

TOWN OF BELMONT



GUIDE TO BOARD, COMMISSION AND COMMITTEE MEMBERSHIP

A Handbook for Members

July 22, 2021
Town Clerk's office

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Welcome!

Dear Members of Belmont Boards, Commissions and Committees,

Thank you for participating in Belmont's government; all of our residents depend upon the expertise and effort. You are about to undertake a very important role within the Town of Belmont – your appointment or election to one of our many boards, committees and commissions. The work of these committees, boards and commissions play a vital role in achieving the goals and objectives of the Town; ultimately making and keeping Belmont the Town we consider with pride.

We recognize that serving on a board, committee or commission takes dedication, commitment, and time away from your family, friends and activities; we appreciate your willingness to volunteer your service. We've developed this handbook to help you to make your term of service in this new role as productive and rewarding as possible. If you have further questions, please contact us directly:

- about your appointment to a committee appointed by the Select Board, contact the Office of the Select Board and Town Administrator at selectboard@belmont-ma.gov or 617-993-2610
- about your appointment to a committee appointed by the Town Moderator, contact Moderator Michael Widmer at mike.j.widmer@gmail.com
- about the various legal requirements and processes for committee members, including taking the oath, holding meetings, the Open Meeting Law, Ethics, Public Records, contact the Town Clerk's office at townclerk@belmont-ma.gov or 617-993-2603.

With Regards,

Ellen O'Brien Cushman, Town Clerk
Belmont, MA
June 30, 2021

BELMONT'S BOARDS, COMMISSIONS AND COMMITTEES

Where Do They Fit? Belmont's Form of Government

Belmont's form of government is an elected Select Board that serves as the Chief Executives, with a Town Administrator responsible for day-to-day operations and a Representative Town Meeting. The three-member Select Board (formerly called the Board of Selectmen), joined by seven independently elected boards, commissions and committees; three elected officers, all department employees and many appointed committees make up the equivalent of the Executive Branch. The elected and appointed boards, commissions and committees conduct most of their business at public meetings but do not have physical offices in the Town buildings. The exceptions are the elected Town Clerk and Treasurer who are department heads who work fulltime in the Town Hall complex.

Belmont's Representative Town Meeting- A Brief Summary

Town Meeting is the local equivalent of the Legislative Branch. Town Meeting has the power to make laws, appropriate (approve) budgets, create committees to advise the Town Meeting on a particular matter, or take specific actions on behalf of the Town. The Warrant Committee is one example of a committee that is responsible to advise the Town Meeting on financial matters; a building committee is authorized to spend money and oversee a capital building project approved by vote of Town Meeting.

Belmont's Representative Town Meeting, consisting of elected representatives from each of our eight voting precincts, elected on the Annual Town Election ballot. There are 288 independently elected Town Meeting Members, 36 from each precinct, as well as several At Large Town Meeting Members who represent the entire Town.

Town Meeting is governed by its own set of laws and procedures and will not be covered in this book. Please feel free to look at some reference materials for more information about Belmont's Town Meeting - see the General Bylaws of the Town of Belmont; the Town Meeting Member Handbook and Town Meeting Time, A Handbook of Parliamentary Practice by Johnson, Trustman and Wadsworth.

Many consider this a very "horizontal" form of government, a direct form of democracy, involving many people and committees with authority, rather than a typical pyramid-style private sector business organization. We rely heavily upon our committees to work

independently as well as to advise the Select Board, Town Meeting and our departments as issues arise.

An Important Part of “The Executive Branch”

Elected and Appointed Boards, Commissions and Committees

There are basically four types of boards, committees and commissions. They collectively perform different functions:

1. Permanent boards and committees as required by State statutes/laws or by Town of Belmont General Bylaws. Some are elected such as the Select Board, School Committee, Board of Assessors, Board of Cemetery Commissioners, Board of Health, Housing Authority, Board of Library Trustees; others are appointed, such as the Planning Board, Zoning Board of Appeals, Historic District Commission and Warrant Committee. The charge, or responsibilities, of the committee and the number of members are determined by the relevant State statute/laws or by Belmont’s own General Bylaws. Elected boards require the members to be registered voters of Belmont, live in Town and new members are elected at the Annual Town Election each April. A limited number of the appointed statutory boards, created by Massachusetts General Laws or by Belmont’s General Bylaws, may have Associate Members who can participate and vote in certain, prescribed circumstances, per the governing statute.
2. Permanent Topical Committees such as the Economic Development Committee. Energy Committee or Recreation Commission, have articulated responsibilities and may be advisory or may act independently in certain arenas.
3. Temporary committees are created to advise the permanent boards or departments of the Town on a particular topic for a specified amount of time. Examples include the various School Building Committees, the Committee on Electronic Voting at Town Meeting and the Fire Chief Screening Committee. Once the committee has completed its work and reported out to its appointing authority, the committee’s work is complete and the committee is disbanded. The charge, or responsibilities of the committee are determined by the appointing authority; if the appointing authority is a board, commission or committee, there must be a vote on the charge of the committee to be formed as well as the number of members.
4. Regional committees are groups in which a Belmont resident may be named to represent the Town’s interests, such as the Logan Airport Community Advisory Board or MBTA Advisory Board.

Committees Created by an Appointing Authority

Most committees in Belmont are formed by a vote of the Select Board, though other elected Boards such as the School Committee or Board of Library Trustees may also create an advisory committee to help them perform their work.

There are a limited number of committees that are created by a vote of Town Meeting (see above) and the members of the committee are appointed by the elected Town Moderator, in his capacity to represent Town Meeting for this purpose.

