

TOWN OF NANTUCKET BOARDS, COMMISSIONS & COMMITTEES MANUAL



ADOPTED
SEPTEMBER 23, 2009
(UPDATED JUNE 9, 2010)

TABLE OF CONTENTS

SECTION 1 - INTRODUCTION	1 -
A. PURPOSE OF MANUAL.....	- 1 -
B. BACKGROUND.....	- 1 -
SECTION 2 – CODE OF CONDUCT	2 -
A. COMMUNITY RESPONSIBILITY	- 2 -
B. RESPONSIBILITY TO MUNICIPAL ADMINISTRATION.....	- 3 -
C. RELATIONSHIP TO OTHER BOARD, COMMISSION, OR COMMITTEE MEMBERS	- 3 -
D. PROHIBITED CONDUCT.....	- 4 -
SECTION 3 – TYPES OF COMMITTEES	5 -
A. POLICY SETTING	- 5 -
B. ADVISORY	- 5 -
C. OVERSIGHT	- 6 -
D. REGULATORY.....	- 7 -
SECTION 4 – MEMBERSHIP	8 -
A. APPOINTMENTS.....	- 8 -
B. DURATION OF APPOINTMENTS	- 8 -
C. REAPPOINTMENT.....	- 8 -
D. LEADERSHIP.....	- 9 -
E. RESIGNATIONS & FILLING OF VACANCIES.....	- 9 -
F. RESTRICTIONS ON MEMBERS OF BOARDS AND COMMITTEES	- 10 -
SECTION 5 – MEETINGS	10 -
A. ATTENDANCE.....	- 10 -
B. OPEN MEETING LAW.....	- 10 -
C. WHAT IS A MEETING?	- 12 -
D. TYPES OF MEETINGS: PUBLIC MEETING & PUBLIC HEARING.....	- 12 -
E. LOCATION & POSTING OF MEETINGS	- 13 -
F. CONDUCT OF MEETINGS	- 14 -
G. VOTING.....	- 14 -
H. AGENDAS.....	- 15 -
I. MEETING MINUTES.....	- 15 -
J. PUBLIC RECORDS	- 15 -
SECTION 6 – COMPENSATION & REIMBURSEMENT	16 -
A. COMPENSATION	- 16 -
B. REIMBURSEMENT.....	- 16 -
SECTION 7 – RELATIONSHIP BETWEEN TOWN PERSONNEL AND BOARDS AND COMMITTEES	17 -
MEDIA RELATIONS	18 -

Section 1 - Introduction

Boards, commissions, and committees play an important role in the Town of Nantucket's municipal government. Citizens who serve on a board, commission, or committee provide a valuable public service to the Town by helping to find ways to address a broad array of issues, challenges, and opportunities facing the community.

A. Purpose of Manual

As a member of a board, commission, or committee, citizens become representatives of the Town of Nantucket. This manual has been prepared to assist members of all Town of Nantucket boards, commissions, and committees to fulfill this responsibility by: helping members in understanding their role in Town government; providing information on how Town boards, commissions, and committees function; providing information on state and local laws that govern the work of boards, commissions, and committees; and providing a code of conduct for members of boards, commissions, and committees.

The Town of Nantucket has thirty-seven standing elected and appointed boards, commissions, and committees that combined have well over two hundred members. This does not include ad hoc committees, of which the Town may have a number at any given time, created to study a specific issue. Having a clear understanding of the role boards, commissions, and committees play in Nantucket's municipal government will help citizens have a productive and positive experience serving as a volunteer on a Town board, commission, or committee.

B. Background

The Town of Nantucket is a municipality organized and operated in accordance with Massachusetts General Laws. The Town Charter for the Town of Nantucket dictates the structure of Nantucket's municipal government, and identifies the responsibilities of the various entities that comprise the Town's government.

The Board of Selectmen serves as the executive branch of Nantucket's municipal government and is responsible for establishing public policies and providing overall direction to the Town's operations. The Town Manager is responsible for the administration and efficient operations of the Town. The Town Manager directs and supervises Town operations and employees with the aim of achieving the Board's goals and objectives, while at the same time carrying out the other obligations of Town management established in local, state, and federal law.

Nantucket has a long tradition of citizen involvement in its municipal government. Boards, commissions, and committees provide an opportunity for citizens to directly participate in their municipal government. The role of a board, commission, or committee varies depending on its charge. Generally, a board, commission, or committee fulfills one of the following primary roles: (1) policy setting; (2) policy advisory; (3) regulatory; or (4) oversight. The majority of Town committees are advisory committees created by the Board of Selectmen to gain insight and input from citizens on public policy matters. Whether fulfilling the role of policy setting, policy advisory, regulatory, or oversight, all boards, commissions, and committees should consider the present and future best public interest or interests of the Town as a whole in their deliberations.

