

TOWN OF BELMONT

GUIDE TO

COMMITTEE & COMMISSION

MEMBERSHIP

2007-2008

FOREWORD

This is the “Third Edition” of the *Guide to Committee & Commission Membership* in the Town of Belmont. I hope you will find that this guidebook will answer the questions you, or your committee as a whole, may have while conducting your business.

While every effort has been made to include all the necessary information, if you find that there has been an item omitted, I would appreciate it if you would contact me to discuss this. This guide will be revised periodically so that any errors or omissions may be corrected.

Thank you!

- *Sandra Curro*
Committee & Commissions Coordinator
617-993-2616
scurro@town.belmont.ma.us

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Welcome!

Dear Member:

You are about to undertake a very important role within the Town of Belmont – the appointment to a committee or commission. These appointments are vital to meeting the various goals set out by the Town, and through your participation these goals will be further achieved.

We recognize that serving on a committee or commission takes dedication and commitment and we appreciate your volunteer service. In order to make your term as productive as possible, this guidebook has been developed to assist you with any questions you may have regarding your new role. If you have further questions about your appointment, please feel free to contact the Office of the Selectmen at 617-993-2610 between the hours of 8:00 am to 4:00 pm daily.

Once again, thank you for your commitment!

Very truly yours,

The Board of Selectmen
Town of Belmont

COMMITTEES & COMMISSIONS COORDINATOR

The Committees & Commissions Coordinator, Sandra Curro, works within the Office of the Board of Selectmen at Town Hall in a part-time, administrative position. The Coordinator provides assistance to all Town of Belmont Boards, Committees and Commissions that do not have a Town management liaison. The Coordinator assists with room reservations for their meetings, posting of notices of meetings, mailing/e-mailing notices to all Committee members, gaining visibility on the town website, as well as other administrative support the Chair may request. The Coordinator may be reached at:

617-993-2616 (phone)

617-993-2611 (fax)

scurro@town.belmont.ma.us (e-mail)

For emergency assistance during Office of the Selectmen hours

(8:00 am – 4:00 pm: 617-993-2610)

List of Boards, Committees and Commissions

(as of September, 2003)

Committees		
Committee Name	Elect/Appt	Perm/Temp
Alcohol Beverage Licensing Committee	Appointed, Selectmen	Permanent
Belmont Center Planning Group	Appointed, Selectmen	Temporary
Belmont Housing Trust	Appointed, Selectmen	Permanent
Belmont Vision 21 Implementation Committee	Appointed, Selectmen	Permanent
Bikeway Planning Committee	Appointed, Selectmen	Temporary
Board of Assessors	Elected	Permanent
Board of Cemetery Commissioners	Elected	Permanent
Board of Health	Elected	Permanent
Board of Library Trustees	Elected	Permanent
Board of Selectmen	Elected	Permanent
Board of Water Commissioners	Elected	Permanent
Bylaw Review Committee	Appointed, Town Moderator	Permanent
Cable Television Advisory Committee	Appointed, Selectmen	Permanent
Capital Budget Committee	Appointed, Town Moderator	Permanent
Capital Project Overview Committee	Appointed, Selectmen	Temporary
Community Media Center Board of Conveners	Appointed, Selectmen	Temporary
Conservation Commission	Appointed, Selectmen	Permanent
Constable	Appointed, Selectmen	Permanent
Council on Aging	Appointed, Selectmen	Permanent
Cultural Council	Appointed, Selectmen	Permanent
Disability Access Commission	Appointed, Selectmen	Permanent
Education Scholarship Committee	Appointed, Selectmen	Permanent
Facilities Energy Management Project Committee	Appointed, Selectmen	Temporary
Harvard Lawn Fire Station Committee	Appointed, Selectmen	Temporary
Healthcare Insurance Committee	Appointed, Selectmen	Temporary
Highland Meadow Cemetery Project Building Cmte.	Appointed, Selectmen	Temporary
Historic District Commission	Appointed, Selectmen	Permanent
Housing Authority	Elected	Permanent
Human Rights Commission	Appointed, Selectmen	Permanent
Information Technology Advisory Committee	Appointed, Selectmen, School Comm., Lib. Trustees	Permanent
Insurance Advisory Committee	Appointed, Selectmen	Permanent
Local Emergency Planning Committee	Appointed, Selectmen	Permanent
McLean Land Management Committee	Appointed, Selectmen	Permanent
Minuteman Regional Vocational Tech. HS	Appointed, Town Moderator	Permanent
MWRA Advisory Board	Appointed, Selectmen	Permanent
Parking Clerk	Appointed, Selectmen	Permanent
Pavement Management Committee	Appointed, Selectmen	Temporary
Permanent Audit Committee	Appointed, Selectmen	Permanent
Permanent Building Committee	Town Moderator	Permanent
Personnel Board	Appointed, Selectmen	Permanent
Planning Board	Appointed, Selectmen	Permanent
Recreation Commission	Appointed, Selectmen	Permanent
Registrars of Voters	Appointed, Selectmen	Permanent
Retirement Board	Elected, other members & employees; Appointed, Selectmen	Permanent