Regardless of the appointing authority, these committees are created with three pieces of information:

1. **The Charge** – the responsibilities, goals, objectives or tasks of the committee, as well as whether the committee is advisory or has authority to act independently.
2. **The Members** – the number of members, the desired expertise of the members, the organization they represent and whether each is a voting or non-voting member. If the committee has members to be appointed by several appointing authorities, this is included in the composition of the committee.
3. **The Time Horizon** – the committee is permanent or temporary. Temporary committees have a time horizon as determined by the appointing authority, whether achievement of a particular milestone or for a specified timeframe. Members of appointed committees typically serve for three year terms starting July 1st and ending June 30th, with 1/3 of the member terms expiring each year.

Considering and Applying for Appointment to a Board, Commission or Committee

Each spring, the Select Board will put out the word that it's time for volunteers interested in submitting an application to be considered for appointment to our boards, commissions and committees. Ideally the appointment process is completed by June 30th so there is a seamless flow of members on and off of committees, however some years this process extends through the summer with the current members continuing to serve until they are replaced. The application deadline is also advertised broadly. In the event there is a new committee formed outside of the spring appointment period, the same process will be followed with the special application deadline noted.

A resident who is thinking of applying for appointment to any committee should first explore the committee's webpage, read the charge, meeting minutes, etc. to understand the scope of the committee's work and progress. The person should consider whether she/he will be able to actively participate in the committee's work; regularly attend the meetings of the committee, prepare for the meetings and take an active role in the activities. The various committees require different time commitments. Considering how your committee work will fit into your life is key to successful balance at a specific time in your life. It is not only an expectation that members attend the meetings, it is one of Belmont's General Bylaws:

§ 40-120 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.

During the 2020 COVID crisis, the State allowed all committee meetings to happen remotely and Belmont used Zoom to accomplish this. Though the remote permission has been extended through December 15, 2021, a return to in-person meetings will occur – interested applicants should take this into consideration.

Once the decision is made for which committee the applicant would like to apply, the applicant should file an application on the Town's online Talent Bank for Committees, accessible on the Town website home page or at this link:

<https://www.belmont-ma.gov/home/pages/volunteer-opportunities>

*then select “**seek appointment or reappointment to a Belmont board, commission or committee**”*

In addition to basic name, address, contact info, you are asked to highlight up to three skills that you feel qualify you for service to your committee of choice, limited to 50 characters per skill and provide a personal statement up to 300 words to answer the question, “what makes you a good candidate for this committee?” Applicants can choose up to three committees to which they are seeking appointment, a list of current openings on each committee is provided. Lastly, if the applicant feels that a resume would be helpful to the appointing authority in determining the skills the applicant possesses, one can be attached but a resume is not a requirement.

Once the application deadline passes, the Town Administrator's staff will download a report from the Talent Bank, showing all of the Talent Bank applications for all applicant to a specified committee. The appointing authority utilizes this report to determine whether they need to contact an applicants, need more information, etc. At a properly noticed public meeting of the appointing authority, the authority will review the applicant submissions, discuss credentials and vote to make appointments to the committees.

A letter of appointment is then sent to each person who is appointed to a committee, indicating the name of the committee, the charge for the committee [scope of work], the term of the appointment and instructions for the new member to qualify, accept the appointment and begin service on the committee. This letter is sent by the administrative staff for the appointing authority with a copy to the Town Clerk. Typically the email containing the appointment also contains several other documents to allow the appointee to begin the qualification process. The Town Clerk's office is responsible for the committees' data system, maintaining records for the Town, including all committee appointments, meeting notices, minutes, and associated documents.

Qualifying to Accept the Appointment to a Town Board, Commission or Committee

All of the records below will be kept on file by the Town Clerk, in compliance with the State's records retention schedule and requirements. In Belmont, adherence to these requirements will be maintained with the committee member's electronic record.

Massachusetts General Law, ch. 41 §107 requires that every person must take an oath of office before beginning to serve on any municipal committee. The oath must be taken for each appointment and re-appointment. The operable excerpt: "Every elected member and every appointed member of every board or commission of a town, and every other elected officer and every appointed officer of a town, shall also, before entering upon his/her official duties, be sworn to the faithful performance thereof."

The letter of appointment will also contain a Contact Information sheet that will allow the Town Clerk's office to add the appointee/elected official's email and telephone information into the committee data system. The completed sheet should be provided when taking the oath of office; each appointee must have at least one method of public contact, either phone or email. Members of the public will be provided with the public contact information should they request it so they may contact their government officials.

The Oath of Appointment

The oath must be administered **in person** by the Town Clerk or Assistant Town Clerk:

Oath of Office - Elected/Appointed Officials and Members of Boards, Commissions, or Committees

Do you, first and last name, solemnly affirm, that you will faithfully and impartially discharge and perform all the duties incumbent on you as *an Elected/Appointed (Member of)* _____, according to the best of your abilities and understanding, agreeably, to the rules and regulations of the Constitution, the laws of this Commonwealth and the Bylaws of the Town, keeping uppermost in your mind what is best for the Town of Belmont and its inhabitants.

No specific appointment date/time is required to take the oath of office; the Town Clerk's office has established a schedule for some of its customary activities. This includes administering the oath daily - at 8:30 am and 3:30 pm, Monday through Thursday, and at 8:30 am on Friday. Anyone who needs to take the oath of office should print and complete their Contact Information sheet and take it with them to the Town Clerk's office at Town Hall at one of the times listed. After administration of the oath, the appointee will sign the oath book and a form indicating that the appointee accepts responsibility to

behave in accordance with the Open Meeting Law, Ethics Law and Public Records Law. The appointee will provide the Contact Information sheet and may ask any questions about service, and the requirements. Once the oath has been taken the appointee may participate fully and vote in committee actions. An appointee who does not qualify by taking the oath of office is not legally on the committee and may not participate fully as a member or vote. An appointee who does not take the oath may be replaced by the appointing authority.

