



# **Town of Yarmouth Boards, Committees, and Commissions Handbook**





# **Board of Selectmen**

## **Yarmouth, Massachusetts**

Thank you for volunteering for the Town of Yarmouth.

Voluntary service as an appointed member of a board, committee, commission, or council, is the driving force behind local government. The volunteer members who serve on these boards and committees are an essential part of running an effective and efficient local government.

The purpose of this handbook is to assist the many boards, commissions, and committees of the Town. The handbook provides a general description of procedures and summaries of important state statutes that govern the conduct of committees and their members such as the Open Meeting Law and Conflict of Interests Law. Official full-text versions of these and other governing bylaws may be accessed through the links on the Town of Yarmouth website and enclosed within this document. The Town website also offers links to important documents such as the Town Charter, Town Bylaws, plus the minutes and video recording (where applicable) of past committee meetings.

The Board of Selectmen is deeply grateful to all who are willing to serve as a volunteer member of the government of the Town of Yarmouth.

**Approved by the Yarmouth Board of Selectmen [DATE]**

Michael Stone, Chair

Mark Forest, Vice-Chair

Tracy Post

Erik Tolley

Norm Holcomb

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## **Becoming a Committee Member**

### *Qualifications for appointment*

Committee membership requirements are subject to the Board of Selectmen. All Yarmouth residents registered to vote in Yarmouth are qualified to apply for membership on any committee.

### *Application*

The appointment application process begins with entry of your name and contact information into the Town of Yarmouth's Talent Bank, maintained by the Town Administrator's Office. A Talent Bank form must be completed and submitted in order to be considered for membership on an appointed board or committee.

An interactive Talent Bank application form is accessible from the Town's committee webpage: <http://www.yarmouth.ma.us/FormCenter/Talent-Bank-2-2/Interested-in-joining-a-Committee-Commis-33-33>. This link allows you to easily complete and submit your Talent Bank application online. Printed Talent Bank forms may also be obtained, completed and returned to the Selectmen/Town Administrator's office at 1146 Route 28 in Yarmouth.

You may register in the Talent Bank at any time, even when no vacancy exists on your desired committee. Should such a vacancy occur, you and all other Talent Bank applicants who declared a similar committee preference will be contacted and invited to schedule an interview with the Board of Selectmen.

The Talent Bank shall be kept by the Town Administrator's Office and as time permits, reviewed every three years by:

- contacting applicant to see if applicant is still interested in serving the Town.
- updating talent banks of applicants who wish to remain in active file.
- discarding talent banks of applicants who are no longer interested in serving the Town.

### *Appointments*

Most appointments to town boards (collectively refers to boards, committees and commissions) are made by the Board of Selectmen. Some appointments are made by the Moderator. The appointing authority shall have sole discretion to make such appointments as the appointing authority deems to be in the best interest of the Town. It is also suggested that applicants attend one or two meetings of the board on which they are interested in serving to become familiar with the time commitment and other functions of that Board.

### *Appointments Chair*

- The Board of Selectmen shall at their annual organizational meeting elect one of their members as “Chairman of Committee Appointments” until the next annual organizational meeting.
- Responsibilities of Chairman of Committee Appointments:
  - To solicit applicants for appointment and administer the “Procedure” for doing so, as adopted by the Board of Selectmen.
  - To conduct “Evaluation” of applicants for appointment, by process as adopted by the Board of Selectmen.
  - To update and recommend changes in the process of appointment, by process as adopted by the Board of Selectmen.
  - To give information about the appointment procedure to each committee affected by this policy, updating as required.

### *Oath of office*

Written notification of appointment will be issued to newly appointed members. Appointees must report to the Town Clerk’s office to be sworn to the faithful performance of their duties prior to taking any official action as a member of the board or committee (MGL Ch.41, s. 107) The Town Clerk will give appointees information about the Open Meeting Law, as required by the Attorney General’s Division of Open Government.. Members are required to sign a written acknowledgment of receipt. Each year, all municipal employees (which include members of Boards, Committees and Commissions) must be given a summary of the conflict of interest law prepared by the Ethics Commission and, every two years, they must complete an online training program prepared by the Commission. The online training program is available at [www.muniprogram.ethics.state.ma.us](http://www.muniprogram.ethics.state.ma.us). Once you have completed the program online, you will be prompted to print a Certificate of Completion, which must be kept on file at the Town Clerk’s Office. Please see Appendix 1 for additional information related to ethics / conflict of interest training.