School Committee	Elected	Permanent
Security Committee	Appointed, Selectmen	Temporary
Senior Center Building Committee	Appointed, Town Moderator	Temporary
Sesquicentennial Anniversary Planning Committee	Appointed, Selectmen	Temporary
Sewer/Stormwater Committee	Appointed, Selectmen	Temporary
Shade Tree Committee	Appointed, Selectmen	Permanent
Solid Waste/Recycling Committee	Appointed, Selectmen	Temporary
Town Clerk	Elected	Permanent
Town Moderator	Elected	Permanent
Town Treasurer	Elected	Permanent
Traffic Advisory Committee	Appointed, Selectmen	Permanent
Tree Warden	Appointed, Selectmen	Permanent
Uplands Advisory Committee	Appointed, Selectmen	Temporary
Warrant Committee	Appointed, Town Moderator	Permanent
Water Advisory Board	Appointed, Selectmen	Permanent
Wellington School Building Committee	Appointed, Selectmen	Temporary
Youth Commission	Appointed, Selectmen	Permanent
Zoning Board of Appeals	Appointed, Selectmen	Permanent

A significant number of Boards, Committees and Commissions were created either through passage of a Massachusetts General Law or State Statute. In some instances, certain Committees are created on a permanent or temporary basis to examine and address a specific need within the town.

Article 3 of the Town of Belmont By-Laws
Town of Belmont Boards, Committees and Commissions

- 3.1 Except as otherwise provided by law, or by these By-Laws, or by specific vote of the Town meeting, all Town boards shall be subject to the provisions of this Article. As used in this Article, the following terms shall have the following meanings:
- 3.1.1 “Board” shall mean any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more members and has been or is established pursuant to statute, these By-Laws, vote of the Town meeting or vote of the Board of Selectmen.
- 3.1.2 “Appointed board” shall mean a board any of the members of which are appointed by an appointing authority.
- 3.1.3 “Permanent appointed board” shall mean an appointed board the purpose of which is on-going and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.
- 3.1.4 “Appointing authority” shall mean the Moderator, the Board of Selectmen or any other officer or board of officers, or combination thereof, responsible for the appointment of members of an appointed board.
- 3.1.5 “Elected board” shall mean any board the members of which are elected by all the voters of the Town at the Town election.
- 3.2 The members of each permanent appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this Article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly one-third of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.

- 3.3 If a vacancy occurs in the membership of an appointed board, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.
- 3.4 Every board, including every elected board, shall annually select a chairman, a clerk or secretary and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk. Every board shall annually file a report of its activities, in form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Selectmen. Every board shall conduct its meetings in accordance with the open meeting laws of The Commonwealth.
- 3.5 The chairman of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with Section 3.3. This section shall not apply to persons who are serving as members of an appointed board solely by virtue of their holding another Town office.
- 3.6 No Town officer or member of a Town board shall use any paper, stationery or other article bearing the Town Seal or representation thereof or bearing the name of a Town board for other than official Town purposes regardless of whether private payment has been made for such use.

MEMBERSHIP

A. Nomination/Election Process

A member of a Board, Committee, or Commission may assume their position either through appointment by a Town appointing authority or election by town-wide election.