Commonwealth of Massachusetts Requirements for All Members of Boards, Commissions and Committees

After taking the oath of office, new appointees will receive a confirmation email from townclerk@belmont-ma.gov containing the documents as attachments for requirements that are described in detail below:

1. Description of the Ethics Training Requirement and associated link and instructions
2. The Ethics (Conflict of Interest) Law Summary
3. The Open Meeting Law Guide by the Attorney General's Office
4. Belmont Town Counsel advisory about the Open Meeting Law and subcommittees/working groups
5. The Public Records Guides

Ethics (Conflict of Interest) Requirements: Online Training and Distribution of the Ethics Summary

- Upon Acceptance of the Appointment – Online Training
 - Within 30 days of taking the oath of appointment, every new committee member must take online Ethics (Conflict of Interest) Training through the State's Ethics Commission, and submit a certificate of successful completion to the Town Clerk. The State's Ethics law outlines potential conflicts between a person's role as a Committee member or public employee and other private interests; further, it outlines the prohibitions on member/employee involvements with these private interests. Once the member has taken the oath of appointment, the Town Clerk's office will email the instructions and Ethics summary to the member. The online training is specific for municipal employees and volunteers and takes about 1 ½ hours to complete.
 - At the end of the training there is an assessment; successful completion of the assessment will generate a certificate. The committee member types in his/her/their name and the name(s) of their committees. The certificate should be printed or saved electronically as a pdf for the person's records – there is no internal record-keeping for municipal employees/committee members in the State system. The pdf or a photo of the certificate that contains the member's name and committee(s) should be emailed to the Town Clerk at [townclerk@belmont-](mailto:townclerk@belmont-ma.gov)

ma.gov. It's best to email the certificate to the Town Clerk's office so the committee member can prove that she/he submitted it. Certificates that do not contain the printed member name (and committee names) cannot be accepted; following the specific instructions provided by the Town Clerk will assure that your certificate will have the required information.

- Annual Requirement – Receipt of the Ethics Summary Distributed by the Town Clerk
 - Every year, members of every committee must be sent the Summary of the Conflict of Interest Law by the Town Clerk and each member must send the Town Clerk a receipt for same.
- Biennial Requirements – Online Training and Submitting Certificate of Completion
 - Every two years, all employees and members of committees, boards and commissions must again take the online Ethics Training and submit a certificate of completion to the Town Clerk. In Belmont, this happens in odd number years, 2017, 2019, 2021, etc.

A Brief Introduction to the Conflict of Interest Law for Public Officials and Public Employees

Chapter [268A](#) of the General Laws governs your conduct as a public official or employee. Below are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. There *are* some exemptions to these rules, so you may wish to seek legal advice from the State Ethics Commission or your agency's legal counsel regarding how the law would apply in a particular situation.

Conflict of Interest – Some General Points to Note before Reading the Official Summary:

- You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for you agreeing to perform or not perform an official act.
- You may *not* ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *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 for all department employees and does not ever go home with you. You may not personally accept honoraria for a speech that is in any way related to your official duties.

- You may *not* hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- 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.
- 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 impact that organization, or its competitors.
- 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.
- 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.
- 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.
- You may not *ever* disclose confidential information, data or material which you gained or learned as a public employee.
- 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.
- 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.
- 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.
- 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.

Open Meeting Law Requirements: The Attorney General's Guide

All members of committees are required to read the Attorney General's Guide, that describes both the intent and the specific requirements of the Open Meeting Law, and submit a completion receipt to the Town Clerk's office. The main thrust of the law is that

the members of the general public have the right to an open view to observe their government, its processes and decision-making. A couple of the main operative points to keep in mind:

1. All public governmental bodies must post a notice of every one of their meetings, including the date, time, place and an agenda that is specific enough for an average member of the public to understand what may be discussed or voted at the meeting. This posting is made by email to the Town Clerk at townclerk@belmont-ma.gov and added to the Town's website at least 48 hours before the meeting date/time (not including any holidays or weekends). During the permitted time to hold remote access meetings, (COVID-19 through December 15, 2021), the posting must also include the Zoom credentials and instructions for anyone to be able join the meeting. If the audio during a Zoom session fails and cannot be recovered, the meeting must stop and be rescheduled. Details about posting a public meeting are found on the Town Clerk's web page: <https://www.belmont-ma.gov/town-clerk> and are described separately below.
2. Minutes of the meeting must be written and filed with the Town Clerk in a timely manner. The minutes are not a word for word transcript but must include, at minimum, the following:
 - a. Date, time, place of meeting;
 - b. Members present and absent
 - c. Decisions made and actions taken, including a record of all votes;
 - d. A summary of the discussions on each subject
 - e. List of all documents and exhibits used at the meeting; and
 - f. The name of any member who participated remotely (if not a fully-remote meeting)
3. The minutes must be accepted by vote of the committee and then filed with the Town Clerk, per Belmont General Bylaw §40-115. Per the Open Meeting Law, this is ideally accomplished within two meetings so the committee can remain current. A video or audio recording is not considered a legal substitute for the written minutes. In the event that the committee did create an audio or video file, such as a Zoom recording, the recording is public property per the Massachusetts Public Records Law and per the Public Records Retention Schedule, "01.080, and they must be retained until the final minutes of the meeting are approved or administrative use ceases, whichever is later."
4. There are exactly ten reasons that a committee may meet outside of the public view; they are detailed and described in the Guide. These "invitation-only" sessions are called Executive Sessions; the legal reason for the session as it appears in the law/Guide must be listed on the agenda and all votes taken by the committee while in a convened Executive Session must be taken by roll call. A roll call vote means that each member, by name, must reveal his/her/their vote and the roll call with name and vote is recorded in the meeting minutes. Separate minutes of the Executive Session must be taken and kept by the committee chair until the reason for the session no longer exists. Release of these minutes is by

majority vote of the Committee at which point the minutes get filed with the Town Clerk.

