from commenting on information provided in an email. Comments on information provided via email should be reserved for a posted public meeting of a committee. Members may not “reply all” to express an opinion on information that is shared via email.

For more information, go to [www.mass.gov/the-open-meeting-law](http://www.mass.gov/the-open-meeting-law) on the Attorney General’s website.

**Meeting Locations:**

All meetings of a city committee shall be open to the public and any person shall be permitted to attend any meeting except under those circumstances listed in the section about Executive Session. Therefore, meetings must be held in a place which is open to the public and ADA accessible. Committees should meet in a public building; the following is a list of public spaces that may be reserved for meetings.

- City Hall: check with the Municipal Council office about using Council chambers, Council meeting room, or the Annex room
- Senior Center: contact the COA Director
- Attleboro Public Library: contact the Library Director

- Attleboro High School: contact the school principal's office

**Posting Meetings:**

As per Open Meeting Law, a Meeting Notice form must be completed with the following:

- Committee's name
- Approved location of the meeting with street address
- Day, date, and time of the meeting
- Agenda of all topics that the Chair reasonably anticipates will be discussed
- Signature of Chair or authorized person
- Date of submittal to the City Clerk, at least 48 work weekday hours prior to the meeting. Note: 48 work weekday hours do not include Saturdays, Sundays, or legal holidays and remember that City Hall closes at 4:30 pm.
- Submit the agenda to the city Clerk's office to be time stamped and posted.

<b>Meeting Time:</b>	<b>Must be RECEIVED by the Clerk by:</b>
Monday AM	Thursday AM
Monday PM	Thursday 3:30PM
Tuesday AM	Thursday 3:30PM
Tuesday PM	Friday 12:00PM
Wednesday AM	Friday 12:00PM
Wednesday PM	Monday 3:30PM
Thursday AM	Monday 3:30PM
Thursday PM	Tuesday 3:30PM
Friday AM	Tuesday 3:30PM
Friday PM	Wednesday 3:30PM



**Amending an Agenda:**

A committee can amend an agenda within 48 hours of a meeting but only to include a topic that was not reasonably anticipated by the Chair. That topic does not necessarily have to be an emergency but could be an issue that arises, for example, the day of the meeting that the committee wishes to address. However, the Attorney General encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if those topics were not listed in the original meeting notice. An agenda cannot be amended to change the location or to start the meeting at an earlier time.

The Chair or authorized person shall post the amended agenda with the notation 'AMENDED' agenda on the posting. Best practice also suggests that the change is highlighted on the agenda.

**Conducting Public Meetings:**

A Committee may adopt formal rules of order as it is advisable for the Committee to observe a minimum of generally accepted parliamentary procedures. Guidance by the chair and adherence to customary parliamentary procedures can increase efficiency as well as maintain objectivity.

Procedures to observe:

- In most instances, a decision is made by a simple majority vote of those Committee members present and voting at the meeting.
- No votes taken in open session of a meeting shall be by secret ballot.
- Meetings of CITY Committees are public meetings; they are open to the public and the public is welcome to attend and observe. However, members of the public do not have the right to participate unless they are invited to do so by the Chair. Some Committees do list an agenda item: Public Comment (3 minutes), to allow for brief comments.
- Any person may record a meeting with a tape recorder or any other means of audio reproduction and/or videotape equipment provided he/she/they announce the intention to do so and there is no active interference with the conduct of the meeting.

**Public Hearings: (Most volunteer boards do not hold public hearings)**

A public hearing is held for the purpose of obtaining information from which a committee can reach a determination, usually regarding the issuance of a license or permit or some other approval. The hearing may include formal presentations, background information from the Chair, CITY Officials and other Committees, followed by time for questions from the Committee and then from the public. 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. It is also the responsibility of the Chair to maintain order and decorum at the hearing. The Chair must be consistent and fair, but may put restrictions on the nature, time, number and

frequency of individual's comments and questions.

The Municipal Council, School Committee, Planning Board, Zoning Board of Appeals, Licensing Board, and Conservation Commission are required by state law or local ordinance to hold public hearings. Such hearings will typically have requirements and timeframes for advertising and posting public notice of the hearing, notifying abutters by Certified Mail, rendering and filing a decision and the purpose for filing an appeal. It is the responsibility of the Chair to assure that the requirements of the public hearing process are properly followed.

