



**TOWN OF Maynard
SELECT BOARD
OPERATING POLICIES AND PROCEDURES
Date Approved: November 2, 2021**

I. PURPOSE

The Select Board 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 residents, as well as the need to consolidate Town policies and procedures, have undertaken to create operating procedures for the Select Board. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Select Boards. Unless otherwise noted, the term "Board" shall refer to the Maynard Select Board. 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, Town Charter 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 resident of the Town by requesting that the Chair 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 Select Board. 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.

The Board shall not vote on a policy at the same meeting at which it is first introduced, unless otherwise voted by the Board. A vote by a majority of the Board 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, or when directed by the Board, 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 Select Board's Office and at the Office of the Town Clerk.

IV. AUTHORITY AND ROLE OF THE SELECT BOARD

The Select Board 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 vacancy shall be filled in accordance with the Town Charter (Section 3:1.g.(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/her 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. A Board member requesting a significant amount of information regarding a department's policies, procedures, or operations that would cause a disruption to the normal operations must make such a request during a regular Board meeting and receive approval by the Board. Requests by Board members for written legal opinions must be channeled through the Chair and the Town Administrator. Notwithstanding the foregoing, at all times the Chair shall have access to Town Counsel. 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 Chair or any Board member shall call an emergency session of the Board prior to the emergency action.

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 a Select Board member 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 268A (Conduct of Public Officials and Employees) as they apply to municipal officials.

As a member of the Board, he/she 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;
- 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 (Chair and Clerk) shall be elected annually at a meeting of the Board to be scheduled for the first regular meeting of the new fiscal year. 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 Chair or any of the officers. The Chair may not serve in that capacity for more than one year in a given term. In the absence of the Chair, the Clerk shall act as Chair Pro Tem.

VIII. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chair 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 Chair, 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 Chair;
- Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair;
- 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 Chair shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon. The Clerk shall act in the place of the Chair during his/her absence at Board meetings. Should the Chair leave office, the Clerk shall assume the duties of Chair until the Board elects a new Chair. 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 or election days. 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 (Executive Sessions may begin at 6:30 pm), and shall continue until the Board votes to adjourn. It is expected that regular Board meetings shall adjourn no later than 10:00 pm. Time allocation for each item may be considered by the Chair, in consultation with the Town Administrator. 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 or election day. Special meetings shall be called by the Chair, 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. Discussions, and/or presentations, shall occur before a motion. Presentations are expected to last no longer than 10 minutes, and questions or discussion will follow from the Board. 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 beginning of the open meeting of the Board. Only items specifically set forth under the Open Meeting Law as qualifying for executive session shall be included on an Executive Session agenda. Prior to calling for a motion to adjourn into executive session, the Chair shall state the reasons for which an executive session is sought. The Chair 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 Chair, shall approve the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for new items to be considered for the agenda, they must be submitted to the Town Administrator 11 calendar days preceding the regularly scheduled meeting. Items added to the agenda after this time will be considered out of necessity or due to being routine in nature. Materials for items shall be submitted to the Town Administrator by 4:00 p.m. on the Monday of the week preceding the regularly scheduled meeting.

Categories of agenda items shall be:

1. Pledge of Allegiance
2. Call to order
3. Public Comments
4. Report of the Town Administrator
5. Acceptance of meeting minutes (as required)
6. Scheduled Appointments (as required)
7. Hearings (as required)
8. Other action items (as required)
9. Issues and Discussion Items
10. Old/New Business and Information
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 Select Board's Office in accordance with public posting requirements of the Open Meeting Law for meeting notices. 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 Board members in the Select Board's Office.

XIII. 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 ten (10) 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 may be electronic preserved, in accordance with state directed records retention policies. 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.

XIV. BOARD APPOINTMENTS

The Board shall make its annual appointments in June, to fill expired terms. 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. The Board shall consider staggered terms to assure continuity among town committees. Appointments shall be based on merit and qualifications. Where possible the Board will seek to appoint a diverse membership, 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, as well as the Town Clerk, will ensure the availability of pre-appointment questionnaires. He/she will also ensure that completed pre-appointment questionnaires are maintained in an organized and easily retrievable manner in the Select Board's Office and online. As Board-appointed vacancies occur, the Town Administrator will post

public advertisements seeking interested candidates. Applicants for all Board appointments shall complete a pre-appointment questionnaire, to be considered as candidates. The Board may accept recommendations from the committee to fill the committee's vacancy. 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 Select Board 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 resident 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 Select Board. Each committee is expected to report in writing at least annually to the Select Board. The Town Clerk'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.

XV. 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.

XVI. RELATIONS WITH RESIDENTS

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 residents. The Board will act to increase public participation, encourage resident 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 Public Comments, a resident or group of residents may request an item on a meeting of the Board by contacting the Select Board's or Town Administrator'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 spokesperson 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 attempt to notify any persons who will be directly affected by proposed Board discussion or action of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.
- The Board would like to hear public comments, and if there is further action that is required by the Board, the Chair will add the matter, as appropriate, to a forthcoming agenda. Depending on the comment, the Board may, if they are able within the confines of the Open Meeting Law, respond with information as opposed to needing to deliberate on the matter.
- At the discretion of the Chair, if the Board is considering matters of public concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration. At all times the chair will retain the right to limit the amount of time each speaker is permitted to speak, the total length of time the public comment period will last, and where on the agenda public comment will be considered. Public comments on matters outside the public body's jurisdiction shall not be permitted. Because they are not Constitutionally protected, the following comments shall likewise not be permitted: true threats, incitement to imminent lawless conduct, obscenities (or vulgarities), statements that were found by a court of law to be defamatory, and sexually explicit statements made to appeal to prurient interests. If an individual and/or spokespersons for an entity permitted to speak during the public comment period requires a reasonable accommodation to speak because of his/her disability, he/she must contact the Chair at least 48 hours prior to the meeting to arrange for such accommodation, which may include permitting said individual or spokesperson to speak for a longer time than the other individuals and/or entities permitted to speak during the public comment period.
- The Town Administrator and Chair will use its best efforts that all resident 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.

XVII. 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 Chair 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 Chair 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.