

Board, Commission and Committee Handbook



Town of Cohasset

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Contents

INTRODUCTION.....	1
Purpose	3
Participation in Town Government.....	3
Types of Boards and Committees	3
Statutory Boards and Committees.....	3
Advisory Committees.....	3
Important Reading	4
MEMBERSHIP	4
Members, Associate Members, and Alternate Members	4
Application Procedure	4
Appointment, Reappointment, Resignation, Vacancies.....	5
Orientation.....	5
OPEN MEETING REQUIREMENTS.....	6
Meeting Definition	6
Board and Committee Officers	7
Conducting a Meeting.....	7
Quorum	7
Remote Participation Guidelines	8
Public Hearing Process.....	8
Meeting Logistics	9
Record Keeping	9
Public Records Law	10
Use of Town Equipment and Facilities.....	10

Board and Committee Expenses	11
Staff Support	11
Use of Town Counsel	11
CONDUCT	11
Open Meeting Law.....	11
Email Usage.....	13
The Conflict of Interest Law for Public Officials and Public Employees.....	13
Recusal Process.....	16
Campaign Finance Law.....	16
Speaking for a Board or Committee.....	16
Civil Discourse.....	17
Code of Core Values for Civil Discourse.....	17
REPORTING PROCEDURES.....	18
Appointing Authority	18
Liaison with Board of Selectmen	18
Town Meeting.....	19
Annual Town Report	19
Sources of Information.....	19
Appendix A: List of Boards and Committees.....	20
Appendix B: Recommended Public Hearing Procedure.....	21
Appendix C: Official State Holidays	22

INTRODUCTION

PURPOSE

Congratulations on your appointment to a Town board or committee! You are about to undertake a very important role within the Town of Cohasset. Committees and boards serve as planning and implementation bodies for the Town and, in some cases, as enforcement agencies pursuant to state statutes and local bylaws. The volunteer members who serve on these boards and committees are an essential part of running an effective and efficient local government.

This handbook has been prepared by the Town Clerk for the Board of Selectmen as a general informational aid to all Town committees and boards. It provides a brief description of procedures and an introduction to important state statutes that govern the conduct of boards and committees and their members, such as the Open Meeting Law and the Conflict of Interest Law (also known as the State Ethics Act).

PARTICIPATION IN TOWN GOVERNMENT

The Board of Selectmen encourages Cohasset residents to participate in local government by volunteering to serve on a board or committee. Through service to the community, board and committee members have a unique opportunity to learn about the workings of our Town and to support fellow members of our community. The Board of Selectmen recognizes that serving on a board or committee takes dedication and commitment and highly values your volunteer service.

TYPES OF BOARDS AND COMMITTEES

Appendix A, found on page 20, is a list of Town committees and boards, identifying the type, the appointing authority, and the number of regular, associate and alternate members. All boards and committees appointed by the Board of Selectmen must follow the general policies set by the Board of Selectmen and implemented by the Town Manager. Other boards and committees are encouraged to function in a manner which is consistent with these general policies.

STATUTORY BOARDS AND COMMITTEES

State statutes outline the powers and duties of statutory boards and committees, such as the Advisory Committee, Board of Assessors, Board of Health, Conservation Commission, Council on Elder Affairs, Historic District Commission, Historical Commission, the Planning Board and the Zoning Board of Appeals.

The applicable state statute determines the appointing authority for each statutory board or committee. The state statutes and Town bylaws define the work of these committees.

ADVISORY COMMITTEES

The Board of Selectmen may create advisory committees to aid the Board of Selectmen in the performance of its duties to the public.

The Board of Selectmen is the appointing authority for advisory committees. The Board of Selectmen prepares the charge, sets the number of members and their terms, approves the membership, and receives the reports and recommendations of the advisory committees. Advisory committees may be temporary for short-term assignments or may have ongoing responsibilities as determined by the Board of Selectmen. When a committee is appointed on a temporary basis, the members will serve until the Board of Selectmen determines the committee assignment has been completed. All advisory committees serve at the discretion of the Board of Selectmen.

Required READING

All board and committee members, associate members and alternate members should read the most recent Annual Town Report, Town Bylaws (including Article 1, Section 3) and Town website for information regarding their boards and committees. The Town website contains links to these materials: www.cohassetma.org. In addition, all board and committee members should review state laws that pertain to their board, commission, or committee. Summaries of the Open Meeting Law and Conflict of Interest and Ethics laws are included in this document.

MEMBERSHIP

MEMBERS, ASSOCIATE MEMBERS, AND ALTERNATE MEMBERS

The charges for all boards and committees specify the number of full members and the number of alternate and/or associate members (if any). Serving as an alternate or associate member is an excellent way to become familiar with the work of a particular board or committee before taking on the responsibility of a full member.

