



# **TOWN OF STERLING**

## **SELECT BOARD POLICIES**

**Adopted 2/16/2022**

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## **1. Intent and Purpose**

This document outlines policies and procedures for the operations, meetings, and municipal work conducted by the Sterling Select Board.

The Select Board recognizes the importance of:

- Defining traditional and accepted working relationships among board members and between the other committees and boards, officials, employees, and citizens.
- Establishing a consistent and systematic methodology for dealing with operating processes and procedures.
- Providing local interpretation and application of General Laws, Bylaws, and other constituting documents.

Setting expectations of those who come before the Select Board to conduct business.

## **2. Nature of Policies and Procedures**

Select Board policies and procedures shall address topics that cannot be dealt with elsewhere. Its content should be considered supplemental and subordinate to language embodied in state statute and Town By-law. Subjects that are more appropriately addressed in statute, bylaw or regulation shall not be included in this format, except in reference. The individual policies and procedures embodied herein are severable. If any of them are held to be unconstitutional or invalid, the remaining policies and procedures shall not be affected thereby. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Select Board. Unless otherwise noted, the term "Board" shall refer to the Sterling Select Board. The term "MGL" shall refer to the Massachusetts General Laws.

## **3. Procedure for Establishing Policies and Procedures**

A policy may be initiated by a member of the Select Board or the Town Administrator by requesting a discussion of the proposed policy on the agenda of a regular meeting of the Board. All policies, new or revised, must be approved by a majority vote of the Board. The individual initiating new or revised policy shall provide the Board with a written draft of the proposed policy at least 14 days in advance of the meeting for which it will be discussed or voted upon.

The Board may schedule public hearings or meetings, distribute copies of policies to officials for comment, and/or directly notify those who may be affected by the policy, i.e., town boards, committees, employees, or the public.

Any new or revised policy adopted by the Board shall take effect immediately after a majority vote of the Board and shall be carried out until it is rescinded or amended. The Select Board Office shall be responsible for the maintenance of all policies and procedures, incorporating new and amended policies, and ensuring copies of the Board's policies and procedures are distributed to newly elected

Board members. Policies shall be available to the public via the town web site or through the Select Board Office.

#### **4. Role of the Select Board**

The Select Board is an elected board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, and the bylaws of the Town of Sterling.

As a collective decision-making body, except under extraordinary circumstances, no individual member of the Board shall act independently unless expressly authorized by the Board.

The Board serves as the Executive body of the Town and is responsible for setting overall policies and town-wide goals, granting licenses and permits, and signing warrants, payroll, and contracts. The Board works closely with and oversees the performance of the Town Administrator.

The Board refrains from involvement in day-to-day operations. The Board is responsible for upholding and following all MGL, town policies, bylaws, and contracts. All concerns or questions regarding operations and suggestions for improvements will be directed to the Town Administrator. A Board member wishing an in-depth inquiry into a department's policies, procedures, or operations must inform the Town Administrator and make such a request during a regular Board meeting in open session and receive approval by the Board, by consensus or Board vote, before proceeding.

#### **5. Role of the Town Administrator:**

The Select Board appoints a Town Administrator who functions as the Town's Chief Operating Officer. As outlined in the [Town Administrator Contract](#), the primary duties of the Town Administrator is to oversee and supervise the day-to-day operations and activities of the Town's departments and staff.

- The Town administrator oversees the general financial management of the Town, including the coordination of the annual budget process, preparation of the Annual Town Meeting warrant, and monitoring budgets of all departments.
- The Town Administrator serves as the Chief Human Resources Officer of the Town and is responsible for administering all personnel policies including recruitment, compensation, position classification, employee training, employee benefits and employee/labor relations.
- The Town Administrator maintains a close working relationship with the Select Board, works with the Board in the formulation of policies and procedures, and regularly briefs the Board on all issues requiring their attention. If required, The Town Administrator will call upon the Select Board to settle disputes.
- The Town Administrator is responsible for inter-board communications in day to- day operations of government. The Town Administrator shall develop a process for the exchange of information and the provision of advice and recommendations among the boards, committees, and commissions with common interest.

