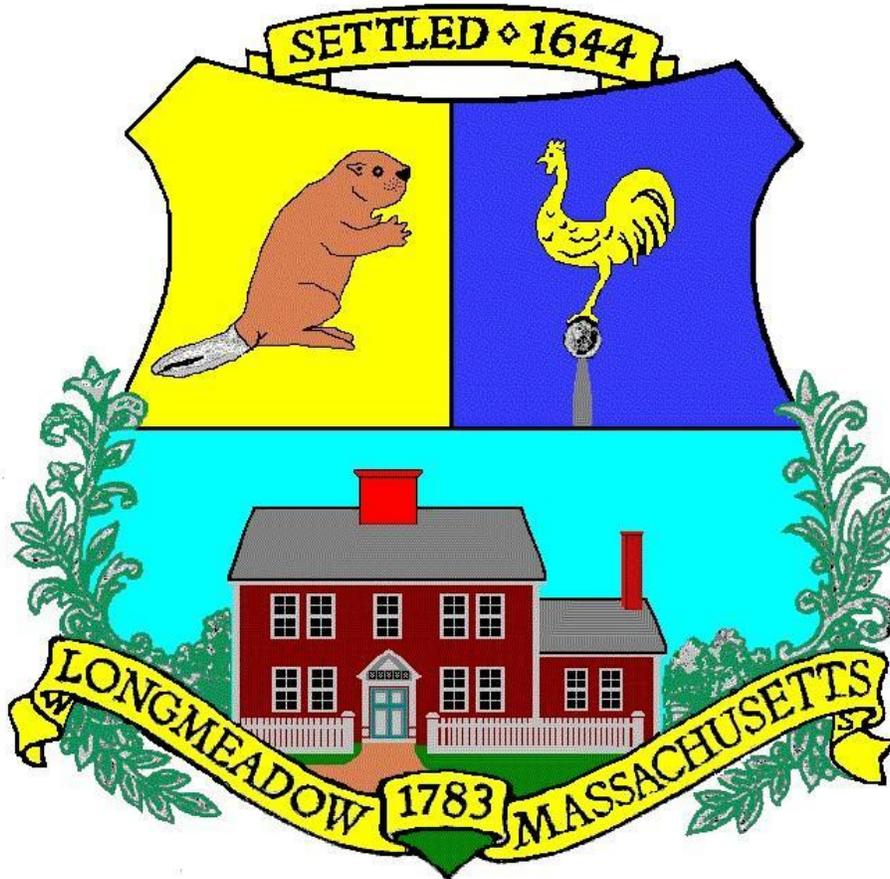


TOWN OF LONGMEADOW



SELECT BOARD RULES OF PROCEDURE

ADOPTED: April 20, 2021

SECTION 1. OFFICERS AND THEIR ROLES

- a. The Board shall elect from its own membership, a Chair, a Vice Chair and a Clerk. Such election shall take place annually at the first regular meeting following the Town Election. In the event that the outgoing Chair is not present at that meeting or is no longer a Board member, the Vice Chair shall open the meeting and the first order of business shall be to ask for nominations to the elected positions and a vote of the membership. Subsequently, the newly elected Chair shall be the presiding officer for the remainder of the meeting
- b. The Chair: The Chair of the Select Board shall have the following responsibilities:
 - (1). The Chair shall develop the agenda for the meeting in conjunction with the Town Manager and the Select Board administrative aide.
 - (2). The chair shall be the presiding officer of Select Board meetings. As the presiding officer, the chair is responsible for conducting the meeting in accordance with the rules as established and agreed upon by the Board, as well as to decide all points of procedure.
- c. The Vice Chair shall be the presiding officer of a Select Board meeting in the absence of the Chair. If a vacancy shall occur in the position of Chair, the Vice-Chair will become the Chair until the next scheduled Town Election at which time a new Chair shall be elected in accordance with Section.
- d. Clerk: The Clerk is responsible for signing documents on behalf of the Board as required by law as well as for providing for capturing the record of all meetings of the Select Board where alternative arrangements are not made for taking minutes.