### *Term of Office*

The full term of office for most positions on standing boards is three years. If a vacancy occurs in the membership of an appointed board, the appointing authority may appoint a new member to serve for the balance of the unexpired term.

### *Reappointments*

- All incumbents who desire reappointment shall notify the Administrator’s Office & Appointments Chairman within 4 weeks of the announced vacancy.

- If a search is to be conducted, the Talent Bank shall be searched by the Town Administrator's Office for applicants interested in filling a vacancy on the Committee, in order of their preference

#### *Vacancies/Resignations/Lack of Attendance/Removal*

- In the event that a board member finds that he/she can no longer fulfill the duties of his/her term of office, he/she is encouraged to consider resigning. Resignation is effectuated by providing a written resignation stating the effective date thereof to the Selectmen and a copy to the Town Clerk.
- The Committee Chairperson shall notify in writing, the Administrator's Office and Appointments Chairman of any imminent vacancy on his/her committee a minimum of 45 days before it occurs or as soon as possible after a death, resignation or removal, etc.
- Any member of an appointed Committee absent for four (4) or more consecutive meetings, without a suitable explanation, may be removed by the appointing authority, pursuant to the Yarmouth General Bylaws. A notice of such removal shall be filed with the Town Clerk. Further, a copy of such action shall be sent to the party removed. In addition, pursuant to town bylaw, the Board of Selectmen may remove for cause a member of a multi-member board, committee, or commission for which the Selectmen are the appointing authority. This vote to remove an appointed committee member shall require the affirmative vote of four members of the Board of Selectmen, after a public hearing or a hearing in executive session pursuant to MGL c. 30A, § 21.
- The members of any multiple-member board, committee or commission, not appointed by the Board of Selectmen, may be removed by the Town official or officials who appointed such members. Removal will be for cause and following a public hearing on such removal.
- The above provision notwithstanding, the appointing authority of any Board, Commission or Committee may remove a member for just cause after a hearing.

#### *Restrictions on Members of Boards and Committees*

During the term for which a member is appointed and for 1 year following expiration of such term, no member of any appointed board under this charter shall be eligible to accept any additional paid position under any such multi-member board.

#### *Evaluation of Candidates*

##### *Screening of Applicants*

- The Appointments Chairman shall screen all applicants as received by the Board of Selectmen through the Town Administrator and evaluate their qualifications based on an evaluation form (See appendix 2).
- All interested applicants for each vacancy may be selected for interviews.

### *Initiating the Interviews*

- The Administrator's office and / or the Appointments Chairman, shall notify the Chairperson of the committee on which the vacancy occurs that interviews should be conducted at a time and place designated by the Appointments Chairman.
- They shall furnish the committee chairman with a copy of a completed talent bank form for each of the applicants to be interviewed and request that copies of each be given to each member of that committee prior to the interview.
- The Administrator's Office and / or the Appointments Chairman shall notify each applicant of their scheduled interview appointment.
- Board of Selectmen reserve the right to make exceptions as they deem necessary.
- This meeting shall take place as soon as possible from the notification by the Appointments Chairman.
- Notification to the applicants shall include a format for the interview process and a copy of Appendix 2 on which they will be evaluated, together with any other information pertinent to the work of the committee, i.e. budget, town report, etc.

### *Interview Process*

- The interviewing committee may consist of those members of the committee not applying for any vacancy, the Appointments Chairman and any other Selectmen who wish to attend.
- The elected Appointments Chairman of the Board of Selectmen shall conduct the interviews as Chairman of the sub-committee.
- If the interview schedule falls within a regular meeting of the affected committee, the committee chairman will adjourn or suspend the regular meeting and turn the meeting over to the Appointments Chairman, who will then appoint those present and qualified to the sub-committee, conduct the interviews and then turn the meeting back to the standing committee chairman.
- Each member of the interviewing sub-committee will be furnished with a qualifications for an evaluation form.
- As the interview (s) proceed, each member will evaluate individually the candidate and at the conclusion of the interview, give his completed Appendix 2 to the Appointments Chairman.

### *Recommendations*

- The Appointments Chairman may recommend appointment of an applicant who has met the necessary qualifications outlined in Appendix 2, with an emphasis placed on applicants' availability to serve, as well as their background, education and experience concerning the responsibilities and duties of the committee in which they seek appointment.
- Motions by the Appointing Authority to appoint shall be made singularly for each vacancy when there is more than one vacancy to be filled.

