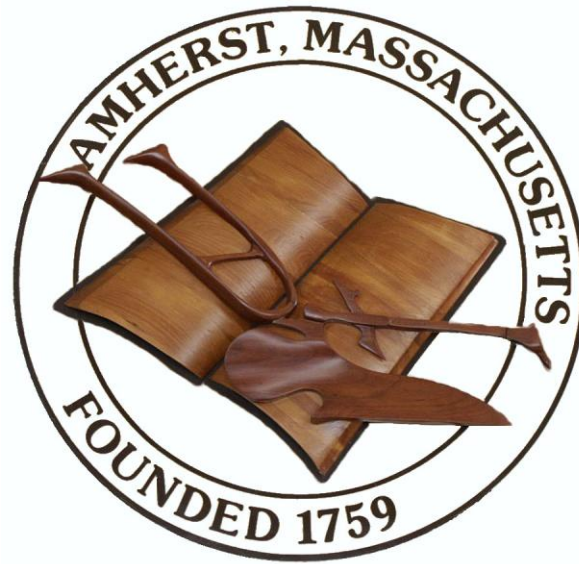


# TOWN OF AMHERST



## APPOINTED COMMITTEE HANDBOOK

Revised 09/14/2011

## APPOINTED COMMITTEE HANDBOOK

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## **1.0 INTRODUCTION TO THE APPOINTED COMMITTEE HANDBOOK**

### **1.1 Purpose**

The Select Board has provided this Appointed Committee Handbook (hereafter, “Handbook”) to assist the Town of Amherst’s many appointed boards, commissions, and committees (hereafter, “Committees”). The Handbook provides a brief description of procedures which may be well known to many but are less familiar to others. It also provides information about important state statutes, such as the Open Meeting Law and the Conflict of Interest/Ethics Law.

### **1.2 Additional Publications**

This Handbook does not attempt to duplicate all the details given in two local publications of the Amherst League of Women Voters: *Your Amherst Government* and the *Town Meeting Handbook*. Both are available on line at <http://www.LWVAmherst.org/>. The former gives an overview of Amherst government. The latter focuses on the procedures and practices of our Representative Town Meeting, including advice to sponsors of warrant articles. New Committee members should read both and save them as references.

In addition, the Town of Amherst Annual Report provides a summary of Committee activities as well as other details of Town activities for each fiscal year (July – June). Several years of Annual Reports are available on the Town website: [www.amherstma.gov](http://www.amherstma.gov), with hardcopies of previous years available in both the Select Board office and in the Jones Library Reference section.

New Committee members should be provided with a copy of the charge and other written information about the Committee's specific role, powers and duties, and rules and regulations, as well as any issues frequently encountered by the Committee. Committees may request training from Town staff, Town Counsel, and other sources by making a written request to the Town Manager at any time.

See Appendices section of this Handbook for additional resources.

## **2.0 FORMATION OF COMMITTEES AND MEMBERSHIP**

### **2.1 Committee Formation**

The appointing authorities (the Select Board, Town Manager, and Town Meeting Moderator) appoint the Town's Committees. State statutes outline the powers and duties of many; the Town's general bylaws, which are adopted by Town Meeting, further define the work of some. Town Meeting may also request the appointment of a Committee by approving an article for that purpose. The appointing authority prepares the charge detailing the function, composition, appointing body and more and receives the reports and recommendations of the Committee. If appropriate, the Committee may also report to Town Meeting.