5. Each committee has a membership total per its charge – 50% of the total number plus one member must be in attendance to achieve the quorum that is required in order to hold a public meeting. A meeting with less than a quorum may not be held. A quorum of the committee may not meet without posting the meeting for the public and may not discuss issues in front of the committee without posting the meeting. See below for information on the determination of a quorum.
6. Members of the committee should not converse or email anything that would advance the deliberations, or express an opinion on topics facing the committee. Members should be careful to avoid serial deliberations where one member talks to one or two others, who then talk to two others, etc., inadvertently achieving a quorum of the committee, without the public being able to observe. A sub-quorum of committee members asked to work on a particular project becomes an official subcommittee and must post their meetings and adhere to the Open Meeting Law, just as required for the full committee. Separately, an individual who is working on a topic for the full committee may ask another member to help, no public meeting is required as long as the number remains a sub-quorum, as long as the Committee has not officially designated the task to more than one person. Special care must be taken in this case and a review of the Belmont Town Counsel's advisory on subcommittees, working groups is advisable. The advisory is sent to all committee members.
7. The Open Meeting Law requires that members of the public be able to observe the public meeting of the governmental body; it does not require that members of the public be able to speak or contribute to the meeting. Public participation during a public meeting is entirely up to the committee and its chair. The purpose of a public hearing, on the other hand, is for a committee to hear directly from the public on a particular topic and all provisions to maximize their input should be made. As of this writing the Town is considering making provisions to allow remote participation by members of the committee as well as members of the public, with a goal of distributing an advisory by the fall of 2021.

Public Records Law: Public Records Guide and Committee Member Responsibilities

Members of all committees, boards and commissions must realize that all of their activities and communications involving the work of the committee are part of the government's public records, whether using a personal computer at home or a computer at their place of employment. These records must be produced in the event of legal action or if a member of the public or press/media files a Public Records Request for the specified records, documents, recordings or video. They may not be destroyed without following the requirements of the State's Records Retention Manual. Committee members should segregate their records involving their committee documents from to make it easy to produce the records or documents without also involving their personal or work documents. Often committee members find it simplest to add a folder in their

email and documents or create a special email to be used exclusively for their committee service to ease segregation.

Public Records Requests are made daily through the Town's NextRequest portal, currently numbering about 100-120 requests per month. They range from requests for meeting minutes, to crash reports to email correspondence to topical studies.

<https://belmontma.nextrequest.com/>

Each committee is assigned a web page by the Town Administrator's office staff. The committee's meeting postings, minutes, topical studies and documents should be loaded onto the web page. Documents that committees will be discussing at an upcoming meeting can be loaded onto the web page in advance of a meeting to allow committee members and the public easy access.

A special exception to the public release of documents for a committee member is available for personal notes. If a member takes his/her personal notes during a meeting on paper or in a computer, those notes are not part of the public record and need not be revealed if they have not been shared with anyone else. Once the notes have been shared with just one other person, they are deemed public documents.

What is the Quorum of the Public Body?

In order for a committee to take any action, particularly an official vote, a quorum must be present. A quorum is a simple majority (50% +1) of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body. (from MGL Ch.39, Sec. 23A). The quorum is calculated based upon the number of members of the committee at its full charge. That is, if a committee charge indicates the committee membership will consist of a total of 12 members, the quorum is 50% plus one, so 7. This quorum does not change unless the charge of the committee composition is changed by vote of the appointing authority. For example, in this same committee consisting of 12 members, if there is one vacancy, the quorum remains at 7 based upon the charge; the quorum number is not adjusted to account for the vacant seat.

Selecting the Chairperson of the Committee, Board or Commission and the Role of Chair

The first meeting of a new committee is typically organized and called and the meeting is posted with the Town Clerk by the Town Administrator's office. Once the members have made brief introductions, the first order of business when a new committee is created, and yearly thereafter, after appointments/reappointments have been made, is to elect members to serve as Chair and Secretary/Clerk. Sometimes the Chair is a person with significant subject matter expertise; sometimes it is a person who is very organized and can keep the meeting and membership focused on the agenda to move the work ahead. The selection of Chair is ultimately determined by vote of the committee, a majority vote of those present and voting prevailing. Per General Bylaw

§40-115A, every board, elected and appointed, shall annually select a Chair and a Clerk or Secretary, and we ask that the committee Chair informs the Town Clerk's office of same.

The process of nominating a member to serve as Chair can follow several paths:

- A. A member interested in becoming Chair volunteers and no one else is interested;
- B. A member nominates another member to become Chair based on their perceived or observed experience and generally there is no objection
- C. Several members nominate candidates to become Chair

Whichever path leads to nominations for Chair, the committee members can decide whether they want the nominees to speak on a particular topic of interest before moving to the vote. It's entirely up to the membership. Once general consensus is that the committee is ready to vote, votes are cast by raising hands and the Chair is elected.

The Role of the Chair of the Committee, Board or Commission

The success or failure of a Board, Committee or Commission often depends on the Chair's leadership role. It can take a few meetings for the chair to settle in.

The Chair:

Before the Meeting:

- Prepares and Posts the Agenda - survey the members making a call for agenda items, then determine and write the agenda of the meetings, coordinate necessary logistics to get the meeting posted legally with the Town Clerk and makes the documents available to all members before the meeting. See details below.
- Distributes the Meeting Posting – sends all members the posting for the meeting and arranges with administrative support staff to post all documents on the Town calendar and the committee's webpage on the Town website, www.belmont-ma.gov
- Records of the Meeting – the Chair should send the meeting posting in an editable form to the Clerk/Secretary to make the recording of minutes simpler

During the Meeting:

- Records of the Meeting - ensures that someone is taking the minutes of the meeting.
- Facilitates the Meeting - during the meeting, making sure that all members have an opportunity to speak, are recognized to speak and contribute and are treated respectfully.
- Adheres to Open Meeting Law – holds the meetings in accordance with the Open Meeting Law.

