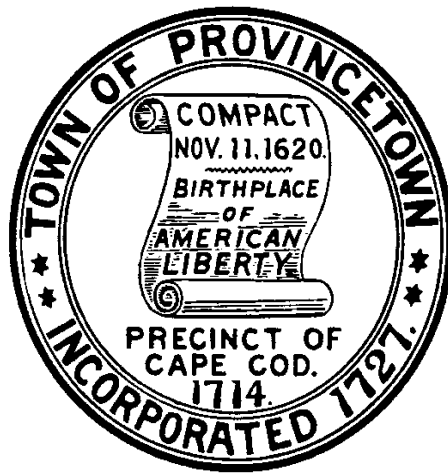


# TOWN OF PROVINCETOWN



# SELECT BOARD RULES OF PROCEDURE

**AMENDED MAY 22, 2006, JUNE 28, 2010, JUNE 11, 2012, JUNE 10, 2013, AND AUGUST 11, 2014,  
JUNE 22, 2015, AND JUNE 27, 2016, JULY 10, 2017, SEPTEMBER 10, 2018, AUGUST 12, 2019,  
JULY 21, 2020, JUNE 14, 2021, JUNE 13, 2022**

**LAST APPROVED CHANGES DATE: JUNE 12, 2023**

**SECTION 1. OFFICERS**

- a. The Board shall elect from its own membership, a Chair and a Vice Chair. Such election shall take place annually at the first regular meeting following the Town Election.
- b. The Chair, or in his/her absence, the Vice Chair, shall preside at meetings of the Board, and shall, subject to these rules, decide all points of procedure, unless over-ruled by the majority of the Board in session at the time. The Chair shall act as liaison between the Board, the Board's Secretary, and the Town Manager.
- c. In the absence of the Chair, the duties of the Chair shall be performed by the Vice Chair. The typical duties and responsibilities of the Vice Chair will then fall to the member with the most seniority.

**SECTION 2. MEETINGS**

- a. **General.** All meetings of the Select Board shall be conducted in accordance with Chapter 39, Section 23A, Massachusetts General Laws (Open Meeting Law); and all other applicable laws.  
<http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>
- b. **Regular Meetings.** The Select Board and the Town Manager shall meet in Town Hall on the second and fourth Monday evenings of each month and at such other times as the Board may decide. If the second or fourth Monday of a month falls on a holiday, the Board and the Town Manager shall meet on the following evening. Unless it is executive session, every meeting of the Select Board shall be open to the public and to the press (By-Laws of the Town of Provincetown, Section 4-2-1).
- c. **Special Meetings.** Special meetings of the Board may be called by the Chair with the concurrence of a majority of the remaining members of the Board; however, the required statutory forty-eight hours' public notice of such a meeting may not be waived.
- d. **Emergency Meetings.**
  - (1) The Chair may call an emergency meeting of the Board when, in the judgment of the Chair, immediate and/or delayed action by the Board would be contrary to the best interests of the Town.
  - (2) Matters acted upon by the Board at emergency meetings shall be made an agenda item at the next regular meeting of the Board for the purpose of ratifying decisions rendered at emergency meetings.
  - (3) Authority to act upon routine Board matters but necessary for timely dispatch may be delegated to the Chair. Actions taken under the provisions of this subsection shall be

ratified at the next regular meeting of the Board.

e. **Executive Sessions.**

Executive session of the Board shall be conducted in accordance with Chapter 39, Section 23A, Massachusetts General Laws.

f. **Time of Meetings.**

(1) All Board Meetings shall normally be scheduled to commence promptly at 6:00 P.M., and terminate not later than 10:00 P.M. In the event, however, official business remains to be transacted at the scheduled adjournment time, the Board may vote to suspend this requirement under the provisions of Section 7 of these procedures.

(2) Unfinished business remaining at the scheduled or alternate adjournment time shall appear on the agenda of the next regular meeting.