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-openmeeting-law-guide.html>
- b. **Regular Meetings.** The Select Board shall meet on the first and third Monday evenings of each month and at such other times as the Board may decide. If the first or third Monday of a month falls on a holiday, the Board shall meet on the following evening. Unless it is an executive session, every meeting of the Select Board shall be open to the public.
- c. **Special Meetings.** Special meetings of the Board may be called by the Chair; however, the required statutory forty-eight hours' public notice of such a meeting may not be waived. A special meeting of the Select Board shall be called as the result of a petition signed by a majority of Select Board members. The petition must state the topic to be covered at the meeting.
- d. **Emergency Meetings.**

LONGMEADOW SELECT BOARD RULES OF PROCEDURE

- (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 regular Board meetings shall normally be scheduled to commence promptly at 7:00 P.M. (or other time as mutually agreed upon by the members of the Select Board). Meeting agendas shall be structured to target the meeting for 11:00 P.M. adjournment. In the event, however, official business remains to be transacted at this 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 a half hour shall notify the Chair in advance of the scheduled meeting.

g. **Meeting Packet: Meeting Agenda and Documents**

- (1) The Meeting Packet will include:
 - a. Agenda 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 agenda 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.

LONGMEADOW SELECT BOARD RULES OF PROCEDURE

- 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, shall be filed with the Town Clerk at least forty-eight 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.
 - (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) A select Board member may ask that an item be added to the agenda for discussion (and not for vote) by making such a request during Select Board comments at the beginning of the meeting. The item shall be added to the agenda if agreed to by vote of a majority of the Select Board.

SECTION 3. AGENDA FOR REGULAR MEETING

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

- 1. Announcements
- 2. Resident Comments
- 3. Interviews/Appointments
- 4. Select Board Comments
- 5. Town Manager's Report
- 6. Public Hearings – 7:30 pm
- 7. Presentations/Guest Speakers
- 8. Old Business
- 9. New Business
- 10. Minutes
- 11. Correspondence
- 12. Adjourn

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.

- b. Agenda Items submitted from a Member - Items for placement on the Agenda from a Board Member should be in writing to the Chair, stating the subject matter, and a concise

LONGMEADOW SELECT BOARD RULES OF PROCEDURE

statement as to the essence of the subject matter. Items requested by a member of the Select Board shall be included in the agenda of one of the next two meetings to the extent time allows.

- c. Agenda items must be received by the Chair no later than Wednesday before the Monday meeting, unless otherwise declared by the Chair.
- d. Requested by a Select Board member at a Public Meeting to be placed on the subsequent meeting agenda.
- e. Agenda items shall be set forth with estimated times for each item, allowing Board members and the public guidance in preparing for meetings.
- f. Items listed as New Business are matters that have not been in front of the Select Board during the current term.
- g. Items listed as Old Business are items that the Select Board has discussed during the current term.
- h. Written communications that are signed (or attributed to a sender) that is directed to all members of the Select Board shall be included in the "Correspondence" section of the meeting packet. The Chair and Town Manager may also include in this distribution other communications deemed to be important to or addressed to town residents.
- i. For some items to be placed on the agenda, the Select Board Chair may want to consult the Town's Legal Counsel to safeguard the Board from voting on a motion that is not concordant with the Boards usual practices/mission.

SECTION 4. PROCEDURES DURING MEETING

- a. Proceedings during meetings shall be governed by a modified version of Roberts Rules of Order as modified by these procedures.
- b. When deemed necessary and appropriate, the Chair may offer a motion, or second a motion.
- c. Other than during Resident Comments, 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

LONGMEADOW SELECT BOARD RULES OF PROCEDURE

- e. Limit Resident Comments to a total of sixty (60) minutes. Each resident is limited to three (3) minutes speaking time.
- f. Select Board Members are generally free to make comments in any order and are under no obligation to make a comment. Should the Chair choose to assign an order to the comments given, then each meeting, until the end of their term as chair, an order must be used, and the order of members making comments must rotate from meeting to meeting. Each Select Board Member is limited to five (5) minutes of speaking time.
- g. Any matter before the Board for the first time will not be voted on the same night it is first discussed. A vote would take place at the next regular meeting. Section 4 (g) can be waived upon majority vote under Section 7. The exception to this required one-meeting delay is votes that fulfill statutory obligations (e.g. setting fees, tax rates, issuing bonds, approving permits) or renew prior authorizations (e.g. trash amnesty week) where supporting information has been provided in the board packet. Such votes may be taken in the meeting at which they are first presented as long as supporting information was provided in the board packet.
- h.
- i. The Select Board by majority vote, may table the scheduled vote on an agenda item if supporting materials for that agenda item were not included in the original distribution of the Meeting Packet.
- j. Votes of the Select Board
 - (1): Except as listed in paragraph

(2) of this section, a vote of the Select Board shall be adopted if it receives an affirmative vote by a majority of members present and voting.

