

## ARTICLE 8: ESTABLISHMENT AND OPERATION OF TOWN BOARDS, COMMITTEES, AND COMMISSIONS

### Section 8.2: Operation of Town Boards, Committees, and Commissions

#### *Annotated Version*

Version 1.3/April 13, 2025

**About Version 1.3:** Version 1.2 of Section 8.2 appeared in Draft A of the charter, published in January 2025. As part of the Committee's deliberations on Draft A Articles 4, 5, and 6, a number of issues were raised as to the content to be included in Article 8. Given the number suggested issues to be included/covered in Article 8, it was decided to draft some updated Sections to Article 8, for the committee to deliberate, rather than work from versions that appear in Draft A. This version (1.3) of Section 8.2, is independent of Draft A, and serves as an interim document Post Draft A, and Pre Draft B.

Sentences highlighted in light green, have edits from Version 1.2 that appear in Draft A

1. All elected and appointed boards, committees, and commissions shall conduct their operations in compliance with open meeting laws, conflict of interest laws, and other applicable laws of the Commonwealth and laws of the town.

This sentence has been revised in the referencing of town law.

Additionally, the term "conflict of interest laws" was added to the sentence.

This could have been stated more succinctly by not mentioning "open meeting requirements," or "conflict of interest laws" (could simply say *in accordance with the general laws of the Commonwealth*). This language is more transparent, however. Do we want to reference anything else? Thoughts on which way to present this? This sentence is intended to cover notices, minutes, etc. (without going into a laundry list of items).

2. All elected and appointed boards, committees, and commissions shall keep written records of their proceedings, and shall make periodic reports not less than annually to town meeting or to the appointing authority as applicable, or otherwise as required by the laws of the Commonwealth, and laws of the town.

This sentence has been revised in the referencing of town law.

3. Elected and appointed boards, committees, and commissions may allow for members to participate remotely, in accordance with the laws of the Commonwealth and laws of the town. Members participating remotely shall have full voting rights accorded board members and shall not be deemed absent.

This sentence has been revised in the referencing of town law.

In the general laws of the Commonwealth at Title III, Chapter 30A, Section 20 states: ...d) *The attorney general may, by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided further, that a quorum of the body, including the chair, are present at the meeting location. The authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.*

**Board, Committee, or Commission Chair**

3.5 Each elected board, committee or commission shall annually elect a chair from its own number, consistent with the laws of the Commonwealth and laws of the town.

This sentence was added for clarity and completeness (given that the sentences below cover chairs of appointed bodies).

4. Unless otherwise specified in the laws of the Commonwealth, or laws of the town, the appointing authority shall be responsible for the annual appointment of a chair to appointed boards, committees, and commissions. The appointing authority may delegate this authority to an annual majority vote of the members of the board, committee, or commission.

This sentence has been revised in the referencing of town law.

Some boards created under Commonwealth general laws or special acts specify chair selection. Example: the Zoning Board of Appeals under general laws Chapter 40A § 12 states: *Each zoning board of appeals shall elect annually a chairman from its own number...*

Sentences 5 and 6 are added to address the Committee's discussion about what happens when a chair needs to recuse themselves because of a conflict of interest. Sentence 5 applies to appointed bodies. Sentence 6 applies to appointed and elected bodies.

5. Unless otherwise specified in the laws of the Commonwealth, or laws of the town, the appointing authority may annually designate a vice chair to appointed boards, committees, and commissions, who shall be responsible for the board's, committee's or commission's operation when the chair is absent or recused from specific actions.
6. When an elected or appointed board, committee or commission does not have a designated vice chair, a majority vote of the members shall either:
- Elect a vice chair who shall be responsible for the board's, committee's or commission's operation when the chair is absent or recused from specific actions; or
  - Develop other provisions for operations in instances where the chair is absent or recused from specific actions.

Question for the committee: do we want to add "Vice Chair" to the dictionary or is the term sufficiently self-evident?

**Change Log****Changes from Draft 1.2 to Draft 1.3**

1. After meeting with Town Counsel, it was suggested that more uniform and consistent terminology be used to refer to state laws and town laws. The terms suggested were:
  - *Laws of the Commonwealth*, which include the Constitution of the Commonwealth, Massachusetts General Laws, and Special Acts; and
  - *Laws of the town*, which include this charter, town by-laws, and votes of town meeting.

In this section, these edits were made to sentences: 1, 2, 3, 4

These edits make no substantive changes to the sentences. These edits will be reviewed and commented on by Town Counsel.

2. Sentence 1: Was edited to include a reference to conflict of interest laws.
  - Old Sentence: All elected and appointed boards, committees, and commissions shall conduct their operations in compliance with open meeting laws and other applicable ~~general laws of the Commonwealth and Town By-Laws~~.
  - New Sentence: All elected and appointed boards, committees, and commissions shall conduct their operations in compliance with open meeting laws, *conflict of interest laws*, and other applicable *laws of the Commonwealth and laws of the town*.
3. Sentence 3.5 was added for completeness. It describes how elected bodies choose their chair.
4. Sentences 5 and 6 were added to describe how boards, committees and commissions operate when the chair is not present or is recused from participation.