APPLICATION PROCEDURE

- Interested voters file an application with the Board of Selectmen. Applications may be picked up from the Town Clerk's office or downloaded from the Town's website: www.cohassetma.org
- All members of boards and committees shall be registered voters of the Town.
- The Board of Selectmen will review and consider all applications.

APPOINTMENT, REAPPOINTMENT, RESIGNATION and VACANCIES

All appointments made are made by majority vote in an open meeting. Most terms begin on July 1st and end on June 30th. With certain exceptions, the most common term for members of standing boards and committees is three years for regular members; one year for associate or alternate members. Most advisory boards follow these same terms. Some advisory committees however, are formed to accomplish a specific task and then dissolved when the task is completed. All members of boards and committees shall continue to hold office until their successors are installed. A committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer such reappointment.

A board or committee member who is no longer able to serve, or who moves out of Town, should resign promptly so that the vacancy may be filled as soon as possible. Persons who resign from boards or committees shall submit formal notification of their resignation to the Town Clerk, as well as, to the chairman of the board of the committee from which they are resigning.

Vacancies in office shall be filled for the remainder of an unexpired term in the following manner.

- Vacancies in elected offices shall be filled in accordance with Chapter 41, Sections 10 and 11, of the Massachusetts General Laws.
- Unless otherwise provided by law or the General Bylaws, vacancies in appointive offices shall be filled by the original appointing authority.

ORIENTATION

Every appointed member of every board or committee must be sworn in by the Town Clerk and will receive this handbook and summaries of the Open Meeting and Conflict of Interest Laws at that time. Committee members shall be re-sworn if and when their appointments are renewed. This can take place during normal office hours. The act of being sworn in is more than a mere formality; taking the oath of office is required prior to participating in a meeting requiring a vote.

The Board of Selectmen recognizes that no one is instantly an expert in the workings of municipal government. New members should contact their board or committee Chair for an orientation to the board or committee's role, responsibilities and recent issues. New members should also seek guidance from other committee members or Town staff when questions arise. You may also contact the Board of Selectmen's office with questions at 781 383-4100 ext. 101.

OPEN MEETING REQUIREMENTS

MEETING DEFINITION

Meetings of Town boards and committees are subject to Massachusetts Open Meeting Law. The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires notice to the public of all meetings and for, all meetings of public bodies be open to the public so that the public may witness the deliberations of public officials. There are a few, strictly regulated exceptions to the open meeting requirement. These exceptions are rarely applicable with respect to the operations of the overwhelming majority of Town boards and committees.

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill, and now centralizes responsibility for statewide enforcement of the law in the Attorney General's Office (AGO). M.G.L. c. 30A, § 19 (a). To help public bodies understand and comply with the revised law, the Attorney General has created the Division of Open Government. The Division of Open Government provides training, responds to inquiries, investigates complaints, and when necessary, makes findings and takes remedial action to address violations of the law. The purpose of the Attorney General's Guide is to inform elected and appointed members of public bodies, as well as the interested public, of the basic requirements of the law. All Town board and committee members should familiarize themselves with the Open Meeting Law by visiting www.mass.gov/ago/openmeeting.

All Boards and Committees must follow the Open Meeting Law. Under that law, a meeting occurs any time a simple majority of all the members (i.e., a quorum) meets or otherwise communicates (via telephone, email, blogs, Facebook or any other forum) with regard to any public business or policy over which the board or committee has some jurisdiction or advisory power. A quorum shall not meet, discuss or consider in private outside the view of the public for the purposes of deciding or deliberating toward a decision on public business unless it does so pursuant to a properly held Executive Session. (See the Open Meeting Law section below for details about Executive Session). **Any discussions or deliberations by a quorum outside a public meeting on public business over which the board or committee has some jurisdiction or advisory power – including those that occur via email or, telephone, in a sequential or serial fashion violate the Open Meeting Law.** A board or committee may only tend to non-substantive administrative business, such as scheduling meetings and setting agendas without any deliberation or proffering of any opinions (even if there is no response to such opinions), by phone and email.

A board or committee meeting must be posted at least 48 hours in advance and held in public even if there will be no vote or decision reached. Polling of board members for a decision prior to an open meeting of the board or committee is illegal and in violation of the Open Meeting Law. Except in very specific cases spelled out in the law, the public and the press have the right to attend all meetings of government bodies.