- The Town Administrator, with input from the Select Board Chair, prepares meeting agendas and (as necessary) conducts research on agenda topics, briefs board members on issues, and informs concerned parties of Board actions.
- The Town Administrator approves all requests made to town employees by board members or members of the public that requires more than 15 minutes to respond or complete. If necessary, the Town Administrator will refer requests to the Select Board Chair for placement on the next agenda for discussion and possible approval.

## 6. Duties, Responsibilities, and Obligations of the Select Board

- a) A member of the Select Board, in relation to his or her community should:
  - Recognize the Select Board’s function is to execute the mandated responsibilities of the Board and delegating the administration of such responsibilities to the Town Administrator.
  - Recognize that all members of the board have one vote and majority rules. Abide by board decisions once they are made.
  - Be informed on the duties of a board on both local and state levels and seek advisement as needed.
  - Always represent the entire Sterling community.
  - Accept the Select Board position as a means of unselfish service, not benefit personally, professionally, or politically from his/her board activities.
  - In all appointments, avoid political patronage by judging candidates only on merit, experience, and qualifications.
  - Abide by the ethics established by the State, including MGL Chapter 268A. Do not use your position on the board to obtain inside information on matters which may benefit someone personally.
  - Interact and communicate respectfully with all members of the public.
  
- b) A member of the Select Board, in his or her relations with administrative officers and employees of the Town, should:
  - Endeavor to establish sound, clearly defined policies that direct and support all departments for the benefit of the Sterling community.
  - Recognize and support the administrative chain of command and refuse to act upon complaints as an individual outside the board.
  - Support and uphold defined policies, bylaws, and contracts pertaining to the administration of the town.
  - Give the Town Administrator appropriate authority for discharging his or her duties, decisions, and solutions.
  
- c) A member of the Select Board, in her or her relations with fellow board members, should:
  - Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.

- Never make statements or promises of how s/he will vote upon matters that will come before the board until s/he has had an opportunity to hear the pros and cons of the issue in a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.
- Respect the rights of all members of the Board and the public despite differences of opinion.
- Interact and communicate respectfully with all members of the Board.

## 7. Organization of the Board and Election of Officers

The Select Board shall consist of three duly elected officers who shall serve three-year terms. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk.

Officers of the Board (Chair, Vice Chair, and Clerk) shall be elected annually at a meeting of the Board to be scheduled for the first regular meeting following the Annual Town Election. A majority vote shall constitute an election of a reorganization. The Clerk of the Select Board shall preside as Chair pro-tem until the Chair is elected. The Board may, at any time, by majority vote, reorganize the Board.

If a vacancy or vacancies occur, the remaining members or member may call for a special election pursuant to [MGL Chapter 41, sec.10](#). The term vacancy includes failure to elect, removal or resignation of members.

## 8. Responsibilities of the Chair, Vice-Chair, and Clerk

### a) The Chair of the Board shall:

- Preside at all meetings of the Select Board and maintain meeting decorum using Robert's Rules of Order to lead all meetings.
- Call regular, emergency and Executive Session meetings of the Select Board, as needed.
- Coordinated and collaborate with the Town Administrator in preparing meeting agendas before agendas are posted.
- Sign official documents as required.
- Serve as the Board spokesperson at Town Meeting and present the Board's position unless otherwise determined by the Board or delegated by the Chairman
- Represent the Board as spokesperson as determined or delegated by the Board as a whole.

### a) The Select Board Vice Chair shall:

- Be responsible for stepping in to assume the duties of the Chair as may be necessary.
- Should the Chair leave office, the Vice Chair shall assume the duties of Chair until the Board elects a new Chair.
- Sign official documents as required.
- Represent the Board as spokesperson as determined or delegated by the Board as a whole.

b) The Select Board Clerk shall:

- Be responsible for stepping in to assume the duties of the Vice Chair or Chair as may be necessary.
- Sign official documents as required.
- Represent the Board as spokesperson as determined or delegated by the Board as a whole.