### **2.2 Citizen Activity Forms**

The appointing authorities publicize vacancies on Committees. Individuals interested in being considered for appointment should complete a separate Citizen Activity Form (CAF) for each Committee, commission or board on which they would like to serve. The only exception to

this is for nominees from a home Committee to serve as representatives on a second Committee. In this case, informing the Select Board of their choice will suffice. If however, the chosen nominee is not on the home Committee but is a community member selected by them, then a Citizen Activity Form is required. The Citizen Activity Form is on the Town's website ([www.amherstma.gov](http://www.amherstma.gov)) and may be completed online. Applicants, who do not have access to a computer, may call the Select Board's office at 413-259-3001 to request a form. The completed form should be returned to the Select Board office. Applicants should explain on the form any potential for or appearance of conflict of interest (See Section 2.4, Conflict of Interest). If there are no openings on a citizen's Committee(s) of choice, his/her Citizen Activity Form will be held on file for two years for consideration should an opening occur. Citizens are encouraged to attend meetings of their Committee of interest to learn about the Committee's role in the community.

### 2.3 Appointment

The goal of the appointing authorities is to appoint qualified and interested Amherst residents who are broadly representative of the Town. The appointing authorities carefully consider applications and suggestions from many sources, including but not limited to Citizen Activity Forms, verbal expressions of interest, recommendations by Committees, etc. They also take into account as many relevant factors (e.g., age, sex, race, experience, place of residence, etc.) as possible and make a special effort to ensure representation by gender, minorities and tenants. U.S. Citizenship is not a prerequisite for appointment. Selections are based on current Committee composition, qualifications, experience, recommendations, available space and on attendance record and previous performance, when available. Generally, if a person is serving a first term, they are given preference for a second. Conversely, if a person is completing a second term, and there are other qualified applicants, preference would be given to a newcomer. The general policy is to appoint an individual to no more than two permanent Committees at a time. Non-residents may serve on Committees when the appointing authority deems it in the best interest of the Committee and the Town. Some Committees have voting or non-voting representatives appointed through their home Committees. For example, the Community Preservation Act Committee has voting representatives nominated by the Planning Board, the Conservation Committee, the Historical Commission, the Housing Authority and the Leisure Services. The Agricultural Commission, however, has a non-voting representative from the Planning Board. All appointees receive written notification of appointment and a Certificate of Appointment signed by the appointing authority and must be sworn in by the Town Clerk prior to attending a Committee meeting as an official member. The Town Clerk gives Committee members information about the Open Meeting Law (M.G.L. c. 30A, §§ 18-25) as state statutes require; members must sign a written acknowledgment of receipt. Staff liaisons are appointed by the Town Manager to advise Committees.

### 2.4 Conflict of Interest Statute as It Applies to Committee Appointees

M.G.L. Chapter 268A, see also the State Ethics Commission Website:

[http://www.mass.gov/?pageID=ethterminal&L=3&L0=Home&L1=Laws%2C+Regulations+and+Forms&L2=Information+about+the+Conflict+of+Interest+Law&sid=Ieth&b=terminalcontent&f=pubed\\_intro\\_public&csid=Ieth](http://www.mass.gov/?pageID=ethterminal&L=3&L0=Home&L1=Laws%2C+Regulations+and+Forms&L2=Information+about+the+Conflict+of+Interest+Law&sid=Ieth&b=terminalcontent&f=pubed_intro_public&csid=Ieth)

#### 2.4.1 Purpose

According to *A Practical Guide to the Conflict of Interest Law for Municipal Employees* (2001) published by the State Ethics Commission, the "purpose of the conflict law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict."

"The law restricts what a public employee may do: (1) on the job; (2) after hours (or 'on the side'); and (3) after leaving public service."

#### 2.4.2 Provisions

The law prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of a Committee member's official actions, and acting as an agent or attorney for anyone in a claim against or doing business with the Town. The law prohibits all municipal employees from participating in a particular matter in which Committee members or any of the following have a financial interest:

- Immediate family.
- Partner or business associates.
- A business organization in which the Committee member serves as an officer, director, trustee, partner or employee (including a non-profit organization.)
- Any person or organization with whom the Committee member is negotiating or has any arrangement concerning prospective employment.