- Monitors Member Attendance - monitors the attendance of committee members. If a member does not attend meetings, the chair should reach out to the person to inquire if a change of availability is affecting their ability to attend.
- Conducts the Votes - when it's time for a vote, the Chair may say "would someone please make a motion for the committee to vote?" or "I'll entertain a motion to..." Ask for a second to the motion. Call for the vote, remembering to call for all three categories: Yes/In favor votes, No/opposed votes and Abstain. Remember that during COVID-19 conducting the meeting using remote participation, roll call votes are required on every motion. It's a good idea to have a list of all of the members to facilitate the calling of votes.
- Determines Public Participation – the committee must decide whether and how members of the public will be allowed and encouraged to participate during the public meetings of the committee. Communicate the parameters to the members of the public and adhere to the expectations of the committee

After the Meeting:

- Reviews Draft Minutes – reviews the minutes as prepared by the Secretary/Clerk, making necessary corrections. Ensures that the minutes of the committee meetings are an accurate record of the proceedings and then have the committee vote on the meeting minutes in a timely way, within two meetings.
- Files Voted Minutes - files the approved/voted minutes with the Town Clerk in a timely way. See below for details. A separate arrangement may be made for the Secretary/Clerk of the Committee to file the minutes if desirable, however the minutes must be filed with the Town Clerk per Belmont's General Bylaw §40-115B.
- Provides Signatory Authorization - if the Committee has spending authority, once the committee votes to authorize the commitment or spending, the chair authorizes the issuance of purchase orders and payment of invoices, working with the committee's administrative support personnel.
- Represent the Committee/Public Relations - serves as the focal point for the committee with the Town and members of the public; be responsive to questions from the public on behalf of the committee
- Report Annually - Write and submit the Annual Report of the committee's proceedings as required by General Bylaws, Chapter 40. The timing, format and requirements are prepared and communicated by the Town Administrator's office.
- Responds to inquiries from members of the public, residents, the Town administration about the committees' work.

Yearly

- The Chair is responsible for writing and submitting the Annual Report of the work and activities of the committee, board or commission to the Town Administrator's office. The request and format for the Annual Report is sent to the Chair by the staff of the Town Administrator's office along with deadlines.

The Annual Report is a requirement, per the Town of Belmont General Bylaw §40-115C. Annual Reports for prior years can be viewed on the Town website: <https://www.belmont-ma.gov/annual-reports>

- Compliance with General Bylaw, § 40-120 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.

Selecting the Secretary/Clerk of the Committee, Board or Commission and the Role of Secretary/Clerk

Committees can choose one of two paths:

- A. The committee can elect a Secretary/Clerk who will serve in the capacity for the following year. In this case, the committee follows the same procedure as highlighted above to nominate and elect a Secretary/Clerk; or
- B. The committee can choose to have each of the non-Chair members of the committee rotate the Secretary/Clerk responsibility, meeting by meeting or month by month.

The person serving as Secretary/Clerk of the committee has the following responsibilities:

- Write an accurate record the meeting, consisting of:
 - Time the meeting is convened
 - Names of committee members attending the meeting and names of committee members not attending the meeting. Names of members of the public attending the meeting, if possible. Circulating a roster for people to print their names and affiliation, if any, is helpful here in the event that the meeting is held in person.
 - Using the agenda for the meeting as a starting point/document record the main points of discussion, noting the names of the committee members making significant contributions/ change of discussion as appropriate; it is not a verbatim record of the proceedings. For reference, take a look at committee minutes as posted on the Town website.
 - Record the language of all motions for votes and then the votes, # Yes/In Favor, # No/Opposed, # Abstain. If there is a roll call vote, record everyone by name and each person's vote. It's a good idea for the Secretary/Clerk to have the list of members handy to make recording these items simpler.
 - Notations of members who arrive late or leave early.

- Time the meeting adjourned and the name of the person who served as Secretary/Clerk for these minutes.
 - There are a few committees that have paid Town staff or paid minutes-takers, though most committees must depend upon their members to record the proceedings.
- After the meeting, the Clerk/Secretary completes the minutes, filling in any missing pieces and may send a draft of the meeting minutes to the Chair for any corrections. The Chair typically returns the corrected draft of the minutes to the Secretary/Clerk and then distributes to the members of the committee prior to the next meeting. The exception to this practice is a three-member committee as sharing the minutes for comment before the next meeting would violate the Open Meeting Law. The committee will vote on the minutes, make any additions, corrections, deletions during the public meeting. The members of the committee do not send their revisions directly to the Secretary/Clerk or the Chair before that meeting because they would express opinions and further any deliberations. The Secretary/Clerk incorporates the changes per the vote of the committee and the Secretary/Clerk then submits the voted minutes as a Word document to the Town Clerk at townclerk@belmont-ma.gov . No signature is required. Only final minutes as voted by the committee are submitted to the Town Clerk for the official record.
 - Occasionally a resident may file a request under the Open Meeting Law or a Public Records Request for minutes prior to the final vote on the minutes by the committee. In this case, the draft minutes as recorded by the Secretary/Clerk must be provided within ten days, with the notation “Draft”, either in their handwritten form or a draft document prepared for the committee to vote.