Section 2 – Code of Conduct

Members of municipal boards, commissions, and committees are considered municipal employees under the Conflict of Interest law, and are subject to the provisions of Chapter 268A of the Massachusetts General Laws (MGL), which is enforced by the State Ethics Commission. This statute assigns personal responsibility to regular and special municipal employees, which includes elected and appointed volunteers, in four general categories. These categories are: (1) Community Responsibility; (2) Responsibility to Municipal Administration; (3) Relationship to other Board and Committee Members; and (4) Prohibited Conduct.

Any questions concerning ethics violations or the four general categories of responsibility should be referred to the State Ethics Commission. The State Ethics Commission will provide guidance on whether a disclosure should be filed for any potential conflict of interest. If a disclosure is required, appointed members of boards, commissions, and committees will need to file a conflict of interest disclosure with the appropriate appointing authority, which is usually the Board of Selectmen. Members of elected boards, commissions, and committees will need to file a disclosure with the Town Clerk. The State Ethics Commission website www.mass.gov/ethics provides additional information concerning potential conflicts of interest.

A. Community Responsibility

A member of any board, commission, or committee in the member's relations with the community shall:

1. Realize that the member's basic function is to make policy or provide advice on making policy, and not to administer policy unless prescribed by law;
2. Realize that the member is one of a team and should abide by, and assist in carrying out, all decisions of the board, commission, or committee once a decision is made by the board, commission, or committee;

3. Be well informed concerning the duties and responsibilities the board, commission, or committee may have on the state and local level, as well as a member's individual duties and responsibilities;
4. Remember that the member represents the entire community at all times;
5. Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit;
6. Make all decisions relative to individual appointments based only upon merit, experience, and qualifications to avoid political patronage; and
7. Avoid voting on any matter in which the individual member has a conflict of interest, as defined under the Massachusetts Conflict of Interest Law, MGL c. 268A.

B. Responsibility to Municipal Administration

A member of any board, commission, or committee in interactions with the administrative officers of the Town shall:

1. Respect the role of professional management as outlined in the Town Charter;
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside of the administration;
3. Recognize that binding decisions of a board, commission, or committee are enforced by administrative officers of the Town; and
4. Direct all questions or concerns first to the appropriate Town personnel, then to the Town Manager, and if necessary to the Board of Selectmen. This is the most expedient way to resolve issues that need to be addressed. However, these Town officials may not have jurisdiction over issues relating to other elected officials.

C. Relationship to Other Board, Commission, or Committee Members

A member of any board, commission, or committee, in the member's relations with fellow board members, shall:

1. Recognize that action at an official legal meeting is binding and that a single member alone cannot bind the board, commission, or committee outside of an official meeting;
2. Not make statements or promises of how the member will vote on matters that come before the board, commission, or committee until the member has had an opportunity to hear all aspects and sides of the issue during a public meeting;

3. Uphold the intent of the Executive Session and respect the privileged communication that exists in Executive Session;
4. Make decisions only after all facts on a question have been presented and discussed; and
5. Respect the rights of members of the public, Town personnel, and other members of the board, commission, or committee, despite differences of opinion.

D. Prohibited Conduct

A member of any board, commission, or committee, in accordance with Massachusetts General Law, Chapter 268A, may NOT:

1. Accept gifts or other considerations or engage in any business or professional activity which might appear to impair a member's independence of judgment in the exercise of the member's official duties;
2. Improperly disclose confidential information acquired by the member in the course of the member's official duties, and not use information to further the member's personal interest;
3. Use or attempt to use the member's official position to secure unwarranted privileges or exemptions for the member or others;
4. By the member's conduct give reasonable basis for the impression that any person can improperly influence the member or unduly enjoy the member's favor in the performance of the member's official duties, or that a member is unduly affected by the kinship, rank, position, or influence of any party or person;
5. Pursue a course of conduct that will raise suspicion among the public that the member is likely to be engaged in acts that are in violation of the public's trust; and
6. Participate in any matter before the board, commission, or committee in which the member has a direct financial interest, or an immediate family member has a direct financial interest.

Members of boards, commissions, or committees are not subject to any restrictions concerning political activity. However, all members have an obligation to foster a sense of public trust. To foster this trust, individual members have a responsibility to make known to a board, commission, or committee any personal interest or issue that pertains to a matter under consideration by the board, commission, or committee.

Section 3 – Types of Committees

Whether elected or appointed, boards, commissions, or committees typically fall into one of four categories: policy setting, policy advisory, regulatory, or oversight. The authority for the existence and duties of such boards can arise from state statutes, the Town Charter, or from local bylaws.