BOARD AND COMMITTEE OFFICERS

Committees and Boards shall annually elect a chair. Newly formed boards or committees should elect these officers at their first meeting. Ongoing boards or committees should elect officers at the first meeting on or after July 1st (the beginning of the fiscal year) or at such time after Town Meeting as is customary. It is the responsibility of the chair to notify the appointing authority and the Town Clerk of changes in membership and officers. The chair presides at all meetings, decides questions of order, calls special meetings, schedules the place, date, and time of meetings and posts the notices for such meetings with the Town Clerk no later than 48 hours before a meeting (excluding Saturday, Sundays and holidays), 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. Committees and boards should also elect a vice-chair and secretary or clerk. The vice-chair acts for the chair whenever the latter is absent from meetings, and performs other necessary duties of the chair in the chair's absence. The secretary is responsible for taking and transcribing the committee's minutes. The secretary should also check for committee/board mail at the mailboxes in Town Hall.

CONDUCTING A MEETING

A board or committee may adopt formal rules of order. 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 parliamentary procedures. Guidance by the chair and adherence to customary parliamentary procedures or adopted rules of order can increase efficiency as well as maintain objectivity. Briefly, these procedures include:

- in most instances, a decision is made by a simple majority vote of those board or committee members present and voting at the meeting; and
- no votes be taken in open session by a governmental body by secret ballot.

The Open Meeting Law does not require that members of the public attending a meeting be allowed to speak at that meeting. A board or committee may, however, allow public comment on the matters under discussion during a specific time at the meeting. (A board or committee must allow public input at a public hearing conducted under a statute with regard to a particular matter.) Members of the public should be allowed to speak at a board or committee meeting only with the permission of the chair. Any person may record a meeting with a tape recorder or any other means of audio reproduction and/or videotape equipment provided he or she announces their intention to do so prior to recording and there is no active interference with the conduct of the meeting.

QUORUM

A majority of the members of a committee shall constitute a quorum, and unless otherwise provided by law, governing instrument, or the General Bylaws, a majority vote of those members constituting a quorum shall prevail.

REMOTE PARTICIPATION GUIDELINES

The Board of Selectmen has voted pursuant to Open Meeting Law regulation 940 CMR 29.10(5) to **allow** remote participation in meetings by Town of Cohasset board and committee members when board members are unable for specified reasons to attend a public meeting in person.

Permissible Reasons for Remote Participation. As provided under the Open Meeting Law regulation, remote participation by a board member will be permissible if in-person attendance is unreasonably difficult for one or more of the following reasons:

- personal illness (self-determined).
- personal disability (temporary or permanent).
- emergency (within 12 hours of the meeting).
- military service, or
- geographic distance.

Notification to Chairman Prior to Meeting. Any board member wishing to participate remotely must notify the chairman (or chairman's designee) as soon as possible (preferably at least 12 hours) prior to the meeting of the need to participate remotely, and the reason(s) for doing so.

PUBLIC HEARING PROCESS

Many boards and committees (such as the Board of Selectmen, the Planning Board and the Zoning Board of Appeals) are required by Massachusetts General Laws to conduct formal public hearings on some issues that come before them. Others may choose to conduct a public hearing on a matter before them in order to receive input from the community.

All formal public hearings must be conducted in accordance with Massachusetts General Laws and Town Bylaws. Written hearing notices, the initiation of the hearing and the conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the board or committee.

It is recommended that all public hearings follow a formal procedure. Appendix B, found on page 21, outlines a recommended process.

For all hearings, the Chair or other designated person should state guidelines and time allowances at the outset of the hearing. Detailed minutes must be kept. All questions should be directed to the Chair who, in turn, may ask for a response from board or committee members, staff or a member of the public.

It is the responsibility of the Chair to maintain order and decorum at the hearing. The Chair must be consistent and fair, but may put restrictions on the nature, number and frequency of individual's comments and questions.

MEETING LOGISTICS

Depending on a board or committee's workload, meetings may be held weekly, bimonthly, monthly, or less frequently. When possible, a regular meeting day, hour, and location should be established. Except in cases of emergency, boards and committees should not meet on weekends, major religious or official government holidays or Election Day while the polls are open. In addition, boards and committees should not meet while Town Meeting is in session, except as necessary to participate in the proceedings of Town Meeting.

All notices must be filed with the Town Clerk. It is the responsibility of the board or committee to provide a timely notice to the Town Clerk, (cstpierre@cohassetma.org) and Assistant Town Clerk (banderson@cohassetma.org) of the committee's meetings. Meeting notices must be posted in a legible, easily understandable format; contain the date, time and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. Except for emergency meetings, meetings must be posted at Town Hall at least 48 hours in advance by the Town Clerk (Saturdays, Sundays and holidays excluded).

