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Town of Concord APP #10

Town Board, Committee, and Task Force Appointment Policy

The Board of Selectmen and Town Manager have jointly adopted this policy concerning the appointment of members of Town boards, committees, and task forces. Please refer to this policy when considering or suggesting an individual for appointment to a Town board or committee.

Distribution: All Department Heads
All Committee and Board Chairs
Town Clerk

Appointment Policy -- Town Boards, Committees, and Task Forces

I. General

This policy has been jointly adopted by the Board of Selectmen and Town Manager, and is intended to cover all committees, boards, and task forces appointed by the Town Manager and Selectmen. The following categories of appointments are not covered:

- (a) Town employees
- (b) elected Town officers

The term “committee”, when used in this policy is intended to mean all boards, committees and task forces appointed by the Board of Selectmen and Town Manager.

II. Powers and Duties

While all committees appointed by the Selectmen or Town Manager are an essential part of our Town government, the powers and duties of some committees are governed by State statute. These include: the Board of Appeals, Planning Board, Historic District Commission, Board of Health, Natural Resources Commission, and others. Once appointed by the Selectmen or Town Manager, these committees operate with a high degree of autonomy. Nevertheless, it is in the overall best interest of the Town that each committee function in a manner that is consistent with the general policies coordinated or promulgated by the Board of Selectmen and/or Town Manager. Effective local government requires that all committees respect the duties and responsibilities of other town committees and coordinate their activities to the greatest extent possible.

Other committees appointed by the Selectmen or Town Manager serve as advisors to the Selectmen or Town Manager, in the performance of their duties to the public. These committees will have such powers and duties as may be delegated to them in their specific charges. Such committees may represent the Town in dealing with other local, regional, or State agencies to the extent requested by the Board of Selectmen or Town Manager. When doing so, they shall take positions on various issues consistent with the views of the Board of Selectmen or Town Manager, and they shall keep the Board and Town Manager fully informed concerning all such activities.

III. Officers of Committees, Boards, and Task Forces

Each committee should annually elect from among its members a Chairperson and a Clerk. Certain committees may also find it desirable to elect a vice-chairperson who may act in the absence of the chairperson. In the case of new committees, or committees that have become inactive, the Selectmen or Town Manager may appoint a chairperson pro-tem to serve until the committee itself elects a chairperson for the balance of the current year.

Except in unusual circumstances, the chairperson and the clerkship should rotate yearly amongst the committee membership.

IV. Open Meeting Law and Minutes

All committees shall operate in accordance with the Open Meeting Law (MGL Ch. 39, sect. 23A-c) and shall keep minutes of their proceedings. Each committee shall establish its own procedures for approval and submission of minutes to the Town House on a timely basis. Committees are strongly urged to prepare, review and approve minutes as expeditiously as possible in order to maximize the public's access to information concerning committee activity. In most instances, Committee minutes should be reviewed and approved within six weeks of the original meeting date. All committees shall submit a copy of approved minutes to the Town Clerk and to the Board of Selectmen immediately upon approval.

Committees are reminded that "draft" copies of the committee's minutes are considered a public record and should be made available to the public upon request, even when the committee has not had the opportunity to review and adopt the minutes.

Upon the dissolution of any committee, either by action of the appointing authority, or pursuant to an expiration date provided in the committee charge, all records, documents, correspondence and files concerning the committee's work will be promptly turned over to the Town Clerk for appropriate filing and archival storage.

V. Participation in Town Government

Effective Town government requires active and informed citizen participation. The work of every committee is inter-dependent with that of others. To foster informed decision making, the Board of Selectmen and Town Manager believe it appropriate that every committee have as full representation of its membership as possible at the following regular governmental functions:

- Town government Coordination Meetings (September & December)
- Finance Committee budget hearings
- Planning Board hearings on Town Meeting warrant articles
- Selectmen's hearings on Town Meeting warrant articles
- Town Meeting

The objective is not to enforce uniformity or adherence to a majority view, but to assure understanding of all issues relating to the work of the committee on which an individual serves and an understanding of Town government in general. Broad participation is essential to maintenance of an open Town Meeting which, otherwise, could be dominated by those having only a limited range of special interests.

VI. Conflict of Interest

Committee members are covered by Massachusetts General Laws, Chapter 268A, Conduct of Public Employees. The statutes covers:

- (a) Gifts or receipt of compensation or gratuities from anyone other than the Town
- (b) Offers or promises to influence official acts
- (c) Financial interest in contracts or other particular matters

- (d) Acting as agent or attorney before a Town board or committee
- (e) Unfair advantage in relation to a particular matter
- (f) If a committee, board, or task force member has any question concerning a potential conflict of interest under MGL ch. 268A, the member shall raise the question in advance of appointment. Those members currently serving should discuss questions of conflict with the committee chairperson and the appointing authority as soon as possible. The State Ethics Commission is a useful resource for information concerning the application of the law, and committee members will be expected to follow the guidance provided by the State Ethics Commission. The Board of Selectmen and Town Manager will make the final determination concerning conflict of interest, with the assistance of Town Counsel as appropriate.

In addition, all committee members must avoid the appearance of conflict of interest in all matters coming before the committee and shall seek guidance from the State Ethics Commission in this area as well.

