

Town Board & Committee Member Training

August 2023

Elizabeth Paine,
Town Clerk



MEMBERSHIP ON BOARDS

- Residents and part-time residents have the ability to apply to all non-regulatory boards. Only resident voters are allowed to serve on regulatory boards.
- New members shall not participate in a board meeting until they have been sworn in by the Town Clerk.
- Members of a Town Board may not receive compensation for service on the Board except reimbursement for expenses pertaining to Town business.
- Members of Town Boards shall be governed by the ethical standards set forth in the Massachusetts General Laws Chapter 268A.
- Members of Town Boards, including the Officers, have no authority in their individual capacities except as delegated by majority vote of the Board, except that administrative matters, such as the posting of Agendas, may be handled by Officers without prior approval.

ETHICS/CONFLICT OF INTEREST

- Newly elected or appointed public employees must complete the State Ethics Commission Conflict of Interest Law Training within 30 days of beginning public service, and every 2 years thereafter.
- Newly elected or appointed public employees should be provided with the summary of the conflict of interest law within 30 days of election or appointment, and on an annual basis thereafter. All public employees are required to sign a written acknowledgment.
- You may call the Commission at (617) 371-9500 to request confidential advice from the Attorney of the Day.

EMAIL POLICY

- It is the policy of the Town that all elected/appointed officials who have been assigned a “provincetown-ma.gov” e-mail address for official use must use that e-mail address for all Town business-related e-mail communications.
- For those elected/appointed officials who have not been assigned a “provincetown-ma.gov” e-mail address, all Town business-related e-mail must be copied to a staff person assigned to assist the official/board/committee/commission, or other board/committee/commission liaison

REGULATORY BOARDS

- Regulatory Town Boards are those Boards authorized by Massachusetts General Laws to establish regulations applicable to activities within their authority.
- The following are identified as the Regulatory Town Boards for the Town of Provincetown:
 1. Conservation Commission,
 2. Board of Health,
 3. Historic District Commission,
 4. Licensing Board,
 5. Planning Board,
 6. Water and Sewer Board
 7. Zoning Board of Appeals

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Officers & Responsibilities

CHAIR

- Responsible for setting meeting agendas.
- Presides at all meetings, decides questions of order, calls special meetings, and signs all official documents that require the Chair's signature.
- Has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon.
- Chair is responsible for ensuring all provisions of Open Meeting Law are met.

VICE CHAIR

- Act for the Chair whenever the Chair is absent for the meeting and performs other necessary duties.

CLERK

Not applicable to all Boards/Committees/Commissions

- Take and prepare the minutes for the Town Board.
- Prepare agendas and any other materials.
- Schedule meeting location through the Town Clerk's office.



Meeting Rules & Guidance

CONDUCTING A MEETING

- Except in an Emergency, notice of every meeting must be posted at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays.
- Agenda must include date, time and location and list all topics that the chair reasonably anticipates will be discussed.
- Massachusetts Open Meeting Law requires that all meetings of elected or appointed boards, committees or subcommittees be open to the public except for the ten specific situations where Executive Session is required.
- Meetings must be held in approved meeting rooms within Town-owned buildings, or in buildings that are ADA approved handicapped accessible.

BASIC MOTIONS

To:

- Adjourn
- Recess
- Complain about noise, room temp., etc.

- Suspend further consideration of something

- End debate
- Postpone consideration of something

- Amend a motion

- Introduce business (a primary motion)

You say:

- "I move that we adjourn"
- "I move that we recess until... "

- "Point of privilege"

- "I move that we table it"

- "I move the previous question"
- "I move we postpone this matter until... "

- "I move that this motion be amended by... "

- "I move that..."

BASIC MOTIONS, cont'd

To:

- Object to procedure or personal affront
- Request information
- Ask for vote by actual count to verify voice vote
- Object to considering some undiplomatic or improper matter
- Take up matter previously tabled
- Reconsider something already disposed of
- Consider something out of its scheduled order
- Vote on a ruling by the Chair

You say:

- "Point of order"
- "Point of information"
- "I call for a division of the house"
- "I object to consideration of this question"
- "I move we take from the table..._"
- "I move we now (or later) reconsider our action relative to... "
- "I move we suspend the rules and consider..."
- "I appeal the Chair's decision"

CONSIDERATION OF THE MOTION

- Members can debate the motion.
- Before speaking in debate, members obtain the floor.
- The maker of the motion has first right to the floor if they claim it properly
- Debate must be confined to the merits of the motion.
- Debate can be closed only by order of the members (2/3 vote) or by the chair if no one seeks the floor for further debate.