## **Types of Boards and Committees**

### *Statutory Boards and Committees*

- State statutes outline the powers and duties of statutory committees, some of which are more commonly known in Yarmouth as "regulatory boards." Town bylaws and the Boards of Selectmen may further define the work of these committees.
- Although the Board of Selectmen reserves the right to make exceptions, an individual who accepts appointment to one regulatory board will not be appointed by the Board of Selectmen to any other regulatory board. However, members of regulatory boards may be appointed to concurrently serve on advisory and other committees at the discretion of the Board of Selectmen.

### *Advisory Committee*

Advisory committees aid the Board of Selectmen in the performance of its duties to the public. All appointed committee members serve at the discretion of the Board of Selectmen. The Board of Selectmen prepares for membership and receives the reports and recommendations of the committee.

## **Organization of Boards - Duties of Officers**

### *Election of Officers*

All elected Boards, Committees, Commissions and Officers shall reorganize at their first meeting following the Annual Town Elections and all appointed Boards, Committees, and Commissions shall attempt to reorganize each year. All Departments, Boards, Committees, Commissions and elected Officers shall notify the Town Administration office of their organization, their office hours and the time and place of meetings. All officers (Chair, Vice Chair, and Clerk) must be a full member of the committee.

### *Duties of Officers*

- **Chairman**
  - Presides at all meetings, decides questions of order;

- Calls meeting dates and times;
  - Ensures that meeting and agendas are properly posted in accordance with the Open Meeting Law;
  - Sets agenda topics;
  - Represents the board before the appointing authority, other town bodies and the public, as required;
  - Ensures that members are kept informed of meetings;
  - Ensures that all members have taken the oath of office and acknowledged receipt of information from the Town Clerk with regard to the Open Meeting Law and Conflict of Interest Law;
  - Ensures that a summary of the board's actions of the previous year are submitted to the Town Administrator for inclusion in the Annual Town Report;
  - Exercises control over public meetings and hearings, ensures that the proper decorum is maintained and that such meetings and hearing are conducted in an orderly and appropriate manner.
  - Informs Town Administrator's office and Appointments Chair of any committee vacancies.
  - Ensures that new members have received some type of orientation and training in regards to the work of the committee.
- **Vice-Chairman**
    - The Vice-Chairman acts as Chairman in the absence of the Chair.
  - **Clerk/Secretary**
    - Ensures that minutes of every meeting are taken, prepared and filed with the Town Clerk in a timely manner, in accordance with the Open Meeting Law and the Town Bylaws.
    - Ensures that copies of documents and other exhibits used during meetings are provided and referenced in a list to be included as addenda to the approved meeting minutes, in accordance with the Open Meeting Law.
    - In the absence of paid staff, performs any other clerical or administrative duties as required.

## **Meetings**

### *Attendance*

In general, Committees meet regularly. Members of a board or committee are expected to use best efforts to attend all regular meetings of the Committee.

### *Open Meeting Law*

- The Massachusetts Open Meeting Law (MGL Chapter 30A, §§ 18-25) requires that Committees conduct their business in open meetings before the public. Except in

very specific cases outlined in the law, the public and the press have the right to attend all meetings of government bodies. The format and requirements for such meetings may vary depending upon the type of meeting that is being held. The obligations on the members of Committees may also vary.

- The exception is “executive session” which permits a Committee to conduct a closed door meeting on several very narrow grounds. Entering executive session requires strict adherence to the law and creates legal obligations on the Committee and its members both prior to and after the executive session. It is recommended that no Committee enter executive session without guidance from a Department Head or other Town official with expertise on the matter.
- There are certain aspects of the Open Meeting Law that must be followed by all boards and committees.
  - A quorum of Committee members may discuss Committee business only at properly noticed public meetings.
  - Under the Open Meeting Law, the use of technology for communication may be considered a public meeting. The Open Meeting Law prohibits the use of email or telephone conferences by a quorum of a Committee to consider Committee business. Email and other forms of electronic correspondence 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 or other similar correspondence. Comments on information provided via electronic means should be reserved for a posted public meeting of a Committee. Committee members should not “reply all” to express an opinion on information that is shared via email.
  - The Open Meetings Law prohibits “revolving door” meetings, in which a quorum of members participates in serial fashion. This includes the use of email. Collecting independent email responses from Committee members is no different than members of a Committee commenting on an issue by a “reply all” email.
- Advances in technology require additional diligence by Committee members to be in compliance with the Open Meeting Law. The advent of the internet has created new venues to exchange ideas such as chat rooms, message boards, and blogs which allow for instant dialogue on a wide variety of topics. In response, the state has amended the definition of deliberation to include “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 . . .” MGL 30A §18.
- All members of a Committee should receive a copy of the Open Meeting Law from the Town Clerk’s office when they are sworn in, or obtain a copy directly from the Attorney General’s website (<http://www.mass.gov/ago/government-resources/open-meeting-law/>).