In the case of emergencies - that is sudden, unexpected occurrences which require immediate action by the board or committee - notice may be less than 48 hours. As soon as an emergency meeting is scheduled, notice must be posted. Although not required by law, it may also be appropriate to notify the press and other observers of an emergency meeting.

The Town Clerk maintains a current listing of all Open Meeting Law posted meetings on the Town Website as well as the bulletin board at Town Hall.

Meetings must be held in a place that is open to the public and accessible to persons with disabilities. Boards and committees should meet in a public building; meetings held in private homes or restaurants may give the appearance of being secret and discourage the public from attending. A board or committee may reserve a room in a municipal building by using the following contacts:

- Town Hall, Municipal Properties – 781 383-4105 Ext. 101 or tconnors@cohassetma.org or joram@cohassetma.org
- Paul Pratt Memorial Library – 781 383-1348 or <http://www.cohassetlibrary.org/usemeetingrooms.html>
- School Business Office (for use of school facilities) – 781 383-6108 or jsouretis@cohassetk12.org or jpescatore@cohassetk12.org

RECORD KEEPING

As a governmental body, each board and committee shall maintain accurate minutes of its meetings, setting forth at a minimum the date, time, place, members present or absent, the meeting agenda and all votes or actions taken at each meeting, including executive sessions.¹ The minutes of each meeting are a public record and shall 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. Each board and committee shall vote to approve the minutes of their previous meeting at their next scheduled meeting and issue the approved minutes to the Town Clerk and all other interested boards and committees within 10 working days of the approval vote.²

¹The Open Meeting Law requires the keeping of accurate minutes, requiring all boards and committees to “create and maintain accurate minutes of all meetings, including executive sessions, setting forth 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.”

² “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.”

PUBLIC RECORDS LAW

Massachusetts General Laws, Chapter 66, Section 10 the Public Records Law, gives a right of public access to “public records,” which are defined by Chapter 4, Section 7, Clause 26 to include any document, regardless of physical form or characteristics, made or received by a public official or employee to serve a public purpose, unless subject to a statutory exemption. Government records generated, received or maintained electronically, including electronic mail, constitute “public records” under this standard. Retention and destruction of these records should follow the schedule specified by Massachusetts General Laws, Chapter 66, Section 8. No public records should be deleted or destroyed without first consulting the Town Manager. The Massachusetts Secretary of State’s Public Records Division also provides guidance on public records matters at www.sec.state.ma.us/pre/preidx.htm. Printed records should be filed with related files of the board or committee. There is limited space available at Town Hall for files storage. Board and committee files may be maintained electronically provided that the Town has a current electronic record retention plan approved by the state’s Supervisor of Public Records.

TOWN EQUIPMENT AND FACILITIES

Each board or committee is responsible for its own clerical work. However, with advance notice, the Town Manager’s office can provide assistance in coordinating photocopying, mailings, and other services. Town equipment and facilities may be used for official board or committee business. Most boards and committees are assigned a mailbox in Town Hall near the Town Clerk’s office that should be checked on a weekly basis. Board or committee mailing addresses should be the Cohasset Town Hall, 41 Highland Avenue. Photocopying machines are located on the first and second floors and are available for official board or committee use during business hours, 8:30 A.M. – 4:30 P.M. Monday, Wednesday and Thursday, Tuesday 8:30 A.M – 7:00 P.M. and Friday 8:30 A.M – 1:00 P.M. A fax machine is also available on the second floor in the Town Manager’s office.

BOARD AND COMMITTEE EXPENSES

In general, an individual board or committee does not have a budget. If a board or committee anticipates a need to expend funds, it can request funds through the Town Manager's office. Such a request is subject to a review and evaluation of need, availability of funds, and approval by the Board of Selectmen.

STAFF SUPPORT

Some boards and committees have a staff person who serves as an administrative assistant. In such cases, the staff person provides assistance, rather than the duties that are expected of members. For instance, the staff administrative assistant may record minutes of meetings, prepare and circulate information for meetings and perform other administrative duties. Please be aware that most staff persons have limited hours and boards and committees should not ask for more than can reasonably be accomplished in those hours.

USE OF TOWN COUNSEL

Town Counsel provides legal services to all Town departments, boards and committees upon request of the Town Manager and the Board of Selectmen. A board or committee chair must make a formal request to the Town Manager for approval to use Town Counsel. The Town Manager will coordinate and submit the request to Town Counsel or the Board of Selectmen, as appropriate; except in an emergency, board and committee members may not contact Town Counsel directly. The request submitted to the Town Manager must include the subject matter of the legal advice requested and any written materials to provide background information for the request. With certain exceptions, questions presented to and advice received from Town Counsel are ordinarily protected by the Town's attorney-client privilege. That information must be labeled as such and segregated in the board or committee's files to avoid inadvertent disclosure and waiver of the privilege.