(3) Any Board Member who expects to be absent from a scheduled Board Meeting or delayed for more than one hour shall notify the Chair in advance of the scheduled meeting.

g. Meeting Packet: Meeting Notice, Agenda and Documents

(1) The Meeting Packet will include

- a. Notice contains the date, time, and location of the meeting.
- b. If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are to be listed.
- c. The notice contains all of the topics that the chair reasonably anticipates will be discussed at the meeting. The topics are to be sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting,
- d. The notice is printed in a legible, easily understandable format.
- e. The date and time that the notice is posted is conspicuously recorded on the notice.
- f. All Documents to be reviewed by the Select Board Members in the meeting.

(2) Meeting Packet of all scheduled meetings of the Board, except as precluded by Section 2f, above, shall be filed with the Town Clerk at least fifty-six hours (excluding Saturdays, Sundays and Holidays) in advance of the meeting for posting on the official Town Website.

(3) Copies of the Meeting Packet shall be made available to members of the media and the general public on the Town Website. The Meeting Packet may be removed from the Town Website only after a majority vote of the Select Board.

(4) All information provided by staff, counsel or consultants to any individual Select Board Members related to an agenda item will also be included in the packet. In the event the information comes too late to be included in the published meeting packet it must be

otherwise distributed to all Select Board Members before deliberation begins on the agenda item.

(5) All staff reports, legal opinions, responses to requests for information, and/or memos from staff to an individual Board Member not related to a specific agenda item, but on any public business within Select Board's jurisdiction, must also be distributed to all Select Board Members.

### **SECTION 3. AGENDA FOR REGULAR MEETING**

a. The format for agendas for regular meetings shall be:

Consent Agenda

1. Public Statements
2. Select Board Statements
3. Appointments
4. Public Hearings – 7 pm
5. Town Manager's Report
6. Requests
7. Minutes
8. Select Board Closing Matters

Note: The Board grants discretion to the Chair in setting the order of the "requested Agenda Items", such that public requests always precede staff requests, but exceptions may be made when the staff requests require very short amounts of time. The Board also requests we avoid using the category "preliminary matters".

b. The agenda of a public meeting of the Select Board shall provide for statements by members of the public no later than the second item on the agenda (By-Laws of the Town of Provincetown, Sect. 4-2-2).

c. Agenda Items submitted from a Member - Items for placement on the Agenda from a Board Member and/or Town Manager should be in writing to the Chair, stating the subject matter, and a concise statement as to the essence of the subject matter.

d. Agenda items must be received by the Chair or Secretary to the Select Board at the start of the Agenda Setting Meeting as listed on the Boards' Calendar.

-OR-

e. Requested by a Member at a Public Meeting to be placed on the subsequent agenda.

### **SECTION 4. PROCEDURES DURING MEETING**

a. Proceedings during meetings shall normally be governed by Roberts Rules of Order except as modified by these procedures.

b. When deemed necessary and appropriate, the Chair may offer a motion, or second a motion.

- c. No person shall address a public meeting of the Board without permission of the Chair or other designated presiding officer.
- d. Items, which appear on the meeting agenda, shall be considered as properly before the Select Board without benefit of a specific motion to that effect. However, any Member of the Board may reserve the right to move that an agenda item be stricken from the agenda. Such a motion, if made, shall be subject to the actions of the other Members of the Board as would be appropriate to action on routine motions.
- e. Limit Public Statements to a total of sixty (60) minutes. Each public speaker is limited to three (3) minutes speaking time.
- f. The Chair should rotate from meeting to meeting the order in which the Select Board Members make their statements. Each Select Board Member is limited to five (5) minutes of speaking time.

## **SECTION 5. PUBLIC HEARING PROCEDURES**

### **Preliminary Procedures**

- (1) Proponents and opponents must set up any displays or graphic presentations prior to the actual start of the hearing.
- (2) Principal speakers must identify themselves to the Chair prior to the start of the hearing.
- (3) Copies of the hearing materials from Proponents/Opponents/Staff will be posted (or distributed) prior to the start of the hearing. Ideally all materials should appear in the Select Board Members' meeting packet as posted by the Town Clerk.
- (4) The Chair will announce time limits, if any, for each section of the public hearing.