*What is a Meeting?*

- A meeting occurs any time a quorum, which is usually a simple majority of members of a Committee meet and discuss or consider any public business or policy over which the Committee has some jurisdiction or advisory power. A quorum cannot be established by having a Committee member participate in a meeting via telephone or other means of electronic communication; members must be present at the meeting to constitute a quorum. As of the revision date of this document, the Town has chosen not to permit any remote participation, as may be authorized by the Attorney General. Accordingly, electronic participation is presently prohibited.
- A quorum of a Committee may not meet in private for purposes of deciding or deliberating towards a decision on a matter before a Committee. Polling of Committee members on a pending decision prior to an open meeting of a Committee violates the Open Meeting Law. Polling of board or committee members is a form of a “revolving door” meeting.
- If a scheduled meeting of a Committee has less than a quorum, the only action a Committee may take is to adjourn the meeting or schedule the next meeting of the Committee.

*Types of Meetings: Public Meeting and Public Hearing*

- There are two types of Committee meetings: (1) public meetings and (2) public hearings. Public meetings and public hearings (which are held within public meetings) are held in conformance with the Massachusetts Open Meeting Law, Code of the Town of Yarmouth and any statute under which the hearing or meeting arises.
- Public meetings are conducted so that a Committee may discuss the business of the Committee. For example, an advisory board or committee will hold a public meeting to discuss a public policy issue for which it may make a recommendation to the Board of Selectmen. Public testimony at a public meeting (as opposed to a public hearing) is not guaranteed and is taken at the discretion of the Chair of a Committee. A Committee is not required to allow public testimony on every issue it considers. While a Committee may provide the public the opportunity to speak on an issue, public participation in a Committee’s discussion or deliberation is at the discretion of the Chair, which may include limiting the amount of time a member of the public is allowed to speak. To act on a matter or adopt a position on an issue, a quorum of the Committee must be present.
- Public hearings are conducted with an appropriate degree of formality Roberts Rules of Order. Public hearings are conducted for the same overall reasons as the public meeting – to protect both the public interest and the rights of individuals – with the additional purpose of gathering relevant information from an applicant, interested parties, and the public at large. A public hearing also provides a Committee with the means of gathering the information necessary to develop an informed opinion and to issue permits or licenses that are fully supported by the appropriate facts and laws, or to deny such approvals in the event that the facts do not support the application. During a public hearing, Committees are required to take public testimony, although the Chairman may impose reasonable limits on the scope of such testimony. Once a public hearing is closed, a Committee may continue

to discuss an issue without taking further testimony from the public. A public hearing needs to be advertised in accordance with the underlying statute, regulation or bylaw, prior to the hearing taking place.

- To act on a matter that has had a public hearing, a quorum of the Committee members who participated in the public hearing must be present. A member of a Committee who has missed a single public hearing may vote on the matter in question after signing an affidavit that states the member has reviewed the entire file and listened to the audio or video of the missed meeting. If the membership of a Committee changes after a public hearing and before a decision is rendered on the matter heard, and a quorum of members who participated in the public hearing no longer serve on a board or committee, then a new public hearing must be opened in order for the Committee to be able to vote approve the requested relief.

### *Location and Posting of Meetings*

- Committees should establish a regular meeting schedule to suit the needs and convenience of the members. However, all meetings must be held in a public location that is accessible to people with disabilities. It is recommended that Committees hold meetings at a consistent location to the extent possible. Having a consistent meeting location helps to ensure public access to board and committee meetings.
- By law, it is the responsibility of a board or committee to provide written public notice of any meeting at least forty-eight hours prior to the Committee's meeting. The forty-eight hours do not include Saturday, Sunday, or holidays. The public notice must include the time, date, and location of the meeting, as well as a list of topics reasonably anticipated to be discussed, and must be in compliance with the Open Meeting Law.
- Meetings notices should be published online on the town's website as well as the central posting board in Town Hall. A Committee calling a meeting is responsible for ensuring that there is proper public notice of a meeting.