CONDUCT

OPEN MEETING LAW

The Open Meeting Law applies to every meeting of a quorum of a governmental body if any public business over which the governmental body has jurisdiction is discussed or considered. The Open Meeting Law does not apply to chance meetings or social meetings; however, no chance or social meeting can be held to circumvent the open meeting requirements.

The following is a summary of the lawful manner in which meetings of boards, committees and sub-committees are to be conducted.

1. The Open Meeting Law gives the public and the press the right to attend (although not necessarily to participate in) all committee meetings except those portions held in Executive Session.
2. The law requires that notice of meetings be publicly posted at least 48 hours in advance (except in case of an emergency) and that minutes be taken.
3. All meetings must have a quorum of members and be open to the public.

4. No private meetings are permitted where a quorum of members discusses or deliberates about any matter over which the board or committee has jurisdiction.
5. An on-site inspection of a project or program is not considered to be a “meeting” so long as the members do not deliberate during the inspection. A board or committee should not, during such an inspection, make any decisions or take any votes about matters within its jurisdiction. If a committee or board intends to make a decision or take a vote while on such a visit, then the visit would be considered a board or committee meeting and all Open Meeting Law requirements must be observed, such as proper meeting posting and taking of minutes.
6. Under the Open Meeting Law, an executive session may be called for only the following purposes:
 - a. To discuss the reputation, character, physical condition, mental health rather than the professional competence of a single individual. The individual must be notified of such meeting, and may request that the meeting remain open;
 - b. To consider the discipline or dismissal of an individual or to hear charges against an individual. The individual must be notified of such meeting, and may request that the meeting remain open;
 - c. To discuss matters regarding collective bargaining or litigation;
 - d. To discuss, deployment of security personnel or security devices;
 - e. To investigate allegations of criminal conduct;
 - f. To consider matters regarding real property;
 - g. To comply with the provisions of any general or special law or federal grant-in-aid requirements;
 - h. To consider and interview applicants for employment by a preliminary screening committee;
 - i. To meet and confer with a mediators; and
 - j. To discuss trade secrets and confidential information provided in conjunction with governmental body acting as an energy supplier.
7. Executive Sessions procedure: The following steps must be taken **before** going into Executive Session:
 - a. Open Session must be convened first;
 - b. The presiding officer (ordinarily the Chair) must give the purpose of an Executive Session. The purpose of the Executive Session must be one of the permitted purposes summarized above;
 - c. The presiding officer must indicate whether the board or committee will reconvene after Executive Session;
 - d. A majority vote is needed to go into Executive Session;
 - e. The vote of each member must be recorded on a roll call vote and recorded in the minutes.

EMAIL USAGE

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 email messages written or received in the capacity of a board, committee or commission member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own home computer and personal email accounts may not exempt such communications depending on the context. In addition, the ease by which email messages are sent and forwarded may facilitate the improper discussion of public policy issues. Similar to "serial" telephone conversations, the discussion of public policy issues among a quorum of board or committee members via email is a violation of the Open Meeting Law. At the very least, all electronic mail sent and received at a Town-issued email address should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees and board and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.

It is important for boards and committees to be responsive to emails that are sent to them through the official committee shell address. It is advised that the chair or clerk be assigned this responsibility. Boards or committees need to be careful not to allow replies to citizens to become discussions among the members in violation of the Open Meeting Law.

THE CONFLICT OF INTEREST LAW FOR PUBLIC OFFICIALS AND PUBLIC EMPLOYEES

Effective September 30, 2009, legislation (Chapter 28 of the Acts of 2009) has enhanced the enforcement of and increased the penalties for violation of the State Ethics Act by public officials. For example, the legislation does the following:

- It strictly prohibits public officials from accepting gifts of "substantial" value for or because of their position.
- It increases the maximum punishment for bribery to \$100,000 and 10 years imprisonment.
- It increases the maximum penalties for conflict of interest law violations involving gifts and gratuities, revolving door violations and other abuses to \$10,000 and 5 years imprisonment.
- It increases penalties for civil violations of the conflict of interest laws to up to \$10,000 per violation (up to \$25,000 for bribery).
- It makes compliance with the Ethics Commission's summons mandatory.
- It increases the amount of time the Ethics Commission can proceed on an ethics violation from 3 years to 5 years.
- It gives the Attorney General concurrent jurisdiction with the Ethics Commission to enforce civil violations of the conflict of interest laws.