Generally speaking, a board or commission is a stand-alone entity that deliberates on specific issues outlined in the law creating the board or commission. A committee typically is a subset of an entity that is created to develop recommendations on a specific issue. For example, the Board of Selectmen creates citizen advisory committees to review specific issues for the purpose of developing recommendations to be considered by the Board of Selectmen.

For stylistic purposes, the term board(s) and committee(s) will be a general term used to refer to boards, commissions, and committees for the remainder of this manual.

A. Policy Setting

Under the Nantucket Town Charter, the five-member Board of Selectmen serves as the executive branch of government, a role it shares with the Town Manager in a relationship defined by the Town Charter. The Board of Selectmen serves as the primary executive policy setting entity in Town government, articulating the priorities and goals of the Town. This includes providing direction that other municipal entities, such as committees, are encouraged or mandated to follow. The statutory authorities and obligations of the Board of Selectmen are established in state law and defined in Article III of the Town Charter.

As an elected board, members of the Board of Selectmen are directly accountable to the citizens of Nantucket. The Board of Selectmen is responsible for appointing members to most non-elected Town boards and committees. Article III, Section 3.4 (a)(3) of the Town Charter details the Board's appointing authority.

By law, the authority of a board or committee may not exceed the authority of its appointing authority, which is most commonly the Board of Selectmen. Subsequently, unless specified in state or local law, the authority of a board or committee appointed by the Board of Selectmen may not exceed the authority of the Board of Selectmen.

B. Advisory

In order to set policy, or determine if an issue should be brought to Town Meeting, the Board of Selectmen receives reports and recommendations from a number of advisory boards or committees that are established in state or local law, or are created by the Board of Selectmen. The Shellfish and Harbor Advisory Board is an example of a statutorily created advisory board. Pursuant to the Town Charter, the Board of Selectmen may create committees to study issues and make recommendations on specific public policy

issues. An example of an advisory committee created by the Board is the Beach Management Advisory Committee.

Advisory boards and committees serve the important role of collecting and analyzing information in order to develop recommendations on a public policy or issue. An advisory board or committee has considerable autonomy in developing recommendations; however, an advisory board or committee has no independent authority and its recommendations are not binding. The Board of Selectmen considers the recommendations of advisory boards or committees in its public policy deliberations and consideration of issues affecting the public. Some advisory boards or committees provide recommendations to entities outside of Town government. For example, the Commission on Disability provides advisory recommendations to the public as well as to the state Architectural Access Board.

When creating an advisory committee, the Board of Selectmen will specify the charge, the membership, and the duration of the committee. After a committee elects officers, the committee may propose specific objectives to refine its charge. If the committee is not a standing advisory committee, then the committee may propose a timeline for completing specific objectives. A proposed change to an advisory committee's charge does not take effect unless it is approved by the Board of Selectmen.

C. Oversight

An oversight board or committee provides limited oversight that is defined in statute. The oversight function provided by these types of boards and committees is most often defined in the statute, which is primarily state law, that creates the board and committee.

An oversight board or committee has a responsibility beyond researching and making recommendations on issues. As a result of these responsibilities being defined in statute, the additional responsibilities of oversight boards and committees varies. An oversight board or committee will have at least two of the following characteristics, unless its oversight responsibility is clearly defined in statute: (1) have limited policy making authority; (2) hold or approve the use of funds, apply for grants, or award grants; (3) be responsible for designing, promoting, or coordinating services; (4) have the authority to hold property; or (5) be responsible for the oversight of a specific Town function as defined in statute. Oversight boards or committees that oversee an enterprise fund, such as the Airport Commission and Water Commission, may also maintain a budget and raise revenues.

The Scholarship Committee is an example of an oversight board or committee because it may award grants in the form of scholarships, and has oversight of the Town's scholarship program. The Nantucket Land Bank Commission is an example of an oversight board or committee that may hold property. In addition to holding property, the Nantucket Land Bank Commission administers and manages conservation programs on behalf of the Town. The Audit Committee is an example of a committee that has a

clearly defined responsibility, which is to provide oversight for the Town's audits and accounting procedures.

An oversight board or committee is not responsible for the day-to-day or administrative operations of Town departments. The responsibility of administrative operations is outlined in the Town Charter, and in most cases is a responsibility of the Town Manager. Departments will frequently provide services additional to those services for which a board or committee may have oversight responsibilities.

D. Regulatory

Whether elected or appointed, regulatory boards or committees exercise legal authority over the issues and activities explicitly delegated to them by state or local law. Examples of regulatory boards and committees include the Historic District Commission, the Planning Board, the Conservation Commission, and the Zoning Board of Appeals. The authority of a regulatory board or committee is limited to the authority outlined in the statute that establishes the board or committee. A regulatory board or committee has no authority over issues that are outside or beyond its statutory charge.

