



**TOWN OF MAYNARD
BOARD OF SELECTMEN
OPERATING POLICIES AND PROCEDURES
Date Approved: September 1, 2009**

I. PURPOSE

The Board of Selectmen of the Town of Maynard, recognizing the need to codify the traditional and accepted working relationships among members of the Board, between the Board and the Town Administrator, and between the Board and other Town boards, committees, officials, and citizens, as well as the need to consolidate Town policies and procedures, have undertaken to create operating procedures for the Board of Selectmen. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Boards of Selectmen. Unless otherwise noted, the term "Board" shall refer to the Maynard Board of Selectmen. The term "MGLA" shall refer to the Massachusetts General Laws, as amended.

II. NATURE OF POLICIES AND PROCEDURES

These policies and procedures shall address those topics that cannot be dealt with elsewhere. Its content should be considered supplemental and subordinate to language embodied in state statute and Town By-law. Subjects that are more appropriately addressed in statute, by-law or regulation shall not be included in this format, except in reference. The individual policies and procedures embodied herein are severable. If any of them are held to be unconstitutional or invalid, the remaining policies and procedures shall not be affected thereby.

III. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

A policy may be initiated by a member of the Board, the Town Administrator, a *Town employee, or by a citizen of the Town by requesting that the Chairman provide for discussion of the proposed policy in the agenda of a regular meeting of the Board.* The individual initiating the discussion shall provide the Board with a written draft of the proposed policy for distribution to the Selectmen. The Board may schedule any hearing or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town boards, committees, or employees who may be affected by the policy.

Unless otherwise voted by the Board, the Board shall not vote on a policy at the same meeting at which it is first introduced. A vote by three of the board's five members shall be required for the adoption of a new or amended Board policy. A new or revised policy adopted by the Board shall take effect immediately, and shall be carried out until it is rescinded or amended. The Town Administrator

shall be responsible for the maintenance of all policies and procedures, for updating the Policy Manual with new and amended policies, and for ensuring that copies of the Board's policies and procedures are distributed to newly elected Board members. Copies of the Policy Manual shall be made available to the public at the Selectmen's Office and at the Office of the Town Clerk.

IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN

The Board of Selectmen is an elected board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, and from the Charter and bylaws of the Town of Maynard.

When a vacancy occurs on the Board, the Board's remaining members shall determine whether there is a need to call a special town election to fill the unexpired term or terms in accordance with the MGLA, or to leave the seat(s) vacant until the next town election. Except, if the seat is vacated within six months of the last annual town election, then the Board shall call a special town election to fill that vacancy on the Board or if there are more than three months before the next annual town election and less than six months a special election must be called if 200 or more registered voters request it in writing (Section 3:1.f.2 of Town Charter).

The Board is responsible for executive Town policy development and review. The Board works with the Town Administrator on policy development, and oversees the Town Administrator in his role as supervisor of town departments, as stipulated in the Charter. The Board, through the Town Administrator, is responsible for supervising the departments of general government that are not supervised by other elected Town boards. The Board will refrain from involvement in day-to-day operations. Before any Board member approaches a department head or a member of a department or committee on any matter that relates to any aspect of the operation of the department or committee, he or she shall first obtain permission from the Town Administrator. Concerns or questions regarding the operation of departments, and suggestions for improvements should be addressed to the Town Administrator at meetings of the Board. The Board may be called upon to settle disputes that cannot be resolved by the Town Administrator. No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board. This shall be modified in the event of an emergency should immediate action be required, in which case the Chairman, Vice Chairman, or any Board member shall call an emergency session of the Board prior to the emergency action. A Board member wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by the Board by consensus or Board vote. Requests by Board members for written legal opinions must be channeled through the Chairman and the Town Administrator.

V. ROLE OF THE TOWN ADMINISTRATOR

According to the Charter, the Board is responsible for appointing a Town Administrator, who functions as the Town's Chief Administrative Officer. The primary responsibilities of the Town Administrator are defined in Section 4-2 of the Charter. The Town Administrator must maintain a close working relationship with all members of the Board. He/she shall brief the Board of all important issues. In order to provide the Town with continuity of management and the Town Administrator with job security, the Board is committed to maintaining an employment agreement with the Town Administrator, as permitted by statute and stipulated in the Charter.