To assist with compliance, the State Ethics Commission has posted an on-line training program on their website. This training must be completed by all municipal employees, and each employee (volunteer) must present the Town Clerk with a certificate of completion. The following overview of the Conflict of Interest Law is excerpted from the Ethics Commission's website <http://www.mass.gov/ethics> and may be updated based on the recent passage of the amendments to the State Ethics Act.

Chapter 268A of the Massachusetts General Laws governs your conduct as a public official. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take any prohibited action. There are some exemptions to these rules, so you may wish to seek legal advice from the State Ethics Commission or Town Counsel regarding how the law would apply in a particular situation. The term "public employee" includes both elected and appointed municipal employees, whether paid or unpaid, full-time or part-time. An unpaid volunteer board member is considered a public employee for purposes of the conflict of interest law.

In general:

- a. You may not ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.
- b. You may not ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. 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.
- c. You may not hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- d. 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.
- e. 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 affect that organization, or its competitors.
- f. 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.
- g. 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.
- h. 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.
- i. You may not ever disclose confidential information, data or material which you gained or learned as a public employee.

- j. 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.
- k. 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.
- l. 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.
- m. 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.

Abutting or nearby property may affect a public official's financial interest.

Under the conflict of interest law, a property owner is presumed to have a financial interest in matters affecting abutting and nearby properties. Thus, unless he or she can clearly demonstrate that he or she does not have a financial interest, a public employee should not take any action in his or her official capacity on matters affecting property that is near or directly abuts: his or her own property; property owned by a business partner; property owned by any immediate family members; property owned by a private employer, or prospective employer; or property owned by any organization in which the public employee is an officer, director, partner or trustee. Otherwise, he or she risks violating the conflict of interest law.

The following factors may be considered to determine whether, in a particular situation, a person or organization has a financial interest in an abutting or nearby property. A financial interest is presumed whenever: the property directly abuts (i.e., it shares any part of a property line); the property is directly opposite a street, public way or private way; or the property is an abutter to an abutter within 300 feet of the property line; the owner of the property, because of an act or failure to act by the board or committee, may suffer an injury in fact which is different either in kind or magnitude from that suffered by the general public; or the matter would otherwise alter his or her property value, rights, or use. For example, a property owner may have an affected financial interest in matters involving nearby zoning decisions, zoning changes, variances, subdivision plans, development proposals, and roadway, sewerage or safety improvements. If a board or committee member encounters such a situation, he or she should either recuse him or herself from participation in the matter or contact the Town Manager (781 383-4105) to ask for Town Counsel's advice.

RECUSAL PROCESS

If a member believes that he or she may face a conflict of interest or other reason that may justify recusal as to any particular matter, the member should immediately contact the Town Manager (781-383-4105 Ext. 101) who will consult with Town Counsel for advice as to the proper course of action. Some potential conflicts are cured by a simple disclosure form filed in advance; others are cured by a simple disclosure form filed in advance with and approved by the Board of Selectmen as the appointing authority; others cannot be waived and require recusal. It is important for the member to understand and follow the proper course of action before proceeding.

The various disclosure forms can be found on the State Ethics Commission's website by navigating through www.mass.gov. If the board or committee member is recused, he or she must leave the room while the matter causing the conflict is being discussed to avoid any appearance of exerting undue influence.

CAMPAIGN FINANCE LAW

Massachusetts General Laws Chapter 55, the Campaign Finance Law regulates political activity by public employees and the use of public buildings and resources in campaigns and ballot issues. If a board or committee member receives a stipend of any amount, he or she is considered a public employee for the purpose of the Campaign Finance Law. This does not apply to elected officials. Public employees who take part in the political campaigns and the candidates and committees they support should be aware of this law. As with the Open Meeting Law and the State Ethics Act, the Campaign Finance Law was revised by Chapter 28 of the Acts of 2009 effective September 30, 2009.³ Public resources (Government vehicles, office equipment and supplies and the paid time of public employees) may not be used for political campaign purposes, such as the election of a candidate or the passage or defeat of a ballot question. Soliciting or receiving campaign contributions in a government building is prohibited.

SPEAKING FOR A BOARD OR COMMITTEE

An individual board member has a right to speak publicly as a private citizen but should not purport to represent the board or committee or exercise the authority of the board or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens it may be perceived that they speak for the board or committee. Such a perception should be avoided. In addition, it is the policy of the Board of Selectmen that a recused board or committee member refrain from using this individual right of free speech to speak on matters on which a member has been recused in front of that member's board or committee.

