

# ROCKLAND BOARD & COMMITTEE MEMBER TRAINING

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# GOALS

- Roles and Responsibilities of a Committee/Board Member
- Interacting and Working with Town Employees
- Discrimination and Harassment Overview
- Personal Liability
- Open Meeting Law
- Public Records Law
- Implications of Social Media

# ROLES & RESPONSIBILITIES

**A board or committee member's basic function is to make policy, unless otherwise specified by statute or bylaw.**

- Understanding the basic mission of your board
- Conduct inside and outside of meetings
- How to handle a citizen complaint

## WHEN DOES A BOARD MEMBER HAVE AUTHORITY?

Know where your power is derived from.

As a Board member, generally, one does not have any power outside of the meeting of the Board

Limitations on your authority as a board member

# SETTING THE AGENDA

- Managing the board's workload
- Meeting agendas
- Best practices:
  - It is not an OML violation to discuss which items are on the agenda
  - If necessary, schedule a conference call to discuss the agenda
  - Be realistic about what you can accomplish
  - What to do if there is a dispute over the items on the agenda

# RUNNING AN EFFECTIVE MEETING



- Establish protocols
  - Board discussions
  - Action Items
  - Public Hearings
- Public input
- Structuring the meeting
- Best practices

# PUBLIC HEARINGS & DUE PROCESS

- “Public hearing” is different than a board discussion
- Due Process:
  - Appropriate Notice (may require statutory notice)
  - Opportunity to be heard
  - Remedy
- Public Comment Period
  - Announce the opening of public comment
  - Speaker identifies himself or herself
  - Allow individual to speak
  - Board should not respond to every comment
  - Board can ask clarifying questions
  - Announce the closing of public comment
- Board Discussion – no further public comment permitted

# SAMPLE PROTOCOL FOR RESIDENT CONCERNS

**{Scenario} Resident reaches out concerning general issue.**

- Board member forwards issue to staff member (cc: to resident if appropriate) stating that the issue has been forwarded to the Staff member to resolve/communicate/assist.
- Staff member to handle issue/provide information if able. If not, explain correct avenue or provide other information. Board can send status report for all Board members.



## RESPECTFUL & PROFESSIONAL COMMUNICATION

- Be mindful that you are representing the Town
- Professional expectations – civil and respectful communication
- No personal attacks
- Disagreeing vs. questioning someone's motive



## **DEALING WITH DIFFICULT TOPICS**

- Managing public input
- Ensuring you have all necessary information prior to the meeting
- Temporarily adjourning a meeting
- Tabling a topic for a future meeting

# BOARDS' RESPONSIBILITIES TO STAFF

- Communicating outside of meetings (status updates)
- Setting clear expectations
- Maintaining confidentiality
- Formal and informal feedback regarding performance

## STAFF RESPONSIBILITIES TO BOARD

- Keeping all members of the board equally informed
- Helping the board to be successful
- Carrying out the board's policy decisions and objectives

## WORKPLACE REMINDER

- The Town is a workplace – subject to all employment laws, regulations, laws and policies – *including harassment and discrimination policies*
- Be aware of employees' statutory rights
- All complaints must be dealt with properly
- Utilize the Town Administrator's Office and Human Resources Department

# HARASSMENT VS. PETTY, INAPPROPRIATE OR UNPROFESSIONAL BEHAVIOR

- Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality.
- The conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

**Example:** Jaime always excludes Tim from important projects, communications and meetings because he never cleans his coffee mugs.

- Not a protected category!
- **HOWEVER**, even if conduct doesn't fit the legal definition, this is still considered unprofessional and unacceptable (so discipline is still possible).

**RESPONDING  
TO  
COMPLAINTS  
AND POLICY  
VIOLATIONS**



The Town is legally obligated to address complaints and potential policy violations.



**Board and committee members must make the Town aware of any allegations of harassment or discrimination.**



Refer to Human Resources and/or the Town Administrator's Office to investigate and take appropriate