### *Voting*

- A vote of a Committee is necessary for a Committee to make a recommendation or decision, or take a position on an issue. Any member of a Committee may make a motion to vote on business pending before the Committee. Unless a different quorum of vote is specified in state law or local bylaw, a motion passes if a simple majority of board or committee members present vote in favor of the motion, and it fails if a simple majority of members vote against the motion. For some decisions state or local law may require a supermajority, such as a two-thirds majority, for a motion to be adopted.
- In the event of a tie vote on a motion, the motion fails. In most cases, a matter can be deferred for action by a Committee to a later date. However, some regulatory Committees have restrictions on carrying matters forward and there may be time constraints on when the regulatory Committee has to take action on a matter

pending before the Committee. Regulatory Committees should consult with the professional staff to ensure that there are no inadvertent or unintended consequences which may result from failure to take timely action on a matter pending before the Committee.

- To vote on a motion a Committee member must be present at the meeting when the motion is made. Voting cannot be done by proxy, telephone, or electronic communication.
- A formal vote is required for routine business, such as the approval of meeting minutes. A Committee may conduct routine business through the general consensus of the Committee. If a member objects to approving a matter by general consensus of the Committee, then a formal vote is required.

### *Agendas*

- The Chair of a Committee is usually tasked with preparing the agenda for a Committee meeting. If Town personnel are available to staff a Committee, then for practical reasons, the setting of an agenda for a Committee meeting is usually done in consultation with staff. Agendas for public meetings may vary slightly for a Committee; however, agendas generally will include a list of all topics expected to be discussed, with a description of each topic in sufficient detail to allow the public to assess whether it wishes to attend the meeting. Topics such as “Old Business” and “New Business” are not permitted.
- An agenda for a public meeting may include a public hearing. While part of a public meeting, the conduct of a public hearing is much different than the conduct of a public meeting, as noted above. Staff can be consulted on how public hearings are conducted for specific boards or committees.

### *Meeting Minutes*

- All Committees must keep minutes of every committee meeting. Unless a staff person is designated by the Town Administrator to keep minutes, Committees will often select a Committee Secretary, who is a member of the Committee that is responsible for keeping meeting minutes.
- Meeting minutes provide an official record of the actions and votes taken by a board or committee during a meeting and a summary of the important topics raised and discussed. They are not intended to be a verbatim transcript of the meeting, but must contain a suitably detailed summary of each subject discussed, a list of documents and other exhibits used at a meeting, and decisions made, and actions taken on each matter.
- Prior to voting to approve the minutes, members of the Committee will be given the opportunity to review minutes of a previous meeting. A Committee may vote to correct minutes to ensure they accurately reflect the prior proceeding.
- Minutes become the official record of a meeting only after they have been approved by the Committee. However, meeting minutes may be considered a public record

before they are formally approved by a Committee, and draft meeting minutes are subject to public records requests.

### *Public Records*

- The Massachusetts Public Records Law (MGL Chapter 66, §10) provides the public with the right to access public records. What constitutes a public record is broadly defined, and includes all documentary materials made or received by any town official, Committee member, or employee. There are specific exceptions for documents related to personnel and medical files, proposals and bids, attorney-client communications, executive session materials and appraisals of property that are not subject to public records requests under the Public Records Law.
- All minutes, informational data, photographs, recordings, maps, memoranda, and circulated materials used by a Committee, including notes, recordings, or other materials used to prepare minutes, are part of the official record of the session and must be maintained. The Town's official records Access Officers, Town Administration or any other appropriate Town personnel should be consulted if a Committee has a question concerning the public records status of a specific document. Committees should coordinate any response to a public records request with a Records Access Officer or Town Administration.

## **CODE OF CONDUCT FOR MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS**

The conduct of members of Municipal Boards, Committees, and Commissions, as well as employees, is regulated by the provisions of Chapter 268A of the Massachusetts General Laws, and enforced by the Massachusetts Ethics Commission. The statute assigns personal responsibility to regular and special municipal employees (including elected and appointed volunteers) in four general categories, as listed below. Such categories should be employed in conjunction with general standards for diligent, fair and responsible;

1. Community Responsibility
2. Responsibility to Municipal Administration
3. Relationship to other Board Members
4. Prohibited Conduct

### *Conduct Generally and in Relation to the Community*

- Be well informed concerning the local and state duties of a board/committee member.
- Remember that you represent the Town of Yarmouth at all times.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest and/or unlawful.
- Conduct yourself in a manner to maintain public confidence in our local government.
- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law.

#### *Conduct in Relation to Your Fellow Committee Members*

- Treat all members of the committee with respect despite differences of opinion. Keep in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve.
- Recognize that formal, final action at official legal meetings is binding and that you alone cannot bind the committee outside of such meetings.
- While you are not required to refrain from expressing your right to disfavor an application or other matter before you, you should refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
- Make decisions only after all facts on a question have been presented and discussed.

