

## Town of Sudbury



# Finance Committee Rules and Operating Procedures

### Nature of Committee

- This is a standing committee to advise the Selectmen and Town Meeting on financial issues (see Bylaw Section 4 of Article IV)
- Purpose limited to the tasks, responsibilities and functions as outlined in the Bylaw and not to be expanded by the committee
- Members have no individual power or authority – only the committee has the authority as outlined in the Bylaw
- You are appointed by the Town Moderator at the Town Meeting or by the Finance Committee if there is a resignation between Town Meetings.
- If you resign, send notice in writing to Town Moderator, with a copy to the Town Clerk, [Townclerk@town.sudbury.ma.us](mailto:Townclerk@town.sudbury.ma.us).
- You are on the Finance Committee until your resignation is accepted by the Town Moderator
- Committee members serve 3-year terms unless appointed to fill a mid-term vacancy (see Bylaw Section 2 of Article IV)

### Swearing in

- **Conflict of Interest Laws.** You have been provided with reference materials about the Massachusetts Open Meeting and ethics laws.
  - o Gifts
  - o Participation in matters in which you have an interest
  - o Impaired judgment
  - o Obtaining any personal gain
  - o Acting as an agent for another
  - o More information [www.state.ma.us/ethics](http://www.state.ma.us/ethics).
  - o M.G.L c. 268A section 20

### Open Meeting Law

- M.G.L. c. 39, section 23A-C
- Designed to ensure governmental activities are conducted in the public
- Doesn't cover chance meetings or social situations
- Allows public and press right to attend, but not necessarily participate in, meetings
- Requires posting of meetings, and taking of minutes
- **Does not allow private meetings, INCLUDING TELEPHONE OR ELECTRONIC MAIL CONVERSATIONS.**
- Meetings may be taped or videotaped as long as the person taping notifies the chair, makes it public that taping is occurring and places the taping equipment where the chair of the committee allows it to be placed, so that it does not interfere with the running of the meeting. Secret taping is illegal.

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### **Discrimination**

- Recognize that everyone has feelings, but we must not let them interfere with our judgment and actions as Town officials
- No harassment of fellow committee members, members of the public, staff, etc.
- ADA requires reasonable accommodations. Be sure to meet in an ADA open building and setting
- Indemnification. Indemnified for acts as public officials except for intentional violations of civil rights.

### **Legal Reminders**

- Only Town Manager may negotiate or sign contracts for the Town, (except for the Board of Health for matters under their jurisdiction and either of the two School Committees for matters under their jurisdiction).
- Only Town Manager may approve requesting services from Town Counsel

### **Organization**

- FY2011 Chair is Jim Rao. The committee has also appointed member Joan Carlton as Vice-Chair.
- Current Clerk is Town employee, Robin Porcella.
- Information about the committee needs to be placed on the Town's web site.
- Chair's responsibilities include planning the agenda; calling and running meetings; overseeing the committee's operations, budget hearings and related meetings; handling press inquiries or otherwise serving as spokesperson for the committee.
- Clerk's responsibilities include taking minutes, posting of the notice in compliance with law, distributing draft minutes for review, posting final voted minutes electronically to the Town's web site.

### **Funding and Resources**

- Assistance from Town staff is available on a limited basis. FinCom Chair should request assistance from Andrea Terkelsen, Sudbury Finance Director.
- The committee maintains a small operating budget for administrative expense. Any additional financial needs should be discussed with Town Manager.
- Requests to use Town Counsel MUST go through Town Manager

### **Logistics**

- Meetings must be in a public, handicapped accessible location
- Must have a quorum to discuss business or take action
- Public notice of meetings is required. Must be posted with the Town Clerk's office 48 hours in advance of the meeting (excluding Saturdays, Sundays or holidays). For example, Monday night meetings must be posted before Thursday night.

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- Email notification to Town Clerk is acceptable. Multiple meetings on one notice are acceptable. Distribution of public notices, including on the Town's website is handled by Committee's Clerk.
- Notice of meetings should be given to each member of the committee (including ex-officio members). Can be electronic, unless member requests notice by mail.
- Cancellation of meetings. Notify the Town Clerk and Town Manager's office, all members of the committee, and whoever oversees the meeting room. If time allows, the committee's Clerk will also post cancellation of meeting on Town's web site.
- Frequency of meetings is up to the committee
- Location of meetings is up to the committee. Keys are available if the building is typically locked after business hours.
  - o Town Hall or Flynn Building, call Patty Golden, Town Manager's office, 978-639-3381
  - o DPW Building 978-443-2209, ext. 1361, Kathy Plante in the Building Department.
  - o Senior Center-Fairbanks Building, call Kris Kiesel, 978-639-3266