### **Hearing Format**

- (1) PRESENTATION: Proponent
- (2) Questions ON THE PRESENTATION: Select Board
- (3) Report and/or Recommendation from Staff
- (4) Public Comments:
  - a) Proponents
  - b) Opponents
  - c) Proponents and Opponents can be taken together at the discretion of the Chair.
  - d) Written comments will be read into the record, eliminating comments from any proponent/opponent who gave spoken public comments. Written comments may be summarized at the discretion of the Chair.
- (5) Rebuttal or Answers to questions raised: Proponents and Opponents.

- (6) Closed to Public Comment.
- (7) Select Board Discussion and Staff Recommendations.
- (8) Vote.

**SECTION 6. MINUTES OF MEETINGS**

- a. The proceedings of all Board meetings shall be electronically recorded. Audio or audio-video recordings may not be used as a permanent record of meetings. Written minutes must be prepared as outlined in Section 6b. Once minutes have been prepared and approved, the electronic recordings may be erased/deleted.
  - . Until it is erased/deleted, however, it is a public record (unless it is an audio or audio-video of an executive session), which must be made available for inspection and copying upon request.
- b1. Written minutes of Board meetings shall be prepared in an abbreviated form; however, as a minimum, the written minutes shall record time and date of meetings, names of Board Members present and voting, names of Town personnel attending, and names of Members of other Town Boards, Committees and Commissions attending the meeting, *a summary of the discussions on each topic; a list of documents and other exhibits used at the meeting.*<sup>1</sup> The record of exact motions made, and votes taken shall be included in the written minutes. Written minutes shall not include verbatim or otherwise lengthy record of discussion on agenda items.
- b2. Written minutes should be printed on both sides of the paper they are printed on. (To conserve paper and archive space.)
- c. Written minutes shall be prepared as expeditiously as possible to allow the Board to act upon them at a subsequent regular meeting. Following the Board's approval, the written minutes shall be filed with the Town Clerk and become a permanent and official record of meetings.
- d. Minutes of Executive Sessions shall remain in the permanent possession of the Secretary to the Board, in a secure place, and shall not be released unless authorized by a majority vote of the Board, or upon an order issued by a court of law.

**SECTION 7. SUSPENSION OF PROCEDURES**

These standing procedures may be suspended by an affirmative majority vote of the Board Members present and voting.

**SECTION 8. RECONSIDERATION OF VOTES**

Any vote taken may be reconsidered without limitations to time, given upon a proper motion before

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the Board and a favorable majority vote of the members present and voting, providing that the Member making the reconsideration motion voted in the majority on the original motion.

**SECTION 9. REVIEW OF STANDING PROCEDURE**

These standing procedures shall be reviewed annually, following the normal reorganization of each new Select Member, or, more often if necessary and dictated by changes in the Board's composition if occurring prior to the normal electoral process.

**SECTION 10. AMENDMENTS TO STANDING PROCEDURES**

- a. These standing procedures may be amended by a majority vote of the members present and voting at a regular meeting provided, however, that the proposed amendment has been submitted to the Select Board's secretary and the Select Board in writing at least one week prior to the date the amendment is to be voted upon.
- b. An amendment shall be construed to mean any addition of a new procedure or deletion or modification of an existing procedure.

**SECTION 11. EFFECTIVE DATE**

These standing procedures are effective May 22, 1995.

**SECTION 12. DISTRIBUTION**

A copy of these procedures will be provided to each newly elected Member.

**THE HONORABLE BOARD OF SELECT BOARD MEMBERS**

David Abramson, Chair

John T. Golden, Vice Chair  
Austin Miller

Erik Borg  
Leslie Sandberg

*Shannon L. Corea*