- (3): Select Board members shall vote ‘Yes’, ‘No’ or ‘Abstain’ on each item considered for adoption.
 - (a) A vote of “Yes” favors the adoption of the motion.
 - (b) A vote of “No” opposes the adoption of the motion.
 - (c) An “abstention” is a non-vote and although it counts toward the number of members present, it does not count toward the number of members voting. It does not count toward the support or opposition of the motion.
 - (d) A vote of “abstain” has the effect of the vote not being cast and does not count in the total of members present and voting. A vote of “abstain” must be made when a member has a conflict of interest. *[Note, State ethics rules require a member with a conflict of interest to recuse her/himself, an action which requires the member to leave the room.]*

[References for the Select Board’s discussion:

As stated in Robert’s Rules of Order (11th ed., p 45.), a vote to “abstain” has the effect of the vote not being cast, (abstain from voting) and although it includes the member in the number of members present, it does not include the member in the count of the total of members voting.

<https://www.lawoforderblog.com/2018/03/4-things-most-people-get-wrong-about-abstentions/>

<http://mrsc.org/Home/Stay-Informed/MRSC-Insight/April-2013/How-Are-Abstentions-HandledWhen-Counting-Votes.aspx>

(3) As required by the Longmeadow Town Charter, an affirmative vote of four of the five Select Board members is required to finalize a job offer to a candidate to fill the position of Town Manager.

(4): With the agreement of a majority of the members of the Select Board, the chair may implement an alternative method for approving the appointments of individuals to boards or committees.

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) The Chair will ask proponents and opponents to identify themselves at 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.
- (5) The Chair shall open the Public Hearing as close to the stated time as possible but no sooner.

Hearing Format

PRESENTATION: Proponent

- (1) Questions ON THE PRESENTATION: Select Board
- (2) Report and/or Recommendation from Staff
- (3) 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.
- (4) Rebuttal or Answers to questions raised: Proponents and Opponents.
- (5) Closed to Public Comment.
- (6) Select Board Discussion and Staff Recommendations.
At this point no new documents or research materials may be presented by a member of the Select Board or Town Staff without opening up another speaking opportunity for both the proponents and the opponents to comment on the materials submitted. When both sides have had equal time to comment on the new information the process will resume. At this point, no new documents or research materials may be presented by a member of the Select Board or Town Staff for consideration [because the hearing cannot be reopened].
- (7) Vote.

SECTION 6. MINUTES OF MEETINGS

- a. The proceedings of all Board meetings shall be recorded by audio/video recording devices. Videotape recordings may not be used as a permanent record of meetings. Written minutes must be prepared as outlined in Section 6b.
- c. 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, names of residents speaking during, names of proponents and opponents speaking during a public hearing, ***a summary of the discussions on each topic; a list of documents and other exhibits used at the meeting.***¹ 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.
- d. 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.
- e. In compliance with meeting records laws of the Commonwealth, a written record (minutes) of a Select Board meeting becomes part of the public domain and is available for review as soon as it is prepared, even if it is not yet verified and accepted by the Select Board. Therefore, minutes shall be designated as "DRAFT – NOT VERIFIED" as written until they are approved by the Select Board.

- f. Minutes of Executive Sessions shall remain in the permanent possession of the Secretary to the Board. In compliance with meeting records laws of the Commonwealth, the Chair of the Select board shall annually review all past executive session meeting minutes and shall, with consultation of Town Counsel and approval of a majority of the Select Board, cause to be released to the public record all executive session minutes for which it has been agreed that there is no longer a reason to keep shielded from the public. Other executive session meeting minutes shall not be released unless authorized by a supermajority 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

- a. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting.
- b. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow time for the submission of new or additional information.
- c. Reconsideration shall not be used in a dilatory manner as defined in Robert's Rules of Order. No motion shall be twice reconsidered.
- d. A supermajority vote of the board (4 of 5 members) is required to accept a reconsideration motion. [*This would also require that a full board be present*].
- e. A majority of the board must agree to renew and revote on any motion that had been defeated within the previous year.

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 April 20, 2021

SECTION 12. DISTRIBUTION

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