If Committee members have a conflict of interest or an appearance of conflict in any matter before the board or Committee, they should not be counted in the quorum nor participate in or be present for any pertinent discussions or votes. The law provides for the legal determination of conflict of interest status for any employee submitting a request to the appointing authority or State Ethics Commission. The law also provides for continued service in certain circumstances if full disclosure is made or a special exemption is granted by the appointing authority. If Committee members have any questions about their activities, they should file a written request with the Town Manager. The answer to the request will be in writing and become a matter of public record.

#### 2.4.3 Persons the Conflict of Interest Statute Governs

##### Municipal Employees:

"The conflict law regulates the conduct of public officials and employees (referred to collectively in the law as 'employees') at the state, county and municipal levels of government. The term 'employee' at each level is defined expansively. You are considered a municipal employee if you hold any office, position, employment or membership in any municipal agency. It does not matter whether you are paid or unpaid or whether you serve full-time or part-time. People who work as consultants or on an intermittent basis are generally covered, as well. For example, unpaid members of local town or city boards or commissions are municipal employees, as are private citizens

serving on a special advisory committee (emphasis added) appointed by the mayor or board of selectmen to make recommendations on a specific issue."

"Special" Municipal Employees: "'Special' municipal employee status may be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen or city council. Two sections of the conflict law apply less restrictively to special municipal employees. You are eligible to be designated as a special municipal employee provided that: (1) you are not paid; or (2) you hold a part-time position which allows you to work at another job during normal working hours; or (3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days."

"It is the municipal position which is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee may not be classified as a special unless all members are similarly classified."

#### 2.4.4 Designation of Committee members as "Special" Municipal Employees

The Select Board votes to designate some Committees' members as "Special" Municipal Employees based on the Committee requesting such designation. Under the provisions of this law, many but not all Town of Amherst appointed Committees have been designated "Special" municipal employees.

#### 2.5 Reappointment

Reappointment is based on an evaluation by the appointing authority of the Committee members' contribution to the Committee, the desirability of widespread involvement, and the changing needs of the Committee and the Town. Although there is no fixed limit on length of service, the length of service is normally limited to two (2) terms, three (3) years in length. In cases where special training or expertise is required, longer periods of service may be appropriate. A Committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

#### 2.6 Resignation

A Committee member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the appointing authority and the Chair of the Committee; it may be submitted to the Town Clerk or to the Town Manager's office.

#### 2.7 Other Terminations

In rare circumstances such as continued, unexplained absences or conflict of interest, the appointing authority may ask for a member's resignation or, if necessary, revoke the appointment. Also, the appointment of a Committee member who fails to attend three consecutive meetings may be terminated. Written notification to the Committee member will be given in the event of such action. Generally, before such action is required, the appointing authority should contact the member to see if the problem can be corrected.

## 2.8 Associate Members

From time to time, a Committee may find it useful to appoint associate members to assist the Committee in the successful completion of its charge. Appointments of associate members are made by the appointing authority, provided the Committee submits written substantiation of the need for associate members. Associate members are appointed for terms of one year.

## 2.9 Charge and Plan of Action

The Committee should review the charge prepared by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the Committee is established because of Town Meeting action, the appointing authority usually incorporates the purpose of the article within the charge. However, the Town Meeting vote is advisory and not legally binding.

The Committee, with advice from staff and the appointing authority, should develop a plan of action to accomplish the objectives. The plan should include major reporting milestones so that the Committee and the appointing authority may assess Committee progress.

# 3.0 OFFICERS

## 3.1 Elections

Committees elect a Chair, Vice-Chair and a Secretary annually, usually at the first meeting after new terms begin in July. It is the responsibility of the Chair to notify the appointing authority and the Select Board's Administrative Assistant of changes in officers.

## 3.2 Chair

The Chair's primary responsibility is the fair facilitation of meetings. The Chair presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the Chair's signature. The Chair has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon. However, the Chair must be mindful in offering amendments to motions and in discussing resolutions of the Chair's role in facilitating a full range of opinion from the Committee and, in a public hearing, from the Public.