³ For example, the amended Campaign Finance Law (a) eliminates arrangements between state political parties and elected officials, (b) bars individuals from making committee checks to themselves, (c) requires disclosure of expenditures and sources of funding for any anonymous third-party campaign mailings or ads that support or criticize a candidate or campaign, and (d) increases penalties for late-filed campaign finance reports.

CIVIL DISCOURSE

Mission & Values

The Town of Cohasset's municipal government values hard work, honesty, respect, integrity and an earnest desire to work collaboratively to best serve our residents. The Town government, made up of Town employees and elected and appointed volunteers, is committed to providing the public with the highest level of services delivered in the most efficient manner with the financial resources available.

Code of Ethics

As public officials, we are committed to civility, tolerance and respect in all public discourse. Accordingly, we demand from all employees, members of the Boards, Commissions and Committees the highest standards of personal integrity, truthfulness, honesty, civility and fairness in carrying out public duties.

Public officials are to avoid any improprieties in their roles as public servants and never use their Town positions or powers for personal gain.

On behalf of the community, the Cohasset Board of Selectmen hereby adopts the following **Code of Core Values for Civil Discourse** and will ask that all public officials and employees become comfortable with these expectations.

CODE OF CORE VALUES FOR CIVIL DISCOURSE

- **Integrity-** I shall make no promises or commitments I cannot reasonably expect to fulfill, and I shall maintain appropriate social, ethical, and organizational norms in Town related activities.
- **Ethics-** I pledge to maintain the highest standards of professional behavior and to comply with the laws, regulations, and policies under which we operate.
- **Civility** – I pledge to help create an atmosphere of respect and civility in which individual Commissioners, Town Manager, department heads, staff, committee and board members, and the public are free to express their ideas and work to their full potential.
- **Respect for the Individual** – I respect the diversity of Commissioners, staff, committee members, and citizens and will always strive to provide fair and equitable treatment to all and to encourage personal and professional growth.
- **Communication** – I pledge to be open, consistent, truthful, and respectful in all communications, written and verbal, as this is vital for reflective and sound decision-making for the Cohasset community.
- **Teamwork** – I shall work together with others, with mutual respect, to achieve organizational goals - recognizing that unity of purpose and effort leads to productivity and greater accomplishments.

- **Leadership** – I shall lead by example, using appropriate interpersonal skills, and shall strive to maximize citizen and staff involvement in decisions and initiatives that further the goals of the community.
- **Creativity and Innovation** – I shall strive to stimulate and appreciate new concepts and solutions suggested by all, encouraging creative ideas and solutions that benefit the community.
- **Quality** – I shall strive for excellence in every phase of my work with others on behalf of the Town.
- **Stewardship** – I shall strive to make a positive contribution to our Town and enhance the quality of services throughout the Cohasset community.
- **Organizational Sensitivity** – I shall consider the impact of all decisions on the town’s financial resources and recognize and work within the limitations that exist in the Town’s municipal structure and budget.
- **Adaptability** – I shall respond efficiently and effectively to the needs of our citizens and adapt to any changes in how the town operates.
- **Recognition** - I shall recognize and value individual contributions to the Town of Cohasset, as the town’s mission and vision are pursued.
- **Efficiency** – I shall work to attain our goals by optimizing the use of our time and financial resources

REPORTING PROCEDURES

APPOINTING AUTHORITY

Boards and committees appointed by the Board of Selectmen will meet annually in Oversight Meetings with the Board to provide an update on the board or committee’s actions and plans. If needed, the Chair may request an additional meeting with the appointing authority to resolve any problems and report progress.

LIAISON WITH BOARD OF SELECTMEN

Each year, the Chair of the Board of Selectmen assigns each Selectman to be a liaison to several Town boards and committees. The duty of the liaison is to maintain communication with the board or committee, review its minutes, be included in the board or committee email communications and keep updated on issues of concern. The liaison is not expected to attend the meetings, but may do so; nor is the liaison an *ex officio* member. The Board of Selectmen recommends that the board or committee chair report regularly to its liaison about the board or committee's actions and plans so that the liaison can keep the Board of Selectmen updated.

TOWN MEETING

Effective Town government requires strong and informed citizen participation. The work of every board or committee is interdependent with that of others. To foster informed decision making, it is highly desirable that boards and committees stay informed about work that is going on in related boards and committees. It is critical that every board or committee have as full representation as possible of its membership at regular governmental functions such as Town Meeting. Attending Annual and Special Town Meetings helps to assure an understanding of all issues relating to the work of the board or committee on which an individual serves, and of Town government in general.

ANNUAL TOWN REPORT

All appointed boards and committees are required to file an annual report of activities to be included in the Annual Town Report, due in January of each year. The Chair or another designated member should detail board or committee membership, including any changes, and report on major accomplishments and future plans for the year. A request for board or committee reports is issued each year by the Town Managers office.