VOTING

- The general common law rule is that, in the absence of an express statute or regulation to the contrary, a simple majority vote (i.e., one vote more than fifty percent) will prevail.
- *A requisite majority vote is calculated based on the number of members present, not on the entire membership, present or absent. Abstentions are not counted*

MINUTES

The minutes, which must be created and approved in a timely manner, must include:

- the date, time, and place of the meeting;
- the members present or absent;
- the decisions made and actions taken, including a record of all votes;
- a summary of the discussions on each subject;
- a list of all documents and exhibits used at the meeting; and
- the name of any member who participated in the meeting remotely

The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

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Special Meeting Requirements

PUBLIC HEARING

- Notification of Public Hearing:
 - At least fourteen (14) days in advance of the hearing, the text of proposed new or revised rule(s) or regulation(s) and the date, time, and place of the hearing shall have been published in a newspaper of general circulation in the Town and posted on the bulletin board in Town Hall.
- Determination and Advertisement of Final Text:
 - The Town Authority shall have determined the final text of the new or revised rule or regulation, shall have recorded the fact of such determination, and shall have published the text and effective date thereof in a newspaper of general circulation in the Town

EXECUTIVE SESSION

- **Clause 1** - To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties;
- **Clause 2** - To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- **Clause 3** - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

EXECUTIVE SESSION, cont'd

- **Clause 4** - To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- **Clause 5** - To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- **Clause 6** - To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- **Clause 7** – To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

EXECUTIVE SESSION, cont'd

- **Clause 8** - To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
- **Clause 9** - To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that;
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session

EXECUTIVE SESSION, cont'd

- **Clause 10** - To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided:
 - in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
 - in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164; or
 - in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
 - when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.



Roles and Responsibilities

SELECT BOARD

- The Select Board shall exercise the powers and duties prescribed by the Massachusetts General Laws, this Charter, and the Provincetown General Bylaws. The Select Board may delegate powers and duties to the Town Manager or to another Town Board. The Select Board shall enforce the laws and orders of the Town, including the Charter.
- Primary policy-making, planning, and goal-setting agency of the Town. The Select Board directs the Town Manager, who shall administer the day-to-day affairs of the Town in accordance with such goals, policies, or plans.
- Makes provisions for traffic regulations and controls following consultation with the Police Chief.
- Exclusive authority to award and execute contracts for all Town departments and offices.
- Appointing Authority for all Boards and Committees except for Conservation Commission, Historical Commission, Finance Committee, Board of Fire Engineers, and Personnel Board.

TOWN MANAGER

- Chief administrator of the Town and is responsible for Town operations.
- The Town Manager is hired by the Select Board and operates under its policy guidance, per Chapter 3 of the Provincetown Charter.
- Chief Procurement Officer of the Town.
- The Town Manager may organize operational functions into departments or offices, and establish, consolidate, or abolish departments, offices, or positions within the purview of the Town Manager. The Town Manager may also remove an employee who has become redundant.
- The Town Manager may hire, promote, and remove all Town Staff, except the Secretary to the Select Board.
- Commissioner of Public Safety, appointing authority for Conservation Commission, Historical Commission, and Board of Fire Engineers.



Support

STAFF LIAISON

The staff liaison shall:

- be available, as needed, for consultation by the board or committee or chair on issues of procedure or substance of which the Select Board liaison has or can obtain information
- communicate to the board or committee, via the chair, if appropriate, questions or concerns or other feedback from the Select Board or Town Manager
- communicate to the Town Manager any issue or concern that the board or committee may have
- maintain a general familiarity with significant issues and priorities of the board or committee so that the liaison can be aware of possible connections or conflicts between the board or committee's issues or priorities and other issues and priorities of which the liaison may be aware.
- not take directives from individual board members and should be treated with respect as a member of Town staff.

TOWN STAFF

- Administration – Town Manager, Assistant Town Manager, Town Clerk
- Transportation - Airport, Parking
- Community Development – Building, Community Housing, Zoning, Planning, Historic, Health, Licensing, Environmental Planning and Conservation, Event Coordinator
- Human Services - Council on Aging, Library, Recreation, Tourism
- Finance – Assessor, Collector, Treasurer, Human Resources
- Public Safety – Police, Fire
- Public Works – Trash & Recycling, Building and Grounds, Highway, Water, Sewer
- Water - Harbor, Pier, Shellfish

TOWN CLERK

Contact the Town Clerk's Office with questions or for assistance:

Elizabeth Paine, Town Clerk, epaine@provincetown-ma.gov

Ana Ruiz, Assistant Town Clerk, aruiz@provincetown-ma.gov

508-487-7013