

§ 40-120 Grounds for removing members from appointed boards.

A. Failure to attend meetings.

The chair of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

B. Failure to comply with Conflict of Interest training requirement.

If under State law, members of a board are required to comply with the training requirements of the State Conflict of Interest (Ethics) Law (M.G.L. ch. 268A, § 28, or law of like import or effect), the Town Clerk shall notify the members of such requirements, and shall report to the appointing authority the name of any member who fails to comply with such requirements. The Town Clerk shall make at least two documented attempts to secure compliance by the member before making such report. Upon receipt of such report, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

C. Failure to maintain resident status.

Only a Resident, as defined in § 40-100B, may be a member of an appointed board, unless the written charge of the board allows for an exception. A member of an appointed board who ceases to be a Resident shall promptly notify the board's appointing authority. Upon receipt of such report, or upon otherwise learning that a member of a board has ceased to be a Resident, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

D. Inapplicability to ex officio members.

Subsections 40-120.A-C shall not apply to board members who are paid or unpaid employees or officers of the Town, and serving as members of the board in question solely because of their other Town employment or office.

E. Notice

Before removing any board member pursuant to the provisions of § 40-120A, B or C, the appointing authority shall provide the board member reasonable notice and an opportunity to be heard on whether grounds for removal as set forth in this section are present..