The duties the Chair typically performs include:

- a. preparing agendas
- b. assuring needed materials will be available to the Committee
- c. assuring the lists of topics is posted in accordance with Open Meeting Law
- d. establishing the calendar
- e. reserving the meeting space
- f. notifying the appointing authority of important changes in the Committee
- g. submitting the annual report

Depending on the Committee, however, some duties may be performed by the Chair or by other elected officials of the Committee or in some cases, by the staff liaison. He or she would:



1. Prepare agendas and other materials: Ideally, the tentative agenda for the next meeting, the minutes of the previous meeting and other necessary documents should be e-mailed or mailed to Committee members, staff liaison, and the Select Board's liaison at least several days before a meeting. The detailed agenda, including a list of topics expected to be discussed, the meeting time and location, needs to be submitted to the Town Clerk three or more business days (a full 72 hours, excluding Saturday and Sunday) prior to the meeting. This allows the Clerk to post the information at least 48 business hours before the meeting in conformity with the Open Meeting Law section 20b. The information will then be included in the events calendar and on electronic bulletin boards. The Chair may be assisted in posting these materials by staff and/or a Town volunteer. In addition, the Town Clerk's office can train a Committee member to post these materials him or herself.

2. Prepare copies of meeting materials: A Committee member or staff liaison will copy meeting materials, using the copier in the staff liaison's department, and place them in envelopes for mailing for those who need mailed copies. The staff liaison will provide mailing labels and will mail those packets. However, emails typically substitute for copies and mailings for all Committee members who can receive emails and read all attachments, some of which require programs such as Excel or PowerPoint. If a member is unable to read such attachments, it may be possible to cut and paste them into the body of the email upon request. In the case of emailed materials, hard copies of the agenda and documents should be provided at meetings if they are not mailed so that members will not have to print their own.

3. Reserve meeting rooms (see Section 4.6) and post meetings with the Town Clerk (at least 72 hours, not counting Sundays and holidays) before meeting times.

### 3.3 Vice-Chair

The Vice-Chair serves as the Chair whenever the latter is absent from meetings and performs other necessary duties.

### 3.4 Secretary/Clerk

If the Committee has a Secretary, he or she is responsible for taking and transcribing the Committee's minutes, recording any amendments, posting the approved minutes on line and filing the approved minutes with the Select Board Office.

### 3.5 Rotating Secretary

A Committee may choose to have a rotating Secretary. The responsibilities of the rotating Secretary are identical to those of a Secretary.

### 3.6 Treasurer

When transacting business is a significant part of the Committee's work one of its members must be appointed Treasurer to handle the finances of the Committee, issues checks, collect bills, and provide an accounting to the Town as is appropriate. It is important to discuss such financial transactions with the Town Treasurer to ensure the correct methodology is being followed.

### 3.7 Staff liaison

Staff liaisons are assigned to many Committees in addition to the other work they do for the Town. Thus, their time must be respected. Except for formal regulatory bodies, Committees should not expect a staff liaison to attend their meetings more than once a month.

### 3.8 Select Board Liaison

The five members of the Select Board are liaisons to the many (50 or so) sitting Committees that serve the Town. Although they may attend only some of the meetings of a given Committee, they should still receive all the minutes and agendas. Select Board liaisons are a resource available to the Committee to answer questions on procedure and policy. They also report on the Committee's activities to the entire Select Board, and, when necessary, they help bring Committee issues that need attention to Town Meeting.

## 4.0 MEETINGS

### 4.1 Definition

A quorum is necessary for conducting official business (Zoning Board of Appeals is a special case, requiring all members of a three-member panel to be present for a hearing; regular quorum rules apply for ZBA administrative meetings). A quorum consists of greater than 50% of the full membership: i.e., quorum for a 6-member Committee is 4; quorum for a 7-person Committee is also 4. At this time, vacancies count as part of the full membership for determining a quorum according to Town Counsel. However, the Attorney General's office disagrees and is considering the reason for the Town Counsel's decision so this may change.