### Meetings

- Should only discuss the public business that is the business of this committee
- Follow the agenda
- Typically:
  - o Approve minutes from prior meeting(s)
  - o Old business
  - o New business
  - o Public comment
  - o Adjournment
- Chair runs meeting and designates Rules of Order

### Public Comment

- Official business meetings of the Sudbury Finance Committee ("FinCom") are conducted under a prepared and limited agenda. A portion of these meetings, typically the last ten (10) minutes, are usually reserved for Public Comment.
- Following is the policy of the Sudbury Finance Committee with respect to public participation:
  - o *The Finance Committee desires community members of Sudbury to attend its meeting so that they may become better acquainted with the financial matters of the town. In addition, the Committee would like the opportunity to hear from the public.*
  - o *The length of a public participation segment shall be determined by the Chair. All remarks shall be addressed through the Chair. Speakers will be allowed three minutes to present their material. The Chair may permit extension of this time limit. Improper conduct and remarks will not be tolerated. Defamatory or abusive remarks are always out of order.*

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- In response to public input, community members may also be recognized by the Chair in the course of the Committee's discussions of specific agenda items. It will be the responsibility of the Chair to limit, if necessary, the number of speakers and the duration of the comment period.
- During both the Public Comment segment and during subsequent topic-related comment periods, the Chair will follow these procedures:
  - o speakers identify themselves;
  - o remarks must be limited to no more than three (3) minutes;
  - o community members may present written or oral statements; the Committee would appreciate receiving copies of any written statements prior to the start of the meeting;
  - o if many community members desire to speak on the same subject, they will be asked to limit their remarks and not repeat similar remarks already made so that other topics can be heard;
  - o other than to obtain answers to questions of a routine nature, community members should not expect an immediate reply from the Committee since this is a time for community members to be heard and not for decisions to be made; if the Committee desires to discuss the community member's matter of interest further, it may place the matter on the agenda of a future meeting.

### **Public Hearings**

- The Committee shall hold such hearings as may in their judgment be required (see attached Bylaw).
- Public hearings can be within a meeting or as a separate event
- Posted in newspaper; 1<sup>st</sup> class mail notice to abutters. Talk to Clerk Robin Porcella if you believe you want to make these notices.
- Public hearings REQUIRE that the public be allowed to speak and that all who want to speak must be allowed to do so
- Chair must maintain order; all questions are run through Chair
- Chair can limit time of each speaker
- If there are disruptions – call a recess
- Call police only if fear for public safety. If not sure, consult the Town Manager or the Chair of the Board of Selectmen

### **Minutes**

- Required by Open Meeting Law to be available
- Time, date, place must be recorded
- Members present or absent must be recorded
- Action taken at meeting, which includes deliberation even if no vote taken
- Verbatim is not required
- Minutes are open from the moment they are made by whatever means
- Must be made available to the public in a reasonable time and place
- May be posted on the Town's web site, kept by the clerk of the committee, and a copy can be kept at Town Manager's office

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### Executive Sessions

- Sessions must be called to order and subsequently called to a close, when done.
- See attached guidelines for use of Executive Session.

### Recommendations for Communications

- Only the Chair should speak for the committee to the media, and then only present what the rest of the committee has approved or is consistent with committee position. Committee work is not the place for advancing individual agendas, but an opportunity to work together toward a mission. *Note: This is not a gag order on committee members, but a suggestion for respecting the other committee members and the work of the committee.*
- The Town's web site, [www.town.sudbury.ma.us](http://www.town.sudbury.ma.us), is a good vehicle for posting information. Can use for postings of notices of meetings, agendas, approved (not draft) minutes, reports and "white papers". It is not a platform for individual views. Typically the committee votes on what it wants to add to the web site.
- Special advice on email. Rely on it for sending of materials, and for administrative information only. The Secretary of State has determined that, with few exceptions, all e-mail created or received by a government member is a public record. This includes e-mail sent or received from your home or business computer if it involves public business. Such e-mail must be preserved as a public record. The Town has created many email distribution lists. Use them, instead of your own address book. This will copy appropriate staff and others on all email communications, and create archived versions of all correspondence. If there are any questions later, the Town will allow examination of our e-mail records, so you don't have to. PLEASE do not engage in any e-mail message that would be seen as helping the committee deliberate or form conclusions – that is a violation of the open meeting law. Please advise us of any changes in your email address.