## 9. Meetings of the Board

a) Meeting Schedule

The Select Board generally meets on alternate Wednesdays at 6:30 PM. Posting of the meeting and agenda is followed in accordance with the MA GL 940 CMR 29.00 - Open Meeting Law.

b) Meeting Procedures

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification of definition.

A quorum shall consist of two members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes will be identified by name. The Town Administrator is expected to be in attendance at all meetings of the Board and will keep the Board informed and advised and make recommendations in all matters that fall within the jurisdiction of his/her office. The Town Administrator shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

c) Executive Sessions

Only topics allowed under the Open Meeting Law shall be included in Executive Session. The Select Board will convene in Executive Session when the Chair motions and specifies the reason the session sought. A majority of the Board members present must vote in favor of Executive Session by roll call vote. The Chair must state whether or not the Board will reconvene into open session.

d) Agenda Procedures

The responsibility for coordinating and planning the agenda is that of the Town Administrator. Each of the Board members and the Town Administrator may recommend items for the agenda, with the final agenda approved by the Chair. The Town Administrator, in consultation with the Chair, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

- All requests for agenda items must be submitted to the Select Board Office by Thursday, 12:00 PM, prior to the Wednesday meeting.

- Items added to the agenda after this time will be at the discretion of the Chair, and only for urgent matters or matters of very routine consideration.
- Those submitting materials for a Select Board meeting must deliver collateral to the Select Board's Office by Thursday morning at 9 AM prior to the Wednesday meeting.
- Select Board Packets are to be delivered to Select Board Members no later than Thursday, 12:00 PM prior to the Wednesday meeting.

e) Meeting Minutes

- The Select Board's Office shall ensure meeting minutes are drafted and included in the Select Board packet.
- Minutes shall contain a statement of all actions taken by the Board and the disposition of all proposals/motions for action.
- Approved minutes shall be posted on the Town web site within 48 hours.
- Minutes of Board meetings held in Executive Session shall be kept separately in accordance with law. Minutes (other than those of meetings in Executive Session which the Board has not voted to release) shall be open for public inspection.
- The Town Administrator shall periodically review and present for a Board vote the Executive Session meeting minutes which may be released to the public. The Board shall release minutes of Executive Session at the earliest opportunity without compromising the nature of the matter discussed therein.

f) Public Hearings

Hearings before the Board shall be conducted in accordance with the following procedures (though modifications may be necessary to comply with statutory requirements applicable to particular matters):

- Hearings will be held in open session unless otherwise voted by the Board in compliance with Open Meeting Law.
- The Select Board's Office will ensure that the hearing is advertised, and notice given to interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements.
- At the time advertised for the hearing, the Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. All questions shall be addressed to the Chair. At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

## 10. Public Session/Citizen Comment Session

- The Select Board meeting includes a Citizen Comment Session, also known as Public Session, or Public Forum.
- The Citizen Comment Session will be listed at a specific time on the agenda.
- Speakers shall directly address the Chair who shall acknowledge the speaker but make no comment on the subject raised.
- Each speaker will be limited to one inquiry of 2 minutes, or as per the chair.



- In accordance with the Open Meeting Law, no discussion or deliberation on the issue may take place and no action may be taken by the Board, other than to place the matter on a future agenda.