VII. Appointment Policy and Procedures

(a) General

It is the policy of the Selectmen and Town Manager to seek the best qualified persons to serve on each committee. The Board and Town Manager will endeavor to develop a pool of persons interested in serving on each such committee from at least the following sources:

1. Green cards on file
2. Personal knowledge
3. Recommendations from Town organizations or individuals
4. Suggestions from the committee having a vacancy
5. Suggestion by the prospective appointee
6. Research of skills available in Town
7. Individual responses to publicity regarding vacancies (new green cards)

It is the policy of the Board of Selectmen and Town Manager to enlarge the general pool of applicants through active solicitation of Town organizations and through publicity in the press and on community access television. The timing and extent of specific active solicitations shall be determined by the appointing authority based on its judgment of appropriateness and need.

In accordance with the vote on Article 47 of the 1978 Annual Town Meeting, the Board of Selectmen and Town Manager shall make a special effort to seek out roughly equal numbers of women and men as candidates for appointments over which they have authority, and will make appointments in accordance with the Massachusetts Equal Rights Amendment which states, in part, that "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin".

(b) Term of Office

1. Unless prescribed by statute, Town Meeting vote, or specific committee charge, three years shall be the standard term of office.
2. Those appointed to a three-year term *as* a full-member shall be limited to two (2) full consecutive terms.
3. Those appointed to a full-member term of five (5) years or longer shall be limited to one (1) full term.
4. A partial term to fill a vacancy shall not considered to be a full term.
5. Before reappointment to a second term, the individual contribution of the member's value to the committee and his or her attendance record shall be reviewed by the committee chairperson. Attendance of less than 75% of all committee meetings shall prejudice reappointment.
6. All terms, unless prescribed by statute, shall terminate at the end of the month following Town Meeting, or May 31st, which ever is later.
7. The terms of office shall be set on a staggered basis in the interest of fostering continuity of knowledge and experience on all committees. The appointing authority shall determine the year in which a given term expires at the time of appointment.

Exception: Ad hoc committees appointed for a specific responsibility, at which time the charge to the committee should include a specific time frame for submission of the committee's final report and dissolution of the committee.

(c) Dual Committee Appointments

In general, individuals shall be limited to service on only one committee at a time. Exceptions shall be committees which have a representative who, by law or specific committee charge, serves on another committee (i.e. the Board of Health representative on the Council on Aging), or joint committees formed from other committees.

(d) Committee Transfers

In general, members of one committee will only be considered for appointment to another committee upon completion of their term of office.

(e) Eligibility for Appointment

All residents of the Town of Concord are eligible for appointment, except the following:

1. Town employees whose service on a given committee, in the opinion of the appointing authority, would create the appearance of a conflict of interest. Example: an employee of the Public Works Department should not be appointed to the Public Works Commission, but may, however, be appointed to the Council on Aging, Recreation Commission, or other committee that does not create an appearance of conflict.
2. Concord Public School and CCRHS Administrators and Town department heads (these individuals exert a significant influence over public policy by virtue of their positions, but may be eligible for ad hoc committees where such representation is required by the charge).

3. Elected Municipal Officials (Selectmen, School Committee members, Town Moderator, Housing Authority Commissioners), except that elected officials may serve on temporary, ad hoc committees.

(f) Criteria for Selection

Actual appointments from the pool of applicants shall be made by the Board of Selectmen and Town Manager on the basis of:

1. level of applicant's interest in serving and interest in the work of the committee;
2. the need for diversity on the committee, taking into account the educational and professional background of the applicant, as well as the need for diversity among all committee members in terms of neighborhood representation, gender, age, and other demographic characteristics.
3. special skills needed by a particular committee

(g) Residency

In most instances, committee members should be residents of the Town of Concord. There may be occasional exceptions when an individual's unique skills or experience support the appointment of a non-resident and would be beneficial to the committee's work; however, this should be relatively rare. ***Non-residents shall not be eligible for appointment to any board or committee responsible for exercising statutory or regulatory authority.***

In the event a committee member becomes a resident of another community, the appointing authority shall be promptly notified by the member or the committee chair. The appointing authority may, upon the request of the committee chair, permit the non-resident member to continue to serve until the subsequent May 31, except in the case of statutory and regulatory committees.

(h) Role of Committee in Appointments

Each committee or board is expected to:

1. Encourage individuals to complete green cards
2. State the qualifications they are looking for in appointments
3. Make suggestions on potential members

Committees should not make any representation to candidates concerning the likelihood of appointment nor provide their suggestions with any rank order, but may invite prospective members to attend meetings to familiarize themselves with the work of the committee.

(i) Selection Procedures

1. The individual member and the committee chairperson shall notify the appointing authority in writing as soon as a vacancy occurs.

2. The vacancy will be announced at the next meeting of the Board of Selectmen and a notice will be prepared for release to the press and for public posting pursuant to the 1996 Town Meeting vote under Article #12.
3. No action will be taken on a vacancy for at least two weeks after the announcement of the vacancy.
4. For Board of Selectmen appointments, nominations shall be made at one Board meeting, and formal action will not be taken until a subsequent Board meeting.
5. For Town Manager appointments that are approved by the Board of Selectmen, the request for appointment shall be made at one Board meeting, and action on the request shall be taken not later than the next Board meeting.
6. Except in unusual circumstances, appointments shall be made within two months of the announcement of a vacancy.

(j) Orientation Procedure

Upon appointment, all committee members shall present themselves at the Town Clerk's office in order to take the oath of office.

Also upon appointment, each committee member shall receive from the Town Manager's office, an informational packet referred to as the "Committee Handbook" which shall include: a copy of the committee charge or relevant administrative code, copies of the Open Meeting, Public Records, and Conflict of Interest laws.

It shall be the responsibility of the committee chair to provide for the orientation of new members to familiarize the individuals with the work of the committee, current projects, and town government operations in general as they may impact the committee's work. The Selectmen will schedule a "New Committee Member Orientation Workshop" each year, on or before September 30.