A meeting occurs at any time a quorum of the Committee (or subcommittee) members get together to discuss or consider any public business or policy over which the Committee has some jurisdiction or advisory power. At this time, members may not participate from remote locations even though the Open Meeting Law, section 20(d) states: "The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the Chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39."

The decision on remote participation will be made some time after September 2011.

### 4.2 Open Meeting Law (OM) M.G.L. c. 30A, §§ 18-25

#### 4.2.1 General Information

The Massachusetts Open Meeting Law

<http://www.mass.gov/?pageID=cagosubtopic&L=3&L0=Home&L1=Government&L2=The+Open+Meeting+Law&sid=Cago> requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except in ten specific situations where Executive Session is permitted (See Section 21a, OML,

Executive Session; see Section 4.4 below). No votes taken in open session by a governmental body may be by secret ballot.

The law does not apply to chance meetings or social occasions; however, such meetings cannot be used to circumvent the requirement of discussing and deliberating at public meetings.

The Open Meeting Law does not contravene other laws, such as the Privacy Act. If clarification is needed, particularly concerning Executive Session and the rights of individuals, the Committee Chair may request that the Town Manager obtain advice on specific questions from legal counsel.

#### 4.2.2 Recordings

Any person may record a meeting (with the exception of Executive Session) with audio and/or video equipment provided there is no active interference with the conduct of the meeting. The manner in which this right is to be exercised is subject to the reasonable direction of the Chair.

#### 4.3 General Guidelines

A Committee may adopt formal rules of order, such as Robert's Rule of Parliamentary Procedure. Although most small Committee discussions may seem too casual to be called debate, it is advisable for the Committee to observe a minimum of generally accepted procedures. Attentive guidance by the Chair and adherence to adopted procedures can increase efficiency as well as maintain objectivity.

The Chair should limit all participants to concise, non-repetitive statements. In some cases, establishing time limits may be advisable. All who wish to speak should be allowed to do so before anyone is invited to speak a second time. Although desirable, it is not necessary for the Committee to continue discussion until complete consensus is achieved. Other actions such as calling for a vote, postponing until more information is available, or referring to a subcommittee may be required.

Careful preparation before meetings, e.g., organizing agenda items, distributing information in advance, posting all information on line, and anticipating possible questions, can expedite discussion, facilitate action and avoid long and exhausting meetings.

Amherst has long been recognized for vigorous dissent, civil discussion, and mutual respect among individuals of diverse points of view. Committees discuss the merits of issues; personal comments are considered out of order. Visitors may be allowed to participate if recognized by the Chair; time constraints and agendas often require brevity (OML 20 (f)). It may be advisable for the Chair to remind speakers of time and repetition limits. No one may speak at a Committee meeting without permission of the Chair. If a speaker refuses to be silent after a warning from the Chair, the Chair has the authority to order the speaker removed from the meeting by the police. Nevertheless, all Committee members represent and serve the Town. They should treat all visitors and other Committee members with courtesy and consideration. It is strongly recommended to permit public participation in some form, such as a short period reserved for comment at each meeting or on a particular

issue on the agenda. Public participation is expected during scheduled public hearings.

#### 4.4 Executive Session

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 and state whether or not the Open Session will reconvene following Executive 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. Attendees do not discuss these matters with anyone. Accurate records/minutes of the executive session shall be maintained pursuant to section 23 of the OML (Complaints and Remedies) and shall be released to the public only when the purpose for the Executive Session no longer exists.