VI. DUTIES, RESPONSIBILITIES, AND OBLIGATIONS OF BOARD MEMBERS

A member of the Board, in relation to his/her responsibility to the community, shall:

- recognize that his/her primary role is to set policy, with responsibility for administration delegated to the Town Administrator;
- recognize that he/she is a member of a team, and shall abide by all Board decisions once they are made; be well informed concerning the duties of a board member on both state and local levels;
- remember that he/she represents the entire community at all times;
- accept the office of Selectman as a means of unselfish public service, not to benefit personally or professionally from his/her Board activities;
- in all appointments, avoid political patronage by judging all candidates on merit, experience and qualifications only and;
- abide by the provisions established by the Commonwealth in MGLA Ch 28A as they apply to municipal officials.

As a member of the Board, a Selectman shall:

- endeavor to establish sound, clearly defined policies which will direct and support the administration for the benefit of the people of the Town;
- 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/her decisions and solutions;
- not make statements or promises of how he/she will vote on matters that will come before the Board until he/she has had an opportunity to hear the pros and cons of the issue at a Board meeting;
- make decisions only after all facts on a question have been presented or discussed;
- uphold the intent of executive session and respect the privileged communication that exists therein and;
- treat with respect the rights of all members of the Board despite differences of opinion.

VII. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

Officers of the Board (Chairman, Vice Chairman, and Clerk) shall be elected annually at a meeting of the Board to be scheduled for the first regular meeting following the Annual Town Election. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Board may at any time by majority vote remove the Chairman or any of the officers. The Chairman may not serve in that capacity for more than one year in a given term. In the event that the Chairman is not re-elected, the Vice Chairman shall serve as Chairman Pro Tem until the new officers of the Board are elected. In the absence of both Chairman and Vice Chairman, the Clerk shall act as Chairman Pro Tem.

VIII. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chairman shall:

- preside at all meetings of the Board at which he/she is present. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- sign official documents that require the signature of the Chairman, following a vote of the Board;
- call special meetings of the Board in accordance with the Open Meeting Law;
- prepare meetings agendas with the Town Administrator;
- represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chairman;
- serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
- make liaison assignments, as appropriate, and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board;
- Maintain open level of communication with Town Administrator and provide information to the Board as necessary;
- ensure that the Board maintains an open level of communication while abiding by all Open Meeting Laws and;
- arrange for the orientation of new members, unless otherwise noted.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon. The Vice Chairman shall act in the place of the Chairman during his/her absence at Board meetings. Should the Chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman. The Clerk shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for recording minutes of any portion of meetings held in executive session for which the Town Administrator is not present.

IX. MEETINGS OF THE BOARD

Regular Board meetings are held on the first and third Tuesday of each month. The Board shall not hold regular meetings on days which are designated legal holidays. The Town Administrator is responsible for the posting of all Board meetings in compliance with Open Meeting Law. Regular Board meetings shall begin at 7:00 pm and shall adjourn no later than 10:00 pm unless a majority of the Board votes to continue the meeting at that time. A meeting called for any time other than the regular meetings shall be known as "special meetings". The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chairman, in consultation with the Town Administrator, and with the informal consent of a majority of Board members. The Board may conduct informal "working session" meetings from time to time. Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

X. MEETING PROCEDURES

This Board shall operate under "Roberts Rules of Order as Amended", rules established herein and the Open Meeting Law. It is the practice that application of said procedure may be on a relatively informal basis. A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policies, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by name in the meeting minutes. The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

XI. BOARD MEETINGS: EXECUTIVE SESSIONS

Where practicable, executive sessions shall be scheduled at the end of the open meeting of the Board. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive session, the Chairman shall state the reasons for which an executive session is sought. The Chairman shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

XII. AGENDA PROCEDURES

The Town Administrator bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Administrator, in consultation with the Chairman, shall approve the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Town Administrator by 4:00 p.m. on the Tuesday of the week preceding the meeting. Items added to the agenda after this time will be considered out of necessity or due to being routine in nature.