Understanding the role of a board or committee is particularly important for regulatory boards and committees that have permitting authority. For example, a new construction project may need several permits to ensure the project will comply with state and local laws before construction can begin. The project may require: (1) a special permit from the Zoning Board of Appeals to ensure the project complies with zoning laws; (2) a permit from the Conservation Commission to ensure the project complies with state and local environmental protection laws; and (3) approval from the Historic District Commission to ensure any structures are in accordance with the Town's historic guidelines. In such a case, each regulatory committee makes decisions independently to fulfill its charge. The Conservation Commission does not consider the historic aspects of the project, as the Historic District Commission does not consider required environmental protection aspects of the project.

There may be a time when a regulatory board or committee may make a decision independently that contradicts the decision of another regulatory board or committee. In these instances, good communication between the boards or committees can help to ensure the concerns of each board or committee are addressed. Professional staff who work with a regulatory board or committee may be able to help resolve contradictory decisions when they arise. While an applicant is responsible for meeting permitting requirements, professional staff can assist applicants to ensure that the concerns of a regulatory board or committee are addressed.

A regulatory board or committee is not responsible for the day-to-day or administrative operations of Town departments. The responsibility of administrative operations is outlined in the Town Charter, and in most cases is a responsibility of the Town Manager. Town Departments frequently provide administrative and support functions additional to those functions for which a board or committee may have regulatory authority.

Section 4 – Membership

A. Appointments

Members of boards or committees may be elected, appointed by the Board of Selectmen or Town Manager, or their appointment may be established in statute. Generally, most at-large committee appointments are made the Board of Selectmen, and boards may be elected or appointed. The membership of some boards and committees require a representative from another board or committee, or Town agency. Appointment of such board or committee members is made by the entity being represented. For example, the membership of the Contract Review Committee includes one representative from the Finance Committee; accordingly, the Finance Committee will appoint a member to serve on the Contract Review Committee.

All members of all boards and committees must be sworn in by the Town Clerk prior to the member's first meeting and before the commencement of each term for re-appointed members. Members of multiple boards or committees must be sworn in for each board or committee on which they serve. A copy of this manual and of the Open Meeting Law will be provided by the Town Clerk to all board and committee members after their swearing in.

Citizens are encouraged to attend meetings of a board or committee of interest to learn about the board or committee and its role in the community before applying to be appointed to the board or committee. The appointment process for advisory boards and committees traditionally begins every year in April when board and committee openings are advertised. The Board of Selectmen will hold public hearings before making appointments, which usually occur in June. Boards and committees may recommend or nominate a member or members when required, unless otherwise specified in language creating a board, commission or committee.

B. Duration

The term of elected boards and committees are outlined in statute. For example, members of the Planning Board serve five year terms, and members of the Board of Selectmen serve three-year terms.

The terms for appointed boards and committees may vary depending on the reason for the creation of the board or committee. The term of an ad hoc committee will usually be for the time it takes to develop recommendations on a specific issue. Standing advisory boards or committees generally have three-year terms.

C. Reappointment

A board or committee member will be notified when the member's term of appointment is about to expire. Board or committee members who wish to continue serving on a committee may apply to be reappointed to the committee. Reappointment is based on an evaluation by the appointing authority of the member's contribution to the board or committee. A board or committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

D. Leadership

Unless specified in statute, the officers of a board or committee are chosen by the voting members of the board or committee. Board and committee officers usually are a Chairman or Chairperson, hereafter referred to as the "Chair," Vice-Chair, and Secretary. To ensure proper communication between advisory boards and committees and the Board of Selectmen, advisory boards and committees are to inform the Board of Selectmen of the names of officers when they are elected.

The Chair of a board or committee plays a vitally important role in the operations of the board or committee. The Chair of a board or committee presides over public meetings and public hearings. If the Chair leaves a public meeting, then the Vice Chair or another board or committee member designated by the Chair may preside over a meeting. If the Chair or Vice Chair is not present at the beginning of a public meeting, and there is a quorum, then any member of the board or committee may call the meeting to order. If this happens, then the board or committee should immediately elect a Chair pro-tem to preside over the meeting. The pro-tem Chair will serve until the regularly elected Chair or Vice Chair enters the meeting or another Chair pro-tem is elected.

When presiding over a meeting, it is the Chair's responsibility to ensure that proceedings are conducted in a civil and courteous manner. This can be challenging when a board or committee is considering a contentious issue. However, all participants in a proceeding, including the applicant, public, board or committee members, and staff, should be treated respectfully.

The Chair of a board or committee also serves as the point of contact between a board or committee and Town personnel who provide staff support to the committee. Section 5 of this manual discusses the relationship between Town personnel and boards and committees.