B. Oath of Office – Beginning of Term

In the Town of Belmont, a new or reappointed member must be sworn in to their position before serving. Most commonly, this is done at the office of the Town Clerk.

The following is an excerpt from MGL Chapter 41: Section 107.

Every elected member and every appointed member of every board or commission of a town, and every other elected officer and every appointed officer of a town, shall also, before entering upon his/her official duties, be sworn to the faithful performance thereof.

C. Committee Duration

1. Permanent

(From Town of Belmont Bylaws, Article 3, 3.2). “The members of each *permanent* appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this Article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly one-third of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.”

2. Temporary

In the case where a committee is appointed on a *temporary* basis, the members will serve until the appointing body states that the usefulness of the committee has been fulfilled, or until a member resigns.

D. Vacancies/Resignations of Membership

In the event that a Board, Committee or Commission member finds that he/she cannot fulfill his/her term of office, he/she must offer a *written* resignation to the appointing authority, with a copy to the Chairperson *and* the Town Clerk as soon as possible. A copy of the letter should also be forwarded to: Coordinator, Committees & Commissions, Office of the Selectmen, 455 Concord Ave., Belmont, MA 02478.

1. Special Requirement(s) to fill vacancy on Town board

In most cases, appointing authorities have discretion when they will fill vacancies in permanent committees. It has been the Board of Selectmen's practice to defer the filling of vacancies until the annual appointment process unless there is a compelling reason to do so. Vacancies in elective boards are filled pursuant to Chapter 41, section 11:

MGL Chapter 41: Section 11. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the Town and shall perform the duties of the office until the next annual meeting or until another is qualified.

ORGANIZATION AND SELECTING OFFICERS OF A BOARD, COMMITTEE OR COMMISSION

The Town By-Laws require that each committee annually select a chairman and clerk (or secretary). The town's annual committee cycle coincides with the Fiscal year (July to June). As a result, the annual organization process should take place after the new committee membership is in place (after July 1, or after the Annual Town election in the case of elective bodies). The By-Laws do not prohibit the number of consecutive terms a member may be elected an officer nor do they preclude more than one election of officers during the annual cycle.

ROLE OF THE CHAIRMAN

The role of the Chairman is very important. The success or failure of a Board, Committee or Commission often depends on the Chairman's leadership role. Once a Board, Committee or Commission is formed, the Chairman will usually be elected at one of the first few meetings.

The Chairman is responsible to:

- a. moderate/facilitate the meeting;
- b. insure minutes of the meeting are recorded and filed properly in the Town clerk's office;
- c. set up meeting dates and times;
- d. insure the meeting is posted in accordance with open meeting law;
- e. set agenda topics;
- f. insure that full and proper membership is maintained;
- g. represents the committee before the appointing authority, other town bodies, the public and the media as required;
- h. report to the appointing authority the name of any member who fails to attend any three successive meetings of the board;
- i. Every board, committee or commission is given the opportunity to list their membership, meeting dates, agendas, minutes and other material on the Town's website. The Chair is responsible for informing the Committees & Commissions Coordinator, or their Management Liaison, about any changes or items that they wish to have on the website;
- j. insures that meeting is held in accordance with Open Meeting Laws, including e-mail discussions of committee topics among members;
- k. insures all members are aware of an upcoming meeting. This is usually done via a mailing or e-mailing of the officially posted meeting notice to all members;
- l. compile a summary of the committee's activities from the previous year and submit it to the Office of the Board of Selectmen for inclusion in the *Annual Town Report*.

Quorum

In order for a committee to take an official vote, a quorum must be present. A quorum is a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body. (from MGL Ch.39, Sec. 23A).

If a quorum is not met at an officially posted public meeting of a Board, Committee or Commission, any votes taken *are not considered an official, binding vote*.