#### *Conduct in Relation to the Town Administrator*

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual Board member.
- Refrain from giving instructions to or requesting assistance from Town department heads, but rather channel all such activities through the committee and the Town Administrator.

#### *Conduct in Relation to Town Staff*

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Direct questions of Town staff and/or requests for additional background information through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Ensure that all requests for staff support go through the Town Administrator's office.

### *Compliance and Enforcement*

The Town of Yarmouth Code of Conduct establishes standards of conduct for members of Town Committees. Members themselves have the primary responsibility to assure that these standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chair of a Committee shall promptly intervene when a member's actions appear to be in violation of the Code of Conduct. Additionally, the Board of Selectmen have the following procedures regarding complaints against committees or committee members.

1. Complaint shall be submitted in writing to the Board of Selectmen
  - a. If the complaint is submitted at a public meeting, it shall not be read but provided in hand to the Selectmen.
  - b. If the complaint is submitted by mail or in hand to the Selectmen's office, it shall be copied and provided to the Selectmen at their next regular meeting or in the next Selectmen's packet.
2. The package of material shall be reviewed by the Chair or Chairs of Appointments to determine:
  - a. the nature of the complaint
  - b. the documents submitted are complete
  - c. the requested action
3. A recommendation will be made to the full Board of Selectmen by the Appointment's Chair (Chairs) as to how to proceed, e.g. internal investigation, meeting with parties, formal hearing.
4. There will not be public updates except at the discretion of the Appointment's Chair (Chairs) if they feel it is appropriate.

5. The handling of all complaints shall be in strict conformance with the rights of the affected parties, including the rights for privacy and due process.

## **Reminders**

### *Speaking for a Board or Committee*

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or committee or exercise the authority of the board or committee except when specifically authorized by that body to do so.

### *Civil Discourse*

The Board of Selectmen recognizes the importance of civil discourse at all levels of the government including those who volunteer their time and services on behalf of the Town. Boards and committees should conduct themselves so as to maintain public confidence in their local government and in the performance of the public trust. All individuals appearing before a board/committee should be treated fairly, objectively, and respectfully. It is expected that those members from our community attending Town board or committee meetings will display respect to the public, board and committee members and Town staff. Professional respect does not preclude differences of opinion but requires respect for those differences and the people who express them. Everyone should strive for civil discourse on all matters.

## **Use of Town Facilities, Staff, Equipment**

### *Scheduling Rooms*

It is strongly recommended that boards meet in a Town building. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. There are three meeting rooms in the Town Hall. Room assignments may be changed at the discretion of the Town Administrator, as deemed necessary. Please reserve a room prior to posting a meeting. It should be noted that reserving a meeting room does not constitute a meeting posting as required by the Open Meeting Law (MGL Ch.30A, sec 18-25).

### *Regular Meeting Room Hours*

Town Hall offices are open Monday – Friday 8:30am to 4:30pm. Meeting rooms are available during regular Town Hall hours and during evenings on Monday through Friday. Requests for use of the meeting rooms must be made through the Administrator’s Office by contacting Linda Dennehy at [ldennehy@yarmouth.ma.us](mailto:ldennehy@yarmouth.ma.us)

or Pam Barnes at [pbarnes@yarmouth.ma.us](mailto:pbarnes@yarmouth.ma.us). If a committee is staffed by a town employee, that individual is typically responsible for coordinating meeting rooms.

### *General Meeting Room Rules*

All public meetings must remain open to the public, with the exception of executive sessions held in accordance with MGL Ch. 30A, sec 21. The Chairman of the board/committee holding the meeting is responsible for assuring that the meeting room is left in an orderly fashion.

### *Use of Equipment*

Town equipment and facilities may be used for official board or committee business. Board or committee mailing addresses should be the Town Hall, 1146 Route 28, S. Yarmouth, 02664. A copy machine is located on the first floor of Town Hall.

## **Town Counsel**

### *Use of Town Counsel*

Town Counsel provides legal services to the Town Administrator and the Board of Selectmen, and through them to other town committees and departments. Prior to making legal service request to Town Counsel, you must first contact the Town Administrator for authorization. Copies of correspondence to and from Town Counsel are to be provided to the Town Administrator and the Board of Selectmen.

## **Additional Information**

Every newly appointed member of every board or committee must be sworn in by the Town. To make arrangements to be sworn in, or for questions related to swearing in, please contact the Town Clerk.