E. Resignations & Filling of Vacancies

A board or committee member who is no longer able to serve on a board or committee should resign promptly to allow for the appointment of an active member. Resignations must be submitted in writing to the board or committee Chair, Town Clerk, and Board of Selectmen. The Board of Selectmen or other appointing authority may appoint a new member to a board or committee outside of the annual appointment process. Vacancies for elected boards or committees are filled according to statute.

The Board of Selectmen may remove members of appointed boards and committees for cause. The removal of members from certain boards and committees requires a public hearing. Section 3.4 (a)(3) of the Town Charter governs criteria for removal.

According to the Town Charter, the Board of Selectmen may remove an appointed member of a board or committee on grounds of: (1) incapacity beyond temporary illness; (2) chronic nonattendance; or (3) violation of the oath of office.

F. Restrictions on Members of Boards and Committees

Massachusetts General Law 268A §17, establishes that municipal employees, which includes unpaid members of municipal boards and committees, may not receive compensation for the discharge of official duties other than from the municipality the employee serves. The law has an exception for “special municipal employees” that limits prohibited activity. Under this exception, a special municipal employee is only prohibited from receiving compensation for providing representation on a matter pending before the specific board or committee on which the special municipal employee serves. A special municipal employee may be paid to provide representation before a board or committee on which the special municipal employee does not serve. There are limited circumstances where a special municipal employee may be allowed to represent an immediate family member before the board or committee on which the special municipal employee serves. As this law is nuanced, it is suggested that any board or committee member contemplating offering third party representation before a Town board or committee contact the State Ethics Commission for guidance on a specific situation.

Members of the following boards and committees have been designated special municipal employees: Board of Selectmen; Nantucket Cultural Council; Planning Board; Conservation Commission; Airport Commission; Historic District Commission; Zoning Board of Appeals; Visitor Services & Information Advisory Committee; Finance Committee; Park and Recreation Committee; Capital Program Committee; Abatement Advisory Committee; and Nantucket Water Commission.

Section 5 – Meetings

A. Attendance

In general, boards and committees meet regularly. Members of a board or committee are expected to attend all regular meetings of the board or committee.

B. Open Meeting Law

The Massachusetts Open Meeting Law (MGL Chapter 39, § 23B) requires that all boards and committees conduct their business in open meetings before the public eye. Except in very specific cases outlined in the law, the public and the press have the right to attend all meetings of government bodies. The format and requirements for such meetings may vary depending upon the type of meeting that is being held. The obligations on the members of boards and committees may also vary.

The exception is “executive session” which permits a board or committee to conduct a closed-door meeting on several very narrow grounds. Entering executive session requires strict adherence to the law and creates legal obligations on the board or committee and its members both prior to and after the executive session. It is recommended that no board or committee enter executive session without guidance from a Department Head or other Town official with expertise on the matter.

While how strictly certain boards or committees may need to adhere to the Open Meeting Law may vary depending on the type of board or committee, there are certain aspects of the Open Meeting Law that must be followed by all boards and committees.

- A quorum of board or committee members may discuss board or committee business only at properly noticed public meetings.
- Under the Open Meeting Law, the use of technology for communication may be considered a public meeting. The Open Meeting Law prohibits the use of email or telephone conferences by a quorum of a board or committee to consider board or committee business. Email may be used to provide information, or to determine the availability of members for a meeting. However, members must refrain from commenting on information provided in an email. Comments on information provided via email should be reserved for a posted public meeting of a board or committee. Board or committee members may not “reply all” to express an opinion on information that is shared via email.
- The Open Meetings Law prohibits “revolving door” meetings, in which a quorum of members participates in serial fashion. This includes the use of email. Collecting independent email responses from board or committee members is no different than members of a board or committee commenting on an issue by a “reply all” email.

Advances in technology require additional diligence by board and committee members to be in compliance with the Open Meeting Law. The advent of the internet has created new venues to exchange ideas such as chat rooms, message boards, and blogs which allow for instant dialogue on a wide variety of topics. In response, the state has amended the definition of deliberation to include “oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction” MGL 30A §18 (emphasis added).

All members of a board or committee should receive a copy of the Open Meeting Law from the Town Clerk’s office when they are sworn in. Appendix 2 of this manual provides more information on the Open Meeting Law and interaction between board and committee members and the public.

C. What is a Meeting?

A meeting occurs any time a quorum, which is usually a simple majority of members of a board or committee meet and discuss or consider any public business or policy over which the board or committee has some jurisdiction or advisory power. A quorum cannot be established by having a board or committee member participate in a meeting via telephone or other means of electronic communication; members must be present at the meeting to constitute a quorum. Through revisions to MGL 30A §20(d), the state has granted the Attorney General's Office authority to create regulation that may provide for limited electronic participation in a public meeting. As of the publication date of this document, no such regulation has been issued. Accordingly, electronic participation is presently prohibited.