POSTING A PUBLIC MEETING

The Open Meeting Law, Massachusetts General Laws, chapter 39, section 23A-B, requires Town boards, committees and commissions to hold their meetings in public and to *post a notice of each public meeting at least forty-eight hours in advance, excluding Sundays and holidays.*

In the Town of Belmont, the official public posting board is the one designated by the Town Clerk in Town Hall. Each public meeting announcement must be date/time-stamped at least 48 hours in advance of the meeting, excluding Sundays and holidays. This must be done on the official date/time-stamp machine within the Town Clerk's Office. The original date/time-stamped copy must be filed with the Town Clerk and a copy posted on the designated public posting board. In addition, a copy must be given to the Board of Selectmen's Office. Once these criteria have been met, notice may be posted on the Town web-site, or any other appropriate public area which a Board, Committee or Commission feels appropriate. This may be accomplished by contacting the Committees & Commissions Coordinator at the Selectmen's office, or a Committee's Management Liaison.

If a Board, Committee or Commission requires assistance with this procedure, the Chair of that Board, Committee or Commission may contact the Committee & Commissions Coordinator in the Board of Selectmen's Office within Town Hall.

Failure to follow this public posting procedure invalidates any votes, actions or discussions taken at the meeting.

OBTAINING MEETING SPACE

The Open Meeting Law, Massachusetts General Laws, chapter 39, section 23A-B, *requires Town boards, committees and commissions to hold their meetings in public* and to post a notice of each public meeting forty-eight hours in advance, not to include Sundays or holidays. ***Failure to do so invalidates any votes, actions or discussions taken at the meeting.***

The Town of Belmont has public meeting rooms available within several of its public buildings for use by Town Boards, Committees and Commissions. All meeting rooms are handicap accessible. All Town Boards, Committees and Commissions must hold their public meetings in a publicly accessible meeting room at a publicly accessible time of day. ***Failure to do so invalidates any votes, actions or discussions taken at the meeting.***

Meeting room reservations must be coordinated by the Chair of a Board, Committee or Commission, or his/her designee. Reservations must be made with the proper person at the desired location, and any requested paperwork must be filled out in order to complete the reservation. If a Board, Committee or Commission does not have a Management Liaison, they may request that the Coordinator of Committees and Commissions at the Office of the Board of Selectmen assist them with the entire process. It is encouraged that meetings be planned well in advance of the desired meeting date.

Chenery Middle School

Coordinator: Karen Shea, Monday – Friday, 9:00 am – 1:00 pm, when school is in session

Phone: 617-993-5800

Fax: 617-484-3676

Available Meeting Rooms and Capacities:

1. Community Room—40
2. Faculty Dining Room—40
3. Small Community Room—10

All of the above rooms are available in the evening, Monday—Thursday, from 5:00 p.m. to 10:00 p.m. during the school year.

Belmont Public Library

Coordinator: Miriam McNair, Monday – Friday, 9:00 am – 4:00 pm
Phone: 617-993-2850
Fax: 617-489-5725

Available Meeting Rooms and Capacities

1. Assembly Room—90
2. Flett Room—30
3. Staff Room—10

All of the above rooms are available during normal Library business hours.

In the event that no meeting room may be found at the above locations on the desired meeting date, Town Hall meeting rooms may be made available.

Belmont Town Hall

Coordinator: Sandra Curro
Phone: 617-993-2616
Fax: 617-993-2611
Email: scurro@town.belmont.ma.us

1. Conference Room 1—10
2. Conference Room 2—35
3. Conference Room 4—15

All of the above rooms are available from 8:00 am - 10 pm, Monday – Thursday; 8 am – 4:00 pm, Friday.

All meeting room availability is scheduled when custodial staff is present in order to ensure no overtime charges. In cases where a committee desires to meet during a time that incurs a charge, the Chairperson must call the Office of the Board of Selectmen to secure approval. No meeting rooms are available on holidays.

As a matter of courtesy, please be sure to leave all meeting rooms in the same, or better, condition in which they were found!

Cancel/Reschedule a Meeting

Cancelling or rescheduling a meeting is *time consuming* for all parties involved, however, in the event that a previously scheduled meeting must be cancelled or rescheduled, certain procedures must be followed:

Cancellation

1. Chair must inform the coordinator at the site of the meeting that they will not be using the meeting room for the cancelled date. Cancelling the room reservation is imperative as meeting rooms are usually at a premium!
2. Notice of cancellation must be posted following all the same procedures as posting a meeting.

Reschedule

1. Chair follows same procedure for cancellation, however when posting the notice of cancellation, it must include the reschedule information.