Agenda items shall be:

1. Pledge of Allegiance
2. Call to order
3. Acceptance of meeting minutes (as required)
4. Citizen participation
5. Scheduled Appointments (as required)
6. Hearings (as required)
7. Other action items (as required)
8. Issues and Discussion Items
9. Old/New Business and Information
10. Report of the Town Administrator
11. Report of the Chair
12. Reports of individual members of the Board/Ad Hoc Committees (as required)
13. Adjournment

Each agenda item shall state the action anticipated of the Board, as appropriate. Members of the Board, staff, the Town Administrator, or others who prepare background materials for the meeting should have such material available for Board members by Friday evening prior to a Tuesday meeting. In the case of any special meeting all available materials shall be provided a day in advance. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material. The agenda shall be available to the public and the press at the Selectmen's Office by 12:00 noon on the Monday before the meeting. Copies of the minutes of previous meetings and all important correspondence, reports and other pertinent background materials shall be included in meeting packets unless picked up by Selectmen in the Selectmen's Office.

XIII. PREPAREDNESS

Fact gathering and policy proposals can be done outside of meeting time by creating subcommittees made up of 2 selectmen, seeking input from appropriate staff, other committees, etc. The issue should be researched and subsequently brought back to the full board in the form of a proposed policy to discuss for approval.

The Town Administrator and Chair shall make every effort to contact and solicit participation from volunteers, staff and/or consultants with knowledge on a particular agenda item prior to the Board's discussion. It is imperative that the board have all the necessary materials pertaining to the agenda in a timely manner by Friday evening prior to a Tuesday meeting.

XIV. NEW BUSINESS

The agenda item entitled New Business is not a time for debate or broad discussion. It is a time to report, make comments, or ask something very specific. We further recommend that each Selectman be allocated a maximum of 5 minutes. Should an item arise that warrants more debate, the Selectman could ask the Chair to add it as an agenda item at a subsequent meeting.

XV. COMMUNICATION BETWEEN MEETINGS

The TA's office shall sets aside specific times for "not being disturbed". Such time should to be used to return emails and communicate with other boards and staff on behalf of BOS with regards to specific goals and objectives. The TA shall meet with department heads and our community development planner individually on a regular basis to discuss ongoing projects and issues.

As a general guideline, prior to individual board members calling or stopping in on the Town Administrator or Assistant Town Administrator the selectman should apply the following parameters: "Is my question related to a task that the board or chair have authorized me to pursue?"

If the TA feels that responding to the inquiry requires more than a reasonable amount of time, it shall be referred to the Chair for approval. The Chair and TA shall discuss the issue and determine one of the following responses.

- a. That the TA invests the time necessary to respond to the request.
- b. That the request is unreasonable and should not result in any further investment of the TA's time.
- c. If either the Selectman who made the original request, the TA or the Chair feels that the inquiry warrants the decision of the full board, then it be added to the agenda for approval at the next meeting.

XVI. MEETING MINUTES

The Town Administrator shall ensure that open meetings of the Board are recorded. The Town Administrator shall ensure that minutes are drafted and made available to Board members in a timely manner, not to exceed twenty-one (21) days from the meeting date. Minutes circulated to members of the Board on or before the agenda is set for the subsequent meeting shall be considered at that meeting. Changes in the text of minutes shall be reviewed and agreed upon by a majority of voting Board members. The Town Administrator shall periodically review and present for the Board's vote the minutes of meetings held in Executive Session which may be released to the public. The Board shall release minutes of Executive Session at the earliest opportunity without compromising the nature of the matter discussed therein. Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded in a Minutes Book which shall be bound when filled to capacity. Minutes of Board meetings held in Executive Session shall be kept separately and recorded in accordance with the procedures dictated above. Minutes (other than those of meetings in Executive Session which the Board has not voted to release) shall be open for public inspection.