SOURCES OF INFORMATION

“Board / Committee Handbook”, Town of Acton, MA

Cohasset General Bylaws

Massachusetts General Laws:

- Chapter 4, Section 7 (26): Public Records Law
- Chapter 39, Section 23B: Open Meeting Law
- Chapter 268A: Conflict of Interest

“Massachusetts Conflict of Interest Law for Municipal Employees”, State Ethics Commission

Appendix A: List of Boards and Committees

Board or Committee	Type	Appointing Authority	Members	Associates or Alternates
Advisory Committee	Bylaw	Troika	9	
Alternative Energy Sources Committee	Advisory	Troika	9	
Board of Assessors	Bylaw/MGL	Elected	3	
Board of Health	Bylaw/MGL	Elected	3	
Board of Selectmen	Bylaw/MGL	Elected	5	
By-law Committee	Bylaw	Troika	5	
Cable Advisory Committee	Advisory	Board of Selectmen	6	2
Capital Budget	Bylaw	Troika	5	1
Cohasset Affordable Housing Trust	Bylaw/MGL	Board of Selectmen	7	
Cohasset Cultural Council	Statutory	Board of Selectmen		
Cohasset Common Historic District Commission	Bylaw	Board of Selectmen	7	
Cohasset Community Television Corporation, Board of Directors	Advisory	Board of Selectmen		
Cohasset Harbor Committee	Bylaw	Board of Selectmen	9	
Cohasset Housing Authority	Bylaw/MGL	Elected	4	
Community Preservation Committee	Bylaw/MGL	Board of Selectmen	9	
Conservation Commission	Bylaw/MGL	Board of Selectmen	7	2
Design Review Board	Bylaw	Troika	5	2
Elder Affairs Board	Bylaw	Board of Selectmen	9	3
Government Island Advisory Committee	Bylaw	Board of Selectmen	7	
Historical Commission	Bylaw	Board of Selectmen	7	
Open Space and Recreation	Advisory	Board of Selectmen		
OPEP Committee	Advisory	Board of Selectmen	3 or more	
Planning Board	Bylaw/MGL	Elected	5	1
Recreation Commission	Bylaw/MGL	Elected	7	
Registrars of Voters	Bylaw/MGL	Board of Selectmen	4	
School Committee	Bylaw/MGL	Elected	5	
Sewer Commissioners	Bylaw/MGL/Fed	Elected	3	
Stormwater Advisory Committee	Advisory	Board of	5	
Trustees of Paul Pratt Memorial Library	Bylaw/MGL	Elected	9	
Water Commissioners	Bylaw/MGL	Elected	3	
Zoning Board of Appeals	Bylaw/MGL	Board of Selectmen	3	3

Appendix B: Recommended Public Hearing Procedure

Some boards and committees have statutory requirements for public hearings. This process may be used in addition to the legal requirements or may be used for committees that do not have statutory hearing definitions.

1. Chair states guidelines and procedures including time limits and decorum.
2. Where necessary, Chair states background information.
3. Petitioner makes presentation.
4. Information presented from Town Officials and other boards or committees.
5. Board or committee members question petitioner.
6. Public directs questions and comments through the Chair.
7. The hearing may be continued to another session with a specific date, time and place announced at the hearing.
8. Once all facts, testimony, and opinions have been heard, the Chair closes the public hearing.
9. The board or committee begins deliberation in an Open Meeting session. Motions may be made and votes may be taken at the board or committee's discretion.
 - The board or committee ultimately votes a decision on the application.
 - The decision usually has a set deadline.
 - A decision usually entails a vote of approval, disapproval, or approval with conditions.
 - Conditions and a rationale for the decision should be clearly spelled out and be based on information given at the hearing, state law, town reports and studies, and other town planning documents.
 - Decisions may not be arbitrary and capricious or based on legally untenable grounds.

Appendix C: Official State Holidays

Massachusetts legal holidays are defined on the Massachusetts state website:
<http://www.sec.state.ma.us/cis/cishol/holidx.htm>.

The current list of official state holidays is:

- New Year's Day - January 1st
- Martin Luther King Jr. Birthday - Third Monday in January
- Washington's Birthday - Third Monday in February
- Patriot's Day - Third Monday in April
- Memorial Day - Last Monday in May
- Independence Day - July 4th
- Labor Day - First Monday in September
- Columbus Day - Second Monday in
- October Veterans' Day - November 11th
- Thanksgiving Day - Customarily the fourth Thursday in November
- Christmas Day - December 25th