The Board of Selectmen recognizes that volunteers are not always experienced in the workings of municipal government. New members should contact their board or committee chairperson for an orientation to the board or committee's role, responsibilities, and recent issues. Whenever possible, all issues related to the board or committee should be resolved with the chairperson of the committee, or other committee members.

If you have any other additional concerns or questions about your role as a New Board/Committee Member, please seek the advice of your Chairman or of the Town Administrator. They will be more than happy to help you settle in to your new position.

If you can think of any other information that can be added to this guide to assist the process of new town officials taking office, please provide your comments to the Town Administrator's Office.

## **Appendix 1**

### **ETHICS/CONFLICT OF INTEREST**

Governor Patrick signed into law Chapter 28 of the Acts of 2009 that made changes to the State's Conflict of Interest Law and the State Ethics Commission's Enabling Act. This law went into effect September 29, 2009. All municipal employees and Board/Committee Members are required to complete the online training program provided on the Commission's website then and every two years thereafter.

You are responsible to keep track of when your Ethics/Conflict of Interest requirements need renewing. Please also look for reminder correspondence from the Town Clerk's office.

#### *Instructions to complete Ethics/Conflict of Interest Requirements*

Make sure you turn off all pop-up blockers on your computer before you begin!

STEP ONE: [www.mass.gov/ethics](http://www.mass.gov/ethics),

Each "Municipal Employee", which includes unpaid elected and appointed town officials, is required to sign a written acknowledgement that he/she has been provided with a summary of the Bill. If you do not have the summary of this bill, go to [www.mass.gov/ethics](http://www.mass.gov/ethics), under "Key Resources" click on "Summaries of the Conflict of Interest Law", then click on the summary of the law for "Municipal Employees". Fill out the receipt at the end of the summary and return to the Town Clerk's office

STEP TWO: [www.muniprogram.state.ma.us](http://www.muniprogram.state.ma.us).

The Bill also requires that every "Municipal Employee" shall complete the online training program within 30 days after becoming such an employee and every other year thereafter. The online training program is on the state website [www.muniprogram.state.ma.us](http://www.muniprogram.state.ma.us). All "Municipal Employees" must complete the online training program.

STEP THREE:

Upon completion of the online training program, you must print out two copies of the certificate, keep a copy for yourself and provide a copy to the Town Clerk.

Both of these requirements must be completed within thirty days upon receipt of this letter.

If you have any questions, please call the Town Clerk's office.

**Appendix 2  
Evaluation Sheet**

**SCORE SHEET**

**INSTRUCTIONS:**

- A) Rate each applicant on the basis of the following scoring system:
- |           |   |
|-----------|---|
| EXCELLENT | 4 |
| GOOD      | 3 |
| AVERAGE   | 2 |
| FAIR      | 1 |
| POOR      | 0 |
- B) Return your completed form to the Appointments Chair(s) at the conclusion of the interview. When all interviews are completed, the Appointment Chair(s) will contact the Committee Chair with their results and recommendation; and Appointments Chair(s) will notify applicants of their decision.
- C) Prior to the interviews beginning, describe the process that will be followed for the interview. Ask the chairperson of the committee to describe in some detail the responsibilities of the individual board members, time commitments that are involved and any other information which you or they feel is relevant to the position

**SCORE:**

**QUESTIONS FOR APPLICANT**

- \_\_\_\_\_ 1. How does the applicant's background, education, and experience lend itself to the responsibilities and duties of a committee member?
- \_\_\_\_\_ 2. Is the applicant willing and able to devote the necessary time to be a member of this board?
- \_\_\_\_\_ 3. Why does the applicant want to volunteer on this committee, as opposed to some other committee in the Town?
- \_\_\_\_\_ 4. Are there ideas or other directions that the committee has yet to address?
- \_\_\_\_\_ 5. How does the applicant's personality lend itself toward communicating

with other board members and the public at large?