Legal Posting of a Public Meeting of the Committee, Board or Commission

- The Chair of the committee:
 - Prepares the agenda for the meeting usually after making a call for agenda items, and confirms the date and time with members and determines whether the meeting will be held in person or by Zoom video/audio conference technology.
 - If the meeting will be held in person, the Chair arranges for a conference room at a Town building, fully accessible to the public. The staff of the Town Administrator’s office can help determine which room/building is appropriate for the meeting and reserve the room for the meeting. The chair adds the conference room name/number and building name to the meeting posting at the top of the notice.
 - During COVID and as extended by the MA Legislature through December 15, 2021 to allow the meetings to continue happening using Zoom. The chair must contact the Town Administrator’s office to obtain a link to use for public and member access to the meeting’s video conference. This Zoom access information must be added to the top of the meeting posting,

just beneath the name of the committee, date and time and should include the telephone call in information for those who will not use video to join the meeting.

- Send the full meeting posting as a Word document containing the conference room, building, Zoom info and the agenda to the Town Clerk's office for posting to townclerk@belmont-ma.gov
- The Town website, www.belmont-ma.gov is the legal posting location for notices of public meetings; the posting must contain the timestamp of receipt by the Town Clerk and be loaded onto the website and visible to the public by the Open Meeting Law deadline. Submission to the Town Clerk's office is not enough. Consideration of the downstream requirements is important – don't cut it too close!
- If the meeting posting will not make the Open Meeting Law deadline if posted by the Town Clerk on the routine schedule, it is the sole responsibility of the chair to telephone the Town Clerk's office (617-993-2603 during business hours) to ask that the meeting be posted before the next routine posting time.
- If the meeting does not meet the requirements of the Open Meeting Law, the meeting posting will be rejected by the Town Clerk and it will be returned to the chair for corrective action by the chair. The chair can resubmit the posting after making the correction. A rejected meeting should not be held, because it will be a violation of the Open Meeting Law.
- The Town Clerk's staff will check the townclerk@belmont-ma.gov email account for meeting postings at 9 am and 2 pm Monday through Thursday and only at 9 am Friday, examine the posting for compliance with the Open Meeting Law, timestamp the posting and confirm back to the chair and designated administrative staff with a copy of the posting and instructions to post that document to the Town website. The Town website calendar, www.belmont-ma.gov is the legal posting location for public meetings so the posting must be loaded onto the website and visible to the public by the Open Meeting Law deadline. Submission to the Town Clerk's office is not enough.
- The committee's administrative support will post the meeting notice to the Town website calendar.
- Failure to follow this public posting procedure may be a violation of the Open Meeting Law that invalidates any votes, actions or discussions taken at the meeting, among other impacts. The Attorney General's Office of Open Government is the enforcing agency for Open Meeting Law violations. A complaint of a violation starts with filing the official complaint with the chair of the committee, with a mandatory copy to the Town Clerk's office. The full process is outlined on the complaint form. The Chair must respond to the complaint within 14 days. It is important to be aware of the process and involve the Town Clerk who will involve Town Counsel as necessary. Here's a link to the complaint form: (<https://www.mass.gov/files/documents/2019/07/15/OML%20Complaint%20Form%202019.pdf>)

Changes and Revisions to Posted Meetings

Occasionally a change must be made to a meeting that has already been posted per the Open Meeting Law requirements. The Open Meeting Law requires that the agenda, as posted, lists all topics reasonably expected by the Chair at least 48 hours in advance of the meeting (by the deadline for legal posting). If the meeting is more than 48 business hours away, the revision may be easily made as the public would have adequate notice of the change.

Changes to a posted meeting that will occur within 48 business hours get a bit trickier.

For proposed revisions occurring within the 48 business hours:

1. Adding agenda items that require discussion and vote may be added, but only if the item is time-critical; members of the public may be caught by surprise by a late addition. If possible, the item may be initiated however if possible, action involving a vote should be delayed to a properly noticed future meeting.
2. Changing or deleting agenda items or associated times may occur but again, consideration of public notice should be made. If the agenda item is hotly contested and many people are expected to participate, the chair should be sensitive to those who had planned to attend, only to be disappointed.
3. Change of location may be made however the committee chair or liaison must post on the external door to the original location and the door to the original conference room, a notice of the change of location, name of the committee, date and time and the new location.
4. Change of meeting time should not be made within the 48 hours because member of the public will not have adequate notice.
5. Cancel the meeting is always an option but a courtesy is to place a notice on the external and conference room door to inform those who show up.

Revisions to meeting notices are made by the same method as the original posting: sending the revised notice to townclerk@belmont-ma.gov . The revision must say "Revised" at the top of the heading and any items that have been changed should contain an asterisk to highlight the change. Meetings that are cancelled should have the word "Cancelled" added to the header, even if done by handwriting, before being sent to townclerk@belmont-ma.gov

Obtaining Meeting Space/Reserving Conference Rooms

The Open Meeting Law, Massachusetts General Laws, chapter 39, section 23A-B, requires Town boards, committees and commissions to hold their meetings in an accessible, public place and to post a notice of each public meeting forty-eight hours in advance, not to include weekends or holidays. **Failure to do so is a violation of the Open Meeting Law, invalidates any votes, actions or discussions taken at the meeting and may be punishable by fine.**

The Town of Belmont has public meeting rooms available within several of its public buildings for use by Town Boards, Committees and Commissions. All meeting rooms

are handicapped accessible. All Town Boards, Committees and Commissions must hold their public meetings in a publicly accessible meeting room at a publicly accessible time of day. Meetings held on Sundays and holidays should be discouraged. Public hearings may not be held on Election Days; public meetings should not be held on Election Days.