**Executive session may be held only for the purposes described in section 21a of the OML—see below:**

#### **OML SECTION 21a. [EXECUTIVE SESSIONS]**

“(a) A public body may meet in executive session only for the following purposes:

- (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. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights: i. to be present at such executive session during deliberations which involve that individual; ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session; iii. to speak on his own behalf; and iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual’s expense. The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the 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 public body;

- (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 open session; or
- (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 section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy. (b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that: 1. the body has first convened in an open session pursuant to section 21; 2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes; 3. before the executive session, the Chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called; 4. the Chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and 5. accurate records of the executive session shall be maintained pursuant to section 23.”

NOTE; Purpose (1) above for meeting in executive session should be used with great caution and should ordinarily be discussed in advance with the Town Manager or, if he/she authorizes it, with Town Counsel.

#### 4.5 Meeting Schedule

The frequency of meetings depends on a Committee's workload. Most meetings are commonly held weekly, bimonthly or monthly. The Chair calls each meeting except for the first one, which is called by the appointing authority. When possible, a regular meeting day, hour, and location should be established. Except in cases of emergency, Town Committees do not meet on major religious or official holidays or if Town Hall is closed due to snow. They meet only rarely on weekends.

#### 4.6 Meeting Location

Meetings must be held in a place which is open to the public and accessible to the handicapped. The Select Board strongly recommends that Committees meet in a Town building because meetings held in private homes or restaurants may give the appearance of

being secret and discourage the public from attending. A Committee may reserve a room in a Town building (Town Hall, Bangs, Libraries, Police Department, Schools) by contacting the following:

Town Hall: 259-3001 (Select Board Office)  
Bangs Community Center: 259-3060 (Senior Center)  
Jones Library: 259-3090  
Police Community Room: 259-3014  
School Department 362-1856 (Maintenance)

#### 4.7 Posting

It is the responsibility of the Committee (the Chair, Secretary or staff liaison) three (3) full days (72 hours) or more prior to the meeting to give notice to the Town Clerk so that she can post the Committee's meetings with time, date place and a list of topics to be discussed.. Except for emergency meetings, meetings must be posted on line 48 hours of work days in advance by the Town Clerk; Saturdays, Sundays or legal holidays cannot be included in the 48 hour period (OML section 20 b). In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the body), the 48-hour posting requirement is waived; however, the Town Clerk must be informed and the meeting posted as soon as possible. The Town Clerk is responsible for maintaining a current listing of all posted meetings on the electronic bulletin board at Town Hall and on line at <http://www.amherstma.gov/> The Town Clerk may train a member of the Committee to post the meeting's agenda by his or herself.

#### 4.8 Recordkeeping

Committees should strive for transparency, posting minutes as soon as they become available. State law requires that a Committee keep accurate records of its public meetings. The Committee must vote to accept all minutes. These records are public information, and Chairs, their designees or the staff liaison must post a copy of all approved minutes in electronic format (stored in an archive on line) AND in addition, a hard copy of all approved minutes must be filed with the Select Board Office.

The OML section 22 states:

“Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days” AND “The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure except in certain personnel evaluations.”

Minutes must include (see OML section 22):

- the date, time and place.
- the members present or absent,
- a summary of the discussions on each subject,
- a list of documents and other exhibits used at the meeting,
- the decisions made and the actions taken at each meeting, including the record of all votes.

- Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes should be maintained as part of the official record of the session.

Minutes should include:

- names of additional participants (not press or observers).
- name of recorder.
- time convened, and time adjourned.

Minutes may include:

- a schedule of future meeting(s).

Minutes do not need to include:

- who moved and seconded motions.

A sample outline of minutes is located in the appendix.

#### 4.9 Public Records Law

The Massachusetts Public Records Law -- MGL Chapter 4, Section 7(26) and any amendments provides right of access to public records, broadly defined to include all documentary materials except eleven specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda and circulating materials of any Town board or Committee are mostly all public information. The committee should consult its liaison if questions arise concerning freedom of information.