A quorum of a board or committee may not meet in private for purposes of deciding or deliberating towards a decision on a matter before a board or committee. Polling of board or committee members on a pending decision prior to an open meeting of a board or committee violates the Open Meeting Law. Polling of board or committee members is a form of a "revolving door" meeting.

If a scheduled meeting of a board or committee has less than a quorum, the only action a board or committee may take is to adjourn the meeting or schedule the next meeting of the board or committee.

D. Types of Meetings: Public Meeting & Public Hearing

There are two types of board or committee meetings: (1) public meetings and (2) public hearings. Public meetings and public hearings (which are held within public meetings) are held in conformance with the Massachusetts Open Meeting Law and the Code of the Town of Nantucket.

Public meetings are conducted so that a board or committee may discuss the business of the board or committee. For example, an advisory board or committee will hold a public meeting to discuss a public policy issue for which it may make a recommendation to the Board of Selectmen. Public testimony at a public meeting is taken at the discretion of the Chair of a board or committee. While the public has the opportunity to address an issue during the public comment portion of a public meeting, a board or committee is not required to allow public testimony on every issue it considers. However, traditionally boards and committees will provide the public the opportunity to speak on an issue. Public participation in a board or committee's discussions or deliberation is at the discretion of the Chair, which may include limiting the amount of time a member of the public is allowed to speak. To act on a matter or adopt a position on an issue, a quorum of the board or committee must be present.

Public hearings are conducted with an appropriate degree of formality, in accordance with Roberts Rules of Order, and with reference to state and local laws and regulations.

Public hearings are conducted for the same overall reasons as the public meeting – to protect both the public interest and the rights of individuals – with the additional purpose of gathering relevant information from an applicant, interested parties, and the public at large. A public hearing also provides a board or committee with the means of gathering the information necessary to develop an informed opinion and to issue permits or licenses that are fully supported by the appropriate facts and laws. During a public hearing, boards and committee are required to take public testimony. Once a public hearing is closed, a board or committee may continue to discuss an issue without taking further testimony from the public.

To act on a matter that has had a public hearing, a quorum of the board or committee members who participated in the public hearing must be present. A member of a board or committee who has missed a single public hearing may vote on the matter in question after signing an affidavit that states the member has reviewed the entire file and listened to the audio tape of the missed meeting. If the membership of a board or committee changes after a public hearing and before a decision is rendered on the matter heard, and a quorum of members who participated in the public hearing no longer serve on a board or committee, then a new public hearing must be opened. Reference to the prior public hearing may not be made during the new public hearing.

E. Location & Posting of Meetings

Boards and committees should establish a regular meeting schedule to suit the needs and convenience of the members; however, all meetings must be held in a public location that is accessible to people with disabilities. It is recommended that boards and committees hold meetings at a consistent location to the extent possible. Having a consistent meeting location helps to ensure public access to board and committee meetings.

By law, it is the responsibility of a board or committee to provide written public notice of any meeting at least forty-eight hours prior to the board or committee's meeting. The forty-eight hours may not include Saturday, Sunday, or holidays. The public notice must include the time, date, and location of the meeting, as well as a list of topics reasonably anticipated to be discussed, and must be in compliance with the Open Meeting Law.

The Town Clerk's office maintains a central posting board in the Town Building that provides public notice for all public meetings. While only personnel in the Town's Clerk's office may post the actual meeting notice on the posting board, it is not the responsibility of the Town Clerk's office to ensure that a completed posting notice is submitted for posting pursuant to the requirements of the Public Meeting Law. A board or committee calling a meeting is responsible for ensuring that there is proper public notice of a meeting, and is responsible for providing a completed public meeting posting notice to the Town Clerk's office. The Town Clerk's office will provide the posting notice that needs to be completed by a board or committee.

F. Conduct of Meetings

Pursuant to Sections 1-7 of the Code of the Town of Nantucket, boards and committees conduct business in accordance with parliamentary procedure as set out by Roberts Rules of Order. The tenth edition is the most recent and presently effective version of Robert Rules of Order. Appendix 3 of this manual provides fundamental parliamentary procedures outlined in Robert's Rules of Order.