### **Executive Sessions:**

**Note: Most volunteer committees do not have reason to hold meetings in Executive Session. If you have questions as to whether an Executive Session meeting may be required, please contact the Mayor's Office.**

An Executive Session is closed to the public, but the Committee must first convene in an Open Session for which notice has been posted. A majority of the members must vote, by roll-call vote entered into the minutes, in favor of a motion to go into Executive Session. The motion must specify the reason including a statement that there would be a detrimental effect on the position of the governing body if the discussion were in open session. All votes taken in Executive Session are recorded by roll call and become a part of the record of that session. Topics discussed in Executive Session are confidential. Accurate minutes shall be maintained and released to the public only when the purpose of the Executive Session no longer exists.

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. The open meeting law, M.G.L. c. 30A, § 21, sets out ten permissible reasons for entering executive session:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual;
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the publicbody;
7. To comply with, or act under the authority of, any general or special law or federal grant-in- aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that: (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an opensession.
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided: in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to G.L. c. 164, § 1F.

**Minutes:**

All board and committee members are required to be informed of the requirements of the Open Meeting Law, G.L. c. 30A, §§ 18-25 and the Attorney General’s regulations, 940 CMR

29.00. The Select Board is concerned that the law is not being uniformly applied. In addition, adoption of across-the-board conventions will assist the CITY in filing, locating, and producing minutes as needed. This policy summarizes legal requirements applicable to meeting minutes and supplements those requirements.

Every multiple-member board, commission, committee, or subcommittee within the city, however created, elected, appointed, or otherwise constituted, established to serve a public purpose is a “public body” and must conform to the Open Meeting Law. Among other obligations, that means that each public body must create, approve, and maintain meeting minutes.

Each public body shall nominate someone to be responsible for ensuring that

accurate meeting minutes are created, typically a Secretary.

At a minimum, meeting minutes shall contain the following information:

- Identification of all members present and absent
- A record of all decisions made and actions taken
- A record of all votes
- A summary of the discussion on each subject. **Note: a transcript is not required**
- If any vote is taken in executive session or while a member participates remotely, the vote must be by roll call and the minutes must reflect the roll call vote
- A list of the documents and other exhibits used at the meeting. These records must be maintained, but need not be physically attached to the minutes
- The results of any review of executive session minutes as to whether they will continue to be withheld from public disclosure or released to the public.

Minutes must be created and approved in a timely manner. The law does not define what is timely, but public bodies should use their best efforts to ensure that minutes are approved within two subsequent meetings.

Open session and executive session minutes should be separate documents. Once approved, the Secretary/Clerk signs those minutes, which become part of the official records of the city. The open session minutes are available to the public and should be posted on the city website. Executive session minutes should be maintained in a confidential file and only posted on the city website when the reason for the executive session no longer requires that the minutes be withheld from disclosure. The public body or its chair or designee shall periodically review the minutes of executive sessions to determine if the minutes should still be exempt from public disclosure. The determination must be announced at the next meeting of the public body.

### **OPEN MEETING COMPLAINTS**

Anyone can file an opening meeting complaint in writing using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney General will not, investigate or address anonymous complaints. A public body need not address a complaint that is not signed by the complainant. A public body need not address a complaint that is not filed using the Attorney General's complaint form.

The complaint shall be filed with the public body and the City Clerk within 30 days of the alleged violation, or if the alleged violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.

Within 14 business days after receiving the complaint, the public body shall

meet to review the complainant's allegations; take remedial action, if appropriate; and send to the complainant a response and a description of any remedial action taken. The public body shall simultaneously notify the Attorney General that it has sent such materials to the complainant and shall provide the Attorney General with a copy of the complaint, response, and a description of any remedial action taken.

If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the complainant may file a complaint with the Attorney General.

**If you receive an Open Meeting complaint you must inform the City Clerk and the Mayor's Office immediately.**

#### **GRANTS AND OTHER FUNDING SOURCES**

Most volunteer committees do not require or receive funding from the city. Because of potential contractual and legal obligations volunteer committee cannot pursue or receive any kind of external funds, including but not limited to grants and donations, unless prior approval has been given from the Mayor's Office and the Accounting Office.

***THANK YOU FOR SERVING THE CITY!***

**IF YOU HAVE QUESTIONS/CONCERNS,  
PLEASE CONTACT THE GROUP  
PRESIDENT/CHAIRPERSON, OR CONTACT  
THE CITY CLERK OR MAYOR'S OFFICE.**