### **Town Manager's expectations for conduct of members of Sudbury boards and committees. Experience has shown that following the suggestions below help a committee function in a respectful and positive manner.**

- Adopt a Committee Code of Conduct. The Board of Selectmen has developed a Code that can be adopted for each committee. The Code of Conduct for the Finance Committee is attached
- Pay attention to committee relationships:
  - o When you are talking with members of the community about the work of your committee, learn to listen without making promises or implying action will be taken by committee
  - o Don't announce your opinion on a matter that will come before your committee for information and deliberation

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- Such an action sends a message to other committee members on how they should also act
- Such an actions tells the parties that come before you that they have to convince you to change your mind when you should be keeping an open mind
- Such an action can discourage someone from providing you with information – after all, you have already taken a position they may reason, its too late to give you information
- Advocate at the meeting until a vote is taken, then support the majority view
- If you have a minority view and want to continue to publicly state it, be sure to identify that it is the minority view, describe the majority view and its rationale and why you disagree.
- Present no public criticism of the overall committee or individual committee members that you don't agree with.
- Don't make inferences about someone's intentions or reasons, just about their actions.
- Honor the past. Try to gain a sense of where the Town and the committee have been and what it has tried to do before you begin actively advocating a different path.

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### Code of Conduct for Sudbury Finance Committee

**A member of the Finance Committee is expected to comply with the following code of conduct.**

1. Realize that his or her function is to follow the bylaw which created the committee.
2. Realize that he or she is one of a team and should abide by all decisions of the Committee once they are made.
3. Be well informed concerning the duties and responsibilities of the Committee.
4. Remember that he or she represents the entire community at all times.
5. Accept the role of a committee member as a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
6. Abide by the ethics guidelines established by the State.
7. Abide by all policies established by the email communications policy established by Board of Selectmen.
8. Request assistance from Town staff only through the staff person assigned to the committee.
9. Not make statements or promises of how he or she will vote on matters that will come before the Committee until he or she has had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
10. Make decisions only after all facts on a question have been presented and discussed.
11. Refrain from communicating the position of the committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the position.
12. Treat with respect all members of the Committee despite differences of opinion.
13. Never publicly criticize an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
14. Insure that any materials or information provided to a committee member from Town staff should be made available to all committee members.
15. If circumstances change so that meeting attendance on a regular basis becomes difficult, the committee member will offer his or her resignation to the Moderator, so that someone who can regularly attend meetings can be selected.

Adopted by the Finance Committee September 17, 2007.

*Please note: This code of conduct was originally developed based on similar codes used by other elected boards and committees in other communities.*

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### **Email Communications Policy for all**

#### **Members of all Committees of the Town of Sudbury**

Email is an expedient and easy means of communication, but must be used carefully, both to avoid conflicts with the Open Meeting Law and the Public Records Law and to insure that the public and members of committees can rely on the fact that deliberative discussions will always be held at public meetings. Email communications deprive the public of the chance contemporaneously to monitor a Committee's discussion. Therefore, the Board of Selectmen has established the following policy, which is meant to augment and emphasize the importance of the laws of the Commonwealth of Massachusetts.

#### **GENERAL POLICY**

- All Email use by the any member of any committee, board or commission of the Town of Sudbury will comply with the requirements of the Open Meeting Law. A copy of this statute is given to all committee members by the Town Clerk when they take the oath of office.
- Email communications by, between, or among Committee members will not address substantive policy issues, decisions, or deliberations. Email may not be used to discuss policy issues on an item coming before the Committee for discussion, to make decisions, or carry on deliberations.
- Email communication by, between or among Committee members may only be used to schedule meetings, send informative messages, request information or similar administrative type communications.
- The Town will establish a committee group email address for receipt and sending of all Committee related email. All committee members must use this email address for email related to the Committee and may not create their own email list for Committee related correspondence. The Town will be responsible for retaining copies of these emails in accordance with the Public Records Law (see below). The Town cannot be responsible for retaining or producing any Committee email which is sent using other than the group email address, and members of Committees should be prepared to allow access to their own personal computers if they choose to bypass the Town committee group email address for email correspondence.

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- The Town Manager (or her designee) and one member of the Board of Selectmen will be included on the Town created email distribution list for all committees created or appointed to by the Board of Selectmen, and they will monitor email correspondence to insure this policy is followed. Committee members who violate any part of this policy will be cautioned on the first violation if unintentional and may be asked by the Board of Selectmen to leave the committee if there are repeated violations.

### **PUBLIC RECORDS APPLICABILITY**

The term “public records” is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees (not received as a “cc”) at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. ***Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.***

Adopted by the Board of Selectmen July 11, 2006

*Please note: Sections of the material in this policy were adopted from guidelines established by the Middlesex District Attorney's Office for committees' use of electronic mail*