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Total Score:** \_\_\_\_\_

**Recommendation:** \_\_\_\_\_

**Appendix 3  
Recommendation Form**

**TO:**

**FROM:**

**SUBJECT:**

**DATE:**

**OPENING:**

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**Number of Interviewers:** \_\_\_\_\_ **1** \_\_\_\_\_ **Selectmen**

\_\_\_\_\_ **Board/Committee Members**

Numerical Evaluation of Candidates

**\*\* Maximum Score = 24 \*\***

**BOARD/COMMITTEE**

**SELECTMAN**

**AVERAGE**

RATING \_\_\_\_\_

RATING \_\_\_\_\_

RATING \_\_\_\_\_

**RECOMMENDATION:**

**Appendix 4  
Committee List**  
*(Subject to change)*

<b>Board/Commission/Committee</b>	<b># of Members</b>	<b>Term</b>	<b>Legal Basis</b>
Affordable Housing Trust	5	Two years	MGL Chapter 44 Section 55C; Town Bylaw Chapter 6
Board of Appeals	5	5 years (alternate: one year)	MGL Chapter 40A & 40B, Section 12
Board of Assessors	3	Three years	MGL Chapter 41 Section 24
Cape Cod Regional Tech Committee	2 representatives	Three years	
Capital Budget Committee	7	Five years	Town Charter
Community and Economic Development Committee	5-7	Three years	Board of Selectmen's Vote, 2005
Community Housing Committee	7 and 1 alternates	Three years	Board of Selectmen's Vote, 2005
Community Preservation Committee	9	Three years	ATM 2005 – Article 10, MGL CH. 44B, Section 23-1 of Town Code
Conservation Commission	7	Three years	MGL CH. 40, Section 8C MGL 131, Section 40 & the Town of Yarmouth Wetland bylaw
Council On Aging	7	Two years	Town Charge approved by BOS, Nov. 8. 2016
Cultural Council (Regional)	9	Three years	Chapter 10, Section 58

<b>Board/Commission/Committee</b>	<b># of Members</b>	<b>Term</b>	<b>Legal Basis</b>
Design Review Committee	5	Two years	Board of Selectmen voted May 24, 2005
Disability Commission	5	Three years	MGL Chapter 40, Section 8J
Drive In Site Utilization Committee	5-7	Ad hoc – 6 month review	Board of Selectmen Vote 2/14/17
Elderly & Disabled Taxation Aid Committee	5	Three years	ATM 2018; MGL Chapter 60, Section 3D
Energy Committee	7 and 2 alternates	Three years	Board of Selectmen Vote 3/25/08
Finance Committee	9	Three years	MGL Chapter 39 Section 16
Golf Enterprise Committee	7	Three years	Board of Selectmen Vote
Board of Health	5	Three years	MGL Chapter 41, Section 21, ATM 1980 Art. 57
Historical Commission	7 Commissioners, up to 5 Associates	Three years for Commissioner One year for Associates	MGL Chapter 40, Section 8D, ATM 1977, Article 22
Wastewater Implementation Committee	9	One year	Board of Selectmen vote 1/11/18
Investment Committee	5 (one to be Town Admin., one to be Town Collector/Treasurer)	Three years	Per Board of Selectmen, Investment Policy 5/91
Library Board	7	Three years	STM August, 1994
Old King's Highway Committee	5(4 elected/1 Architect-contractor appointed by Selectmen/ 1 alternate	Four Years for elected member, One year for alternates and Architect	Chapter 470 of the MGL Acts of 1973, as amended

<b>Board/Commission/Committee</b>	<b># of Members</b>	<b>Term</b>	<b>Legal Basis</b>
Open Space Committee	7	Three years	Town Charter – Special Single Purpose Committee
Parker’s River Marine Park Committee	8 ( 4 residents, one of whom must reside in general area of proposed marina, 3 business reps, 1 member of Waterway Commission)	Three years	Board of selectmen vote
Personnel Board	5 (one of whom is a Finance Committee Rep.)	Three years	Chapter 41 Section 108A
Planning Board	7	Three years	MGL Chapter 41, Section 81A Town Code Chapter 37, 171
Recreation Commission	7 and 3 alternates	Three years Alt – One year	Chapter 45, Section 14 Town Code Chapter 37, 171
Recycling and Solid Waste Advisory Committee	5-7 (Alternates - 1 year term)	Three years	ATM 1979, Article 49
Scholarship Committee	7 (1 to by DY Super.)	Three years	Section 3 of chapter 712 of the Acts of 1987
Waterways/Shellfish Advisory Committee	5 citizen members 1 harbor master 1 shellfish constable (alternates 1 year term)	Three years	Town code – chapter 52

<b>Board/Commission/Committee</b>	<b># of Members</b>	<b>Term</b>	<b>Legal Basis</b>
Yarmouth Representative to Barnstable Assembly of Delegates	One representative	Three years	1989 Act of Mass. General Court
Yarmouth Representative to Cape Cod Commission	One representative	Three years	County Charter
Yarmouth Representative to Steamship Authority	One representative, one alternate	Three years Alt - One year	Acts of 1971 MGL Chapter 1103, Section 166A