Meeting room reservations for in-person meetings must be made by the Chair of a Board, Committee or Commission, or their designee. Reservations must be made with the proper person at the desired location; some locations, like the Schools, require a specific form. Every committee has a staff liaison or designated staff support; they may request help from the staff of the Town Administrator's office to assist them with the entire process. Meetings should be planned well in advance of the desired meeting date to allow for legal posting requirements during business hours.

When remote access by committee members is temporarily permitted for committee meetings, under the June 16, 2021 Act Extending Certain COVID-19 Measures, a committee may choose to meet in person or by Zoom video conferencing. If the committee intends to meet by Zoom, one of the Town's Zoom licenses should be used and the meeting notice must have the Zoom access information at the top of the agenda along with a statement such as the following.

If at any time the audio for the media fails and cannot be restored, the meeting will end and be rescheduled.

<https://www.mass.gov/service-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures>

Certain committees, such as the Select Board and Warrant Committee work with Belmont Media to broadcast their Zoom sessions under Belmont Media's Zoom license. For all Zoom sessions, the Zoom host should be alert and use all security precautions to prevent interference, while allowing participation as determined by the committee. It is prudent that the chair of the committee perform the duties of Zoom host in order to focus on the activities of the committee. Zoom offers excellent online training opportunities.

Just like in-person meetings, meetings held on Zoom must guarantee that members of the public are able to observe and hear the proceedings of the public meeting, though it is up to the committee/chair to determine whether public comments will be permitted and for how long.

A committee may give informal notice on the Town website calendar of future meetings by placing the committee name and the word "Tentative" for planning purposes only. The official posted notice of the meeting, with the Town Clerk's timestamp on the agenda and access information must be posted to the Town Calendar on the website, www.belmont-ma.gov at least 48 business hours before the meeting in compliance with the Open Meeting Law, as detailed previously. Since 2020, the Town website,

www.belmont-ma.gov. has been designated as the legal posting location for public meetings of our many public bodies.

Reservation of a conference room must be confirmed BEFORE the posting is made to the Town Clerk's office.

Meeting rooms are available in several Town buildings. Contact the Town Administrator's staff to determine which is the best match/available for your meeting. Capacities range from 8 people to several hundred, here are some examples:

- Belmont Town Hall
- Homer Municipal Building
- Beech Street Center
- Belmont Public Library
- Chenery Middle School

As a matter of courtesy, please be sure to leave all meeting rooms in the same, or better, condition in which they were found, trash in the trash barrel and chairs pushed into the table.

Administrative Support for Committees, Boards and Commissions

- Each committee is "assigned" to a Town department and can receive administrative support from the department staff. These departments serve as liaison from the committee to the Town departments, providing logistical support and occasionally subject matter expertise. The manager of the department will help advise the committee chair on the specifics of the support the department can/does provide. Such support typically consists of loading items to the committee's web page on the Town website, such as meeting postings and meeting minutes; processing any purchase orders and payment of any invoices authorized by vote of the committee, but only if the committee has spending authority. There are a few committees that have paid minutes-takers though most committees must depend upon their members to record the proceedings.
- In addition, the statutory committees, created by MGL or Belmont's General Bylaws typically are assigned a member of the Select Board to serve as liaison from the committee to the Board, as an avenue for advancing the overall objectives of the committee within Town government.

A Note of Consideration for Town Staff Supporting Committees

All of the Town staff members who support our many committees also perform work separate from the committee. Please be considerate of their time and other commitments when asking them to provide conference rooms, Zoom links, meeting postings, posting documents to the website, etc.:

- Prepare your agenda ahead of the deadline
- Double check the details, committee name, date, time, place
- Send the meeting posting as soon as possible – save your “short notice” requests for real issues so everyone isn’t rushing to accomplish the multi-step meeting posting task; if the deadline of the final step of popping the agenda onto the Town website is missed, the meeting will not be legal and all of the effort will be for naught.
- If you plan to send your meeting posting over the weekend, please be certain that it doesn’t need to be posted before 9 am Monday unless it’s really an emergency.

Resignations by Members and Filling Vacancies, Elected and Appointed

In the event that a Board, Committee or Commission member finds that he/she cannot fulfill his/her term of office, the member must submit a signed written letter of resignation to the appointing authority (typically Select Board or Moderator), copying the Town Clerk and the Committee Chair as soon as possible. In case of the resignation of an elected official, the letter must also be signed and be addressed to the Town Clerk, who is considered to be the representative of the Belmont electorate.

- In most cases, appointing authorities have discretion when they will fill vacancies in permanent or temporary committees and in Belmont the customary procedure, recruiting interested residents who apply for membership, is followed.
- A vacancy on the elected Select Board is filled by the election on a Town election ballot; the remaining members of the Select Board call for the election as required in MGL ch. 41 §10, with proper notice to the electorate, nomination papers, etc.
- The procedure to fill a vacancy on all other elected Boards, Commissions and Committees by an appointment process, is mandated in MGL, ch. 41, § 11:
 - **MGL Chapter 41: Section 11.** If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if

such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the Town and shall perform the duties of the office until the next annual meeting or until another is qualified.

Massachusetts General Laws Pertinent to Committees, Boards and Commissions

Open Meeting Law links and references

<https://www.belmont-ma.gov/town-clerk/pages/open-meeting-law-ethics>

https://www.mass.gov/files/documents/2018/05/23/2017-guide-with-ed-materials-revised-1-30-18.pdf?_ga=2.184232739.446757587.1538595092-1682641870.1500646520

Ethics (Conflict of Interest) Laws links and references

Ethics Commission, forms and determinations: <https://www.mass.gov/learn-more-with-educational-seminars-and-materials>

Summary of the laws: <https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-municipal-employees>

Link to the Online Training: <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>

Public Records Law links and references: MGL Chapter 66, Section 10 amended by Legislative Acts of 2016, chapter 121

Summary of the amended law: <https://www.sec.state.ma.us/pre/prepdf/guide.pdf>

Belmont's Public Records Guidelines: https://www.belmont-ma.gov/sites/g/files/vyhlif2801/f/pages/belmont_2017-07-05_public_records_access_guidelines.pdf

Belmont's Public Records Portal Showing Requests and Documents: <https://belmontma.nextrequest.com/>

Expenses Incurred by Members on Behalf of the Committee

If the Town has provided a budget for the Committee, all activities must conform with the Commonwealth of Massachusetts purchasing laws, under MGL Ch. 30B. The Chair should discuss this with the committee's Management Liaison prior to the expenditures of funds in order to ensure there are appropriate funds within the Town's current year Budget and administrative support for the activities will be provided.