G. Voting

A vote of a board or committee is necessary for a board or committee to make a recommendation or decision, or take a position on an issue. Any member of a board or committee may make a motion to vote on business pending before a board or committee. Unless specified in state law or local bylaw, a motion passes if a simple majority of board or committee members vote in favor of the motion, and it fails if a simple majority of committee members vote against the motion. For some decisions state or local law may require a super majority, such as a two-thirds majority, for a motion to be adopted. Boards or committees that require a super majority for some votes are supported by professional staff who will advise when a super majority vote is necessary. Once a board or committee adopts a motion then it becomes the official position of the board or committee on the issue for which the motion was made.

In the event of a tie vote on a motion, the motion fails. If a motion fails, then the board or committee has not taken action on the issue for which the motion was made. A board or committee must take affirmative action, which means adopting a motion by the required majority vote, to take action on an issue pending before a board or committee. If a motion fails because it did not receive the necessary majority vote, then another motion is necessary for a board or committee to take action on the matter for which the failed motion was made. In most cases, a matter can be deferred for action by a board or committee to a later date. However, some regulatory boards and committees have restrictions on carrying matters forward and there may be time constraints on when the regulatory board or committee has to take action on a matter pending before the board or committee. Regulatory boards and committees should consult with the professional staff to ensure that there are no inadvertent or unintended consequences which may result from failure to take action on a matter pending before the board or committee.

To vote on a motion a board or committee member must be present at the meeting when the motion is made. Voting cannot be done by proxy, telephone, or electronic communication.

A formal vote is not required for routine business, such as the approval of meeting minutes. A board or committee may conduct routine business through the general consensus of the board or committee. If a member objects to approving a matter by general consensus of the board or committee, then a formal vote is required.

H. Agendas

The Chair of a board or committee is usually tasked with preparing the agenda for a board or committee meeting. If Town personnel staff a board or committee, then for practical reasons, the setting of an agenda for a board or committee meeting is usually done in consultation with staff. Agendas for public meetings may vary slightly for a board or committee; however, agendas generally will include:

- Calling the Meeting to Order
- Approval of Minutes
- Committee Business
- New Business
- Old Business
- Adjournment

An agenda for a public meeting may include a public hearing. While part of a public meeting, the conduct of a public hearing is much different than the conduct of a public meeting. Staff can be consulted on how public hearings are conducted for specific boards or committees. Information on public hearings is in Section 5(D) of this manual.

I. Meeting Minutes

All boards and committees must keep minutes of every committee meeting. Boards and committees will often select a Committee Secretary, who is a member of the board or committee that is responsible for keeping meeting minutes.

Meeting minutes provide an official record of the actions and votes taken by a board or committee during a meeting and a summary of the important topics raised and discussed. They are not intended to be a verbatim transcript of the meeting, but must contain a summary of each subject discussed, a list of documents and other exhibits used at a meeting, and decisions made, and actions taken on each matter. Additional information on what meeting minutes should contain is provided in Appendix 3.

Prior to voting to approve the minutes, members of the board or committee will be given the opportunity to review minutes of a previous meeting. A board or committee may vote to correct minutes to ensure they accurately reflect the prior proceeding.

Minutes become the official record of a meeting only after they have been approved by the committee. However, meeting minutes are considered a public record before they are formally approved by a board or committee, and draft meeting minutes are subject to public records requests.

J. Public Records

The Massachusetts Public Records Law (MGL Chapter 66, §10) provides the public with the right to access public records. What constitutes a public record is broadly defined,

and includes all documentary materials made or received by any town official, board or committee member, or employee. There are specific exceptions for documents related to personnel and medical files, proposals and bids, and appraisals of property that are not subject to public records requests under the Public Records Law.

All minutes, informational data, photographs, recordings, maps, memoranda, and circulated materials used by a board or committee, including notes, recordings, or other materials used to prepare minutes, are part of the official record of the session and must be maintained. Town Administration or the appropriate Town personnel should be consulted if a board or committee has a question concerning the public records status of a specific document. Boards and committees should coordinate any response to a public records request with Town Administration.

Section 6 – Compensation & Reimbursement

A. Compensation

With the exceptions of the Selectmen and the Abatement Advisory Committee, all members of boards and committees serve on a volunteer basis and receive no compensation for their service.

B. Reimbursement

The Town may pay some expenses for board and committee members that are incurred while conducting board or committee business. The types of expenses for which the Town may provide payment include travel expenses and the cost of seminars that are held off-island. Any expenses the Town may pay are subject to the availability of funding and approval by the appropriate Town personnel.

Approval for reimbursement must be sought prior to any expense being incurred. Department Heads supporting the operations of a board or committee will decide if a reimbursement request will be approved. For any board or committee that is not directly supported by Town personnel, the Town Manager must approve any reimbursement request.

Reimbursements that are approved will be made consistently with the Town's reimbursement policy, which requires that a receipt is provided for all expenses for which reimbursement is being sought. Town policy also limits the level of reimbursement for certain per diem expenses such as meals. A Town Expense Report must be completed to receive reimbursement for per diem expenses. Any questions regarding reimbursement should be referred to Town Administration.