## 5.0 **BUDGETS**

### 5.1 Committee Budgets

In general, an individual Committee does not have a budget unless one is authorized by Town Meeting at the time of its formation. If a Committee anticipates a need to expend funds, it can request a budget for the next fiscal year through the Town Manager; or, if funds are needed during a fiscal year, it can make a request to the Finance Committee for a transfer from the Reserve Fund. Such a request is subject to a review and evaluation of need and the availability of funds.

### 5.2 Disbursements

As bills are incurred by the Committee, the Committee's staff liaison submits invoices to the Accounting Office, attaching all appropriate receipts, paperwork, etc. If there is no staff liaison, the Committee's Clerk/Secretary should submit same to the Town Manager's Office for processing. The Accounting Office prepares the accounts payable warrant and forwards to the Town Manager for review and approval.

### 5.3 Purchases

Purchase orders (obtainable from the Accounting office) must be completed for all purchases over \$250, signed by the Committee Chair, staff liaison (if any), and submitted to the Accounting Office. The Accounting Office completes its portion of the purchase

order, and forwards to the Town Manager for review and approval.

Purchases in excess of \$5,000 must go through the bid process and comply with M.G.L. Chapter 30B, the Uniform Procurement Act. For more information, contact the Town Accountant.

## **6.0 FUNDRAISING**

### **6.1 Background Information**

From time to time, Town Meeting may authorize the formation of a Committee the task of which is to raise funds for a specific purchase (e.g., the La Paz, Centro Nicaragua Sister City Committee, formed in 1987, which raised money to purchase an ambulance for La Paz Centro). The provisions of MGL Chapter 44, Section 53A enable a Town Committee to raise and disburse funds according to specific procedures.

### **6.2 Procedures**

#### **6.2.1 Donations**

All funds received by the Committee go into the General Fund and may not be dispersed by the Committee on its own without special arrangements. Sometimes donations are made to the Town for deposit to a separate, designated account for specified purposes. A Receipt for a Restricted Gift form to record the donation is available from the Select Board's office. The Committee's designee completes a turnover form for contributions received and transmits this document and funds to the Town Treasurer.

#### **6.2.2 Disbursements of Funds (See Section 5.2)**

#### **6.2.3 Purchases (See Section 5.3)**

## **7.0 PLANNING**

### **7.1 Charge and Plan of Action**

The Committee should review the charge prepared by the appointing authority at an early meeting and periodically thereafter in order to keep its work focused and moving toward its goals. When the Committee is established by Town Meeting action, the appointing authority usually incorporates the purpose of the article within the charge. However, the Town Meeting vote is advisory and not legally binding.

The Committee, with advice from staff and the appointing authority, should develop a plan of action to accomplish the objectives. The plan should include major reporting milestones so that the Committee and the appointing authority may assess Committee progress.



## 8.0 REPORTING PROCEDURES

### 8.1 Appointing Authority

The Select Board recommends that the Committee Chair report regularly to the Select Board liaison and/or the staff liaison about the Committee's actions and plans. The Select Board liaison and/or staff liaison can be particularly helpful in maintaining communication between the Committee and appointing authority. If needed, the Chair may request a meeting with the appointing authority to resolve problems and report progress.

### 8.2 Liaison with Select Board

Select Board members serve as liaisons to many Town Committees. The Committee Chair consults with the liaison when problems occur. The Select Board liaison keeps in touch with the Committee's work by attending meetings when possible, talking with the Chair, and receiving minutes, agendas, and reports. The liaison may Chair the first meeting of a newly established Committee, explain the charge, and preside over the election of a Chair who will then take over the meeting.

The liaison does not have a vote on the Committee but is sometimes asked to give an opinion or assistance. Occasionally, a special Committee is made up of representatives from many Committees; in those cases, all members may be voting members. It is best to clarify voting or nonvoting status at the beginning of the Committee's work. The liaison reports to the full Select Board from time to time about the Committee's progress.