There will be NO reimbursement of state tax. The vendor (or member seeking personal reimbursement) must first become an accepted vendor of the Town and file W-9 form with the Town of Belmont (Town Accountant) in order to receive payment. A W-9 form can be downloaded from the IRS website. A vendor form should be obtained from the Town liaison or the Town Accounting office. A vendor should allow 4-6 weeks to receive payment. If necessary, a member may obtain a copy of the Town's tax exempt certificate from the Office of the Select Board in order to avoid a sales tax charge.

Boards, Commissions and Committees Pages on the Town Website, www.belmont-ma.gov

The Town of Belmont maintains a website at www.belmont-ma.gov which contains useful information pertaining to the Town of Belmont. Within this website, users may find out more about each of the Boards, Committees and Commissions. Members of Boards, Committees and Commissions should occasionally check the committee's web page for accuracy of the members list and if a change is required, contact the employee admin support/liaison for the committee to make the correction. The webpage also shows the meeting agendas and minutes of past meetings of the committee as well as information about the committee and its work. Contact the Town Administrator's staff with any questions regarding the website.

Contact Information for Boards, Committees and Commissions Members:

Town Hall Complex
455 Concord Avenue
Belmont, MA 02478

Town Hall and Homer Building Office Hours (2020 forward):

Monday 8 am-7 pm; Tuesday, Wednesday, Thursday 8 am-4 pm; Friday 8 am-12 Noon

Belmont Select Board:

Town Hall

Phone: 617-993-2610

Email Address: selectboard@belmont-ma.gov

Website: www.belmont-ma.gov/

Belmont Town Clerk's office

Town Hall

Phone: 617-993-2603

Email Address: townclerk@belmont-ma.gov

Website Page: <https://www.belmont-ma.gov/town-clerk>

Belmont Town Administrator's Office:

Town Hall

Phone: 617-993-2610

Email Address: townadministrator@belmont-ma.gov

Website Page: <https://www.belmont-ma.gov/town-administration>

Massachusetts Attorney General Office of Open Government (Open Meeting Law)

Phone: 617-963-2540

Email Address: openmeeting@state.ma.us

Website: <https://www.mass.gov/the-open-meeting-law>

Massachusetts Ethics Commission (Conflict of Interest)

One Ashburton Place, Room 619

Boston, MA 02108

Phone: 617-371-9500

Website: <https://www.mass.gov/service-details/state-ethics-commission-contact-information>

Massachusetts Secretary of the Commonwealth, Public Records Division

One Ashburton Place, Room 1719

Boston, MA 02108

Phone: 617-727-2832

Website: <https://www.sec.state.ma.us/pre/preidx.htm>

Recording of Meeting Minutes – Relevant Laws

MGL Chapter 66, Section 5A: The records, required to be kept by sections 11A of chapter 30A, 9F of chapter 34 and 23B of chapter 39, shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or bylaw of the city or town, in the case of municipal boards, such records need not include a verbatim record of discussions at such meetings.

MGL Chapter 39, Section 23B: A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and 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. (end of MGL Ch. 39, S23B).

General Bylaws of the Town of Belmont

§ 40-115. Officers; records; annual report; conduct of meetings.

- B. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk.

In the Town of Belmont, after minutes have been approved by the majority of a Board, Committee or Commission, final meeting minutes should be emailed (as Word document) to the Town Clerk as the keeper of the Town's records. No signatures are required. Once accepted, they will be forwarded, with the Town Clerk's stamp to the Management Liaison or the Selectmen's office for posting to the Town website.

SAMPLE MEETING POSTING/NOTICE

**The Belmont Committee Name
will hold a public meeting**

Date at Time (AM/PM)

The meeting will be held by (Zoom or in person)

If in person, provide building name and conference room number/name

Please leave space for the
Town Clerk Time Stamp
To be applied here.

Join Zoom Meeting

Zoom link access and phone number(s), if any

If at any time the audio for the media fails and cannot be restored, the meeting will end and be rescheduled.

Agenda

1.

2.

3.

4.

5.

6.

7.

8. Approve Minutes for meetings provide the dates if possible

Please leave space for the
Town Clerk Time Stamp
To be applied here.

SAMPLE MINUTES

Belmont Committee Name
Minutes of the public meeting held
Date at Time (AM/PM)

The meeting was held by (Zoom or in person)

If in person, provide building name and conference room number/name

Members Attending: Each by name, also indicate who is the Chair

Members Not Attending: Each by name

Others Attending: A list her or attach if exists

Chair _____ called the meeting to order at ____ AM/PM

- 1. Topic from agenda, who presented it, summary of discussion, especially pivotal comments by name and any votes. If roll call votes, list the name and the vote for each member**
- 2. Etc**
- 3. Etc**
- 4. Etc**
- 5. Etc**
- 6. Etc**
- 7. Etc**
- 8. The Committee approved the following meeting minutes: list dates**

The next meeting of the committee will be held: Date and Time, if known

Respectfully submitted,

Name of Clerk/Secretary who prepared the minutes