Section 7 – Relationship between Town Personnel and Boards and Committees

Article IV of the Town Charter for the Town of Nantucket outlines the responsibilities of the Town Manager, who is the chief administrative officer for the Town of Nantucket. According to the Town Charter, the Town Manager is responsible for the efficient operations of the Town and its departments. Working with Town Department Heads, the Town Manager is ultimately responsible for all personnel and administrative processes of the Town and its departments. As a result, Town personnel report to Town Department Heads and ultimately to the Town Manager. Town personnel do not report to boards or committees.

While Town personnel do not report to boards or committees, Town personnel do fulfill an important support and advisory role for boards and committees. Town personnel support boards and committees to help them carry out their charge or assignment. In some instances, Town personnel may be ex officio (who can be voting or non-voting depending on the appointment criteria) members of a board or committee, but may or may not participate in the board or committee's decision making process. Town personnel may be assigned to assist a board or committee and may provide administrative assistance to the extent possible. This assistance may include preparing staff reports and providing analysis and information to assist a board or committee in developing its recommendations or decisions on a specific matter, or to assist a board or committee in carrying out its statutory charge.

Town personnel support the work of a board or a committee as a whole, and not individual members of a committee. Any requests for information or support should be made by the board or committee during a public meeting and should clearly be within the framework of the board or committee's charge or assignment. Town personnel will determine the way to meet the request of a board or committee. Individual members of a board or committee, or a board or committee as a whole, do not direct the work of Town personnel.

Formal contacts between members of a board or committee and Town personnel should be limited to the personnel assigned to support the board or committee. Department Heads are the point of contact between a board or committee and a Town department. Individual committee members should not ask for individual reports, favors, or special consideration from Town personnel.

Information requests of a board or a committee that are made outside of a public meeting should be made through the Chair of the board or committee to the appropriate Town personnel. The request for information should be for the entire board or committee. Membership on a board or committee does not give an individual member greater access to information than the general public, and requests for information from an individual member of a board or committee are treated as a request for information from the general public.

When making information or support requests, boards and committees are asked to consider the other responsibilities of Town personnel supporting the board or committee's work. Town personnel serving as staff to boards and committees are often Department Heads, who are responsible for the operations of their respective Town departments. The priority of departmental operations may supersede the work requested by a board or committee. Department Heads will prioritize the work of a department and direct the work of departmental personnel accordingly. In prioritizing work, there often are issues a Department Head needs to consider of which a board or committee is unaware. At times these considerations may relate to confidentiality, which could affect the ability to respond to a request of a board or committee.

Town personnel assigned to staff a board or committee may also serve in an advisory capacity to a board or committee. The role Town personnel may serve is very similar to the role advisory boards and committees serve, which is in an advisory capacity to the Board of Selectmen. Staff members to boards and committees are selected by the Town Manager or Department Head on the basis of their professional and technical abilities to support the work of a board or committee.

Staff members for a board or committee are expected to provide impartial and unbiased advice to a board or committee. This includes providing guidance to boards and committees to ensure decisions are consistent with state and local laws, and Town policy. However, board and committee members should be aware that Town personnel are ultimately responsible to the Town Manager, who is accountable to the Board of Selectmen. If an instance arises where a Department Head serving as staff to a board or committee disagrees with the recommendation of a board or committee, it is the staff member's responsibility to advise the Town Manager of that disagreement. In making a final decision on a matter in which there is disagreement, the appropriate Town entity will consider the advice of the board or committee, and the advice of Town personnel.

Media Relations

Members of boards and committees may be approached by the media for comment on an issue under consideration by a board or committee, or for a comment on an event related to a board's or committee's charge. As a representative of the Town, board and committee members have an obligation to ensure information provided to the media is accurate. Consulting with the appropriate Town personnel before responding to an inquiry from the media is recommended to ensure the accuracy of information provided to the media.

While serving on a board or committee, there may be a time when an individual member of a board or committee disagrees with the decision of a board or committee. If such an instance arises, members are reminded that pursuant to Section 2(B) of this manual that it is their responsibility to uphold the decision of a board or committee. Members are not prohibited from expressing their personal opinion. However, if a personal opinion is expressed, then it should be made clear that it is a personal opinion and not the opinion of

the board or committee. This includes letters to the editor. If a member chooses to express a dissenting opinion to a board or committee decision through a letter to the editor, then the letter should be signed as a private citizen.

Pursuant to the Open Meeting Law, the media may make any audio or video recording of a public meeting, so long as no active interference with the conduct of the meeting arises as a result of the recording. Video recordings should be made from a fixed location.