## 11. Relations with Citizens

The Select Board recognizes that it represents and is accountable to the citizens of the town, taxpayers, and other related business associates. Therefore, the board is committed to making every effort to strengthen its communication with the community. The Board will take the following measures to increase citizen participation, encourage input into government decisions, and keep citizens informed of actions contemplated or taken by the Board:

- The public is welcomed to attend and observe all Select Board meetings, except when the Board meets in executive session. All meetings are posted and advertised on the town website and in accordance with Open Meeting Laws.
- All citizens shall be treated with respect, courtesy, and fairness.
- Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Select Board's Office of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
- If the Board is considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chair or upon request of the majority of the Board.
- An individual citizen or group of citizens may request an appointment before the Board by contacting the Select Board Office or a member of the Select Board, precisely stating the reason for the appearance and the action desired. Every effort will be made to get the requesting party or parties agenda time as soon as possible. Background data shall be prepared by requester(s) and submitted one week prior to the meeting date. This will allow board members and others involved to have ample time to understand the subject matter. Citizens must have all written materials
- Any person in attendance of a Select Board meeting may record the meeting by any means of reproduction, provided that there is no interference with the conduct of the meeting and that those present are informed that the meeting is being recorded. Attendees should be aware that most meetings are recorded and streamed live in their entirety.
- The Select Board may set aside time on its agenda for a Public Session (Citizen Comment Session) once per month, or as agreed, time permitting. The Board will schedule at a specific time on its agenda. Individuals may be recognized to speak only at the request of the Select Board Chair or a majority of the board. Public wishing to speak must follow the rules and directions of the Chair so as not to interrupt the business on the scheduled agenda. Each speaker will be limited to one inquiry of 2 minutes, or as per the chair. Speakers shall directly address the Chair who shall acknowledge the speaker but make no comment on the subject raised. In accordance with the

Open Meeting Law, no discussion or deliberation on the issue may take place and no action may be taken by the Board, other than to place the matter on a future agenda.

## 12. Select Board Liaisons

Select Board liaison positions will be assigned annually as liaisons to Departments, appointed Committees, Boards or Commissions, as required.

The liaison role is one of communication and guidance, rather than management and oversight. The Select Board Liaison is not a member of the committee, board, or commission that s/he is assigned nor has special privileges or voting rights.

Liaison Responsibilities:

- The Select Board Liaison will not be expected to attend meetings on a regular basis. However, the Select Board Liaison should make a point to attend or contact members of the committee, when significant issues arise, which may require Select Board assistance. The liaison is responsible for providing the full Board with substantive information about initiatives, activities, problems, upcoming events, budgets, and warrant articles.
- The Select Board Liaison is encouraged serve in the following way:
  - Serve as a resource and to provide assistance/support as needed.
  - Serve as a point of contact for the Select board.
- The Select Board Liaison will establish a working relationship with the Chair and members of each assigned committee and be available for consultation, upon request.

A Board liaison cannot commit the Select Board to a position or decision until after a full and fair opportunity to weigh the merits of an issue is provided during a Select Board meeting.

## 13. Flag Policy – Adopted January 3, 2024

### PURPOSE

To establish guidelines for the display of (1) flags of governments recognized by the Federal Government (2) Official U.S. Military and POW/MIA flags and (3) other flags on flag poles owned and maintained by the Town of Sterling.

### POLICY GUIDELINES

It is the policy of the Town of Sterling that all flags will be displayed in conformance with Federal and State policies and laws. This includes, but is not limited to, the Federal "Our Flag" publication and Massachusetts General Law Chapter 2 Section 6 and Section 6A.

## Eligible Flags and Order of Precedence

Only the United States, Commonwealth of Massachusetts, Town of Sterling and official flags of the U.S. Military and POW/MIA flags may be flown on any Town-owned flag pole. Outdoor flags will be flown on town flag poles in the following order of precedence: first, the United States flag; second, the Commonwealth of Massachusetts flag; third, the Town of Sterling Flag and fourth, official flags of the U.S. Military and POW/MIA.

- Federal, State, and Local Proclamation of Special Occasion

Flags flown on town flag poles shall be displayed in accordance with the standards referenced above in Sections 2.1 and 2.2.

- Other Flags

The Town's flag poles are not intended to serve as a forum for free expression by the public. The only flags permitted on Town-owned flag poles are those set forth in Section 2.2., and all other flags are prohibited from being flown on any and all Town of Sterling flag poles.

### APPLICABILITY

This policy is applicable to all Town-owned flag poles.