XVII. BOARD APPOINTMENTS

The Board shall make its annual appointments in June. Appointments made in June shall have terms beginning on July 1 and expiring on June 30. In addition, as the need arises, the Board may make appointments throughout the year for terms to take immediate effect, with expiration dates of June 30. Terms shall not exceed three years, unless specifically allowed by MGLA. Appointments shall be based on merit and qualifications. Where possible the Board will seek variety in backgrounds, interests, ages, genders, and geographic areas of residents, so that town boards and committees will reflect a true cross-section of the community. In order to attract qualified and interested persons, vacancies will be made public as much in advance of the appointment as practicable. The Town Administrator will ensure the availability of up-to-date talent bank forms in Town Hall and other public buildings. He/she will also ensure that completed talent bank forms are maintained in an organized and easily retrievable manner in the Selectmen's Office, that receipt of the completed form is acknowledged, and that the resident be given a sense of the appointment process. As Board-appointed vacancies occur, the Town Administrator will ensure that local newspapers are advised of the vacancies, and that vacancy notices are posted on Town bulletin boards inside and outside of Town Hall and advertised on the local cable access television channel. Vacancies shall be advertised for no less than fifteen (15) days. The Town Administrator will ensure that the chairman of the board on which a vacancy occurs is advised of the vacancy, and will seek nomination recommendations of a majority of the relevant committee. Applicants for all Board appointments shall complete a talent bank questionnaire, to be considered as candidates. When a vacancy occurs, after advertising the vacancy for a limited period, the Selectmen's Office sends the relevant talent bank forms to the committee with the vacancy. They may choose to make a recommendation to the

Board from that list. The Board then conducts brief interviews at the next available meeting to make the appointment. As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 about their availability for reappointment. The Town Administrator will ensure that the Selectmen receive a list of appointment vacancies to be filled by the Board. The Board may from time to time appoint standing or advisory committees to aid on matters under the Board's jurisdiction. The use of such committees provides greater expertise and more widespread citizen participation in the operation of government. The Board will give each advisory committee a written charge, which shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon completion of their work. In addition, each Committee shall be provided with information on parliamentary procedures and the conduct of meetings under the Open Meeting Law. The charges and membership of advisory committees shall be reviewed at least annually to assess the necessity and desirability of continuing the committee.

XVIII. RELATIONS WITH OTHER TOWN BOARDS AND COMMITTEES

The Board is aware that coordination and cooperation is needed among the Town's major boards, committees, and commissions, not only in the day-to-day operations of government, but also to set town-wide goals and priorities; identify and anticipate major problems, working together toward their resolution; and develop a process for dealing with state and federal government. The Town Administrator is responsible for inter-board communications in day-to-day operations of government. The Town Administrator shall develop a process for the exchange of information and the provision of advice and recommendations among the boards, committees, and commissions with common interest.

XIX. RELATIONS WITH CITIZENS

In recognizing that it both represents and is accountable to the residents of the Town, it is the policy of the Board to make every effort to strengthen communications with citizens. The Board will act to increase citizen participation, encourage citizen input into government decisions, and to keep residents informed of all actions contemplated or taken by the Board which will affect them. To this end, the Board will take the following steps:

- In addition to Citizen Participation, a resident or group of residents may request a meeting with the Board by contacting the Selectmen's Office, stating precisely the reason for the appearance and the Board action desired and by naming a spokesman for the group. As circumstances permit, such a meeting will be incorporated into the agenda of the next regularly scheduled Board meeting. Participants shall be allowed to make a reasonable presentation through the spokesman and to express opinions, and to ask for pertinent information. Residents making such presentations are encouraged to prepare written materials for the Board's review.
- The Town Administrator will ensure that persons who will be directly affected by proposed Board discussion or action will be notified of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.
- If the Board is considering matters of citizens concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman.
- The Town Administrator and Chairman will ensure that all citizen questions and complaints are answered promptly. Matters requiring the attention of the full Board shall be included in the agenda of the next regular Board meeting.

XX. HEARINGS BEFORE THE BOARD

Hearings before the Board shall be conducted in accordance with the following procedures, Modifications may be necessary to comply with statutory requirements applicable to particular matters:

- The Town Administrator will ensure that the hearing is advertised and notice given to interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
- Hearings will be held in open session unless otherwise voted by the Board in compliance with Open Meeting Law.
- At the time advertised for the hearing, the Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. All questions shall be addressed to the Chair.
- The order of presentation will be: presentation by the proponent; receipt of recommendations from any Town board or officer; questions from Board members; and statements by opponents and members of the public.
- At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.