### 8.3 Liaison with Staff

To the extent possible, the Town Manager appoints a staff member, usually a department head, to serve as liaison to each Committee. The liaison attends Committee meetings as necessary; his/her responsibilities vary, depending on the charge of the Committee, but generally include providing technical support and information. The staff liaison remains responsible to the Town Manager, not to the Committee. He/she keeps the Town Manager informed of the Committee's work, particularly policy issues, significant problems or developments, workload difficulties, and any other items which may be of significance. The Town Manager may seek input from the Committee Chair prior to the annual review of the liaison's job performance. Requests for legal assistance from Town Counsel should be directed to the Town Manager through the Committee's staff liaison.

### 8.4 Public Information Meetings

The success of a Committee's endeavors often depends on effective communication with the public. The Committee should hold public meetings and hearings when needed both to inform citizens of work in progress and to gain public reaction and response. Where appropriate and in consultation with the staff liaison, the Committee might issue press releases periodically to keep the public informed.

8.5 Town Meeting

If a relevant article is on the warrant or if the Committee's charge specifies a report to Town Meeting, the Committee should prepare information for Town Meeting . The Committee should make these reports clear, concise and brief, keeping in mind the large volume of materials Town Meeting members receive.

A Committee may request inclusion of an article in the Town Meeting warrant by a letter to the Select Board from the Committee if a majority of the Committee consents to the submission. Articles may be reworded by the Select Board upon advice of Town Counsel. All articles should be submitted to the Select Board by the deadlines established by the Select Board. Committee members sometimes find that they wish to discuss and consider making recommendations on other articles at their meetings. In such cases, the Select Board suggests that the Committee send written notice of the scheduled discussion to the sponsors of the article. For additional information about warrant articles, refer to the section entitled “Advice to Sponsors of Warrant Articles” in the League of Women Voters' *Town Meeting Handbook*.

8.6 Annual Town Report

All appointed Committees must file an annual report of Committee activities for the Annual Town Report. The Chair or other designated member should detail Committee membership, including changes, and a one-to three-paragraph explanation of major accomplishments and future plans. A request for Committee reports is issued each year.

## SOURCES OF INFORMATION

- Appointed Committee Handbooks (Amherst, MA), 2003, 2009
- "Open Meeting Law Guide," Commonwealth of Massachusetts Office of the Attorney General. July 1, 2010
- "Your Amherst Government," 7<sup>th</sup> Edition, League of Women Voters of Amherst, 2009.
- "Town Meeting Handbook," 7<sup>th</sup> Edition, League of Women Voters of Amherst, March, 2007.
- Massachusetts General Laws:
  - Chapter 4, Section 7(26): Public Records Law
  - Chapter 30A, §§ 18-25: Open Meeting Law
  - Chapter 268A: Conflict of Interest
- Massachusetts Conflict of Interest Law, State Ethics Commission, [www.mass.gov/ethics/](http://www.mass.gov/ethics/)

**Appendix:            Sample Committee Minutes Form**

**COMMITTEE NAME**

Meeting Date: \_\_\_\_\_

CALL TO ORDER The meeting was called to order \_\_\_\_\_  
(include time) in the \_\_\_\_\_ (include meeting location)

COMMITTEE MEMBERS IN ATTENDANCE (mandatory)

COMMITTEE MEMBERS ABSENT (mandatory)

STAFF IN ATTENDANCE (mandatory)

OTHERS PARTICIPATING (recommended)

OTHERS IN ATTENDANCE (optional)

COMMITTEE AGENDA (mandatory)

COMMITTEE ACTION – BY VOTE (RECORD NAMES) OR CONSENSUS (mandatory)

DISCUSSION (summary mandatory)

ADJOURNMENT (mandatory)

Voted unanimously to adjourn at \_\_\_\_\_ P.M.

SUBMITTED BY (mandatory)

EXECUTIVE SESSION - Please note special protocol required for Executive Session detailed in Open Meeting Law Chapter 30, Section 21.