RECORDING OF MINUTES

MGL Chapter 66, Section 5A: The records, required to be kept by sections eleven A of chapter 30A, 9F of chapter 34 and 23B of chapter 39, shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town, in the case of municipal boards, such records need not include a verbatim record of discussions at such meetings.

(from MGL Chapter 39, Section 23B): A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot. (end of MGL Ch. 39, S23B).

In the Town of Belmont, after Minutes have been approved by the majority of a Board, Committee or Commission, final meeting Minutes should be submitted to the Coordinator of Committees & Commissions in the Selectmen's office. This will insure that the Board of Selectmen will receive a copy. The Coordinator of Committees & Commissions will submit an official date/time-stamped copy to the Town Clerk for permanent record. It is encouraged that final Minutes be submitted immediately following approval.

If a Board, Committee or Commission does not submit their final Minutes to the Coordinator of Committees & Commissions, they must date/time-stamp a copy on the official Town Clerk date/time stamp and hand deliver the date/time-stamped copy to the Town Clerk. The Town Clerk is the official keeper of Minutes. Approved minutes may be posted on the town website at the Committee or Commission's webpage by sending APPROVED minutes to: ***webpost@town.belmont.ma.us***

OPEN MEETING LAW

The Open Meeting Law, Massachusetts General Laws, chapter 39, section 23A-B, requires Town boards, committees and commissions to hold their meetings in public and to post a notice of each public meeting forty-eight hours in advance, excluding Sundays and holidays. The statute also makes provisions for executive (closed) sessions in nine exceptional circumstances. *The spirit of the Open Meeting Law is to bring local government to the people.*

Reference should be made to MGL chapter 39, section 23 A – B when a question arises about the Open Meeting Law.

MGL Chapter 39: Section 23A. Definitions applicable to secs. 23B and 23C.

Section 23A. The following terms as used in sections twenty-three B and 23C shall have the following meanings:--

"Deliberation", a verbal exchange among a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a Town meeting. (*Amended by 1988, 116, Sec. 3.*)

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

“Quorum”, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

MGL Chapter 39: Section 23B. Open meetings of governmental bodies.

Section 23B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

- 1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - a. to be present at such executive session during discussions or considerations which involve that individual.
 - b. to have counsel or a representative of his/her own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.
 - c. to speak on his/her own behalf.

- 2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - a. to be present at such executive session during discussions or considerations which involve that individual.
 - b. to have counsel or a representative of his/her own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.
 - c. to speak in his/her own behalf.
- 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 governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- 4) To discuss the deployment of security personnel or devices.
- 5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- 6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- 7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.
- 8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if 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 or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

- 9) To meet or confer with a mediator, as defined in [section twenty-three C of chapter two hundred and thirty-three](#), with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or Town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he/she shall file the notice of meetings of the committee with the clerk of each city or Town within such district and each such clerk shall post the notice in his/her office or on the principal official bulletin board of the city or Town and such secretary shall post such notice in his/her office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and Town within such region or district, and each such clerk shall post the notice in his/her office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or Town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he/she has been provided with such a copy.

The district attorney of the county shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or Town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by [section eleven A½ of chapter thirty A](#), by [section nine G of chapter thirty-four](#) or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is

authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

Such order may also include a civil fine against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

The rights of an individual set forth in this section relative to his/her appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

MGL Chapter 39: Section 23C. Regulation of participation by public in open meetings.

Section 23C. No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he/she does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

E-MAIL COMMUNICATION

The use of electronic mail creates certain issues related to the open meeting and public records laws. There is no distinction in the law between written and electronic records. As a result, it is likely that e-mail messages written or received in the capacity of a Board, committee or Commission member is a public record available for disclosure. Use of one's own home computer may not exempt this fact. In addition, the ease by which e-mail messages are sent and forwarded may facilitate the discussion of public policy issues. Similar to "serial" telephone conversations, the discussion of public policy issues among a quorum of Board, Committee, or Commission members via e-mail is a violation of the open meeting law.

CONFLICT OF INTEREST

Members of a Board, Commission or Committee are considered municipal employees, regardless of their lack of compensation, and as a result are subject to Massachusetts General Laws, Ch. 268A, sections 21A, 21B, 23 – Conflict of Interest. A copy of all Conflict of Interest Laws may be obtained from the State Ethics Commission or may be viewed online at www.state.ma.us/ethics.

Below is an overview of the Law as excerpted from the *State Ethics Commission* website:

Introduction to the Conflict of Interest Law for Public Officials and Public Employees

Chapter [268A](#) of the General Laws governs your conduct as a public official or employee. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. There *are* some exemptions to these rules, so you may wish to seek legal advice from the State Ethics Commission or your agency's legal counsel regarding how the law would apply in a particular situation.

In general:

- You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for you're agreeing to perform or not perform an official act.
- You may *not* ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered:* you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer", provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.
- You may *not* hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- You may *not* take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family.

For instance, you may not participate in licensing or inspection processes involving a family member's business.

- You may *not* take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization, or its competitors.
- Unless you qualify for an exemption, you may *not* have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, you may *not* have a financial interest in a contract with your public employer. For instance: if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.
- You may *not* represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
- You may not *ever* disclose confidential information, data or material which you gained or learned as a public employee.
- Unless you make a proper, public disclosure -- including all the relevant facts -- you may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.
- You may *not* use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.
- You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.

- You may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

EXPENSES INCURRED BY A BOARD, COMMITTEE OR COMMISSION MEMBER

The Town of Belmont provides reimbursement to a Board, Committee or Commission member for an expense incurred for the sole benefit and on behalf of the Committee or Commission to which he/she belongs.

There are two types of expenses: *Incidental Expenses* and *Major Expenses*. *Incidental Expenses* are small, non-recurring expenses, usually totaling less than \$100.00 that a Board, Committee, or Commission may incur in their routine operations. *Major Expenses* are larger (more than \$100) or recurring that are usually related to a special project of a committee. When a Board, Committee or Commission desires to undertake a project that will incur *Major Expenses*, it is very important that these expenses be discussed with the Town Administrator or the committee's Management Liaison prior to the expenditures of funds in order to ensure there are appropriate funds within the Town's Budget.

In order to receive reimbursement, a valid original vendor receipt must be provided to the Committees & Commissions Coordinator in the Office of the Board of Selectmen, or Management Liaison if appropriate. There will be no reimbursement of state tax. The vendor (or member seeking personal reimbursement) must have a W-9 form on file with the Town of Belmont in order to receive payment. If one is not on file, it may be obtained at the Selectmen's Office or Management Liaison's office. A vendor should allow 4-6 weeks to receive payment. If necessary, a member may obtain the Town's tax exempt number from the Office of the Selectmen in order to avoid a sales tax charge.

BOARDS, COMMITTEES & COMMISSIONS ON THE TOWN WEBSITE

The Town of Belmont maintains a website at www.town.belmont.ma.us. This website contains a variety of useful information pertaining to the Town of Belmont. Within this website, web users may find out more about the various Boards, Committees and Commissions within the town, as well as other useful information about the Town of Belmont. All Boards, Committees and Commissions are afforded an opportunity to maintain a list of their members, meeting schedule, agendas, minutes, and other pertinent information on their own "site." To find out how your Board, Committee or Commission may become a part of this opportunity, contact the Coordinator of Committees & Commissions at the Office of the Board of Selectmen at 617-993-2610 or by email at scurro@town.belmont.ma.us.

PERSONAL UPDATE FORM

Upon new appointment to a Town of Belmont Board, Committee or Commission, the appointee must complete a Personal Update Form for membership records. Board, Committee or Commission members should also update address, phone numbers, fax number, e-mail address or beeper number. This will ensure that members receive timely information and updates from Town Offices. This form should be submitted to the Committees & Commissions Coordinator at the Board of Selectmen's Office, 455 Concord Avenue, Belmont, MA 02478.

Town of Belmont
COMMITTEES AND COMMISSIONS
PERSONAL INFORMATION UPDATE FORM

Committee(s) on which you are a member:

Full Name: _____

Home Address:

Mailing Address (If different from *Home Address*):

Home Phone Number: () – () – ()

Work Phone Number: () – () – ()

Fax Number: () – () – ()

E-mail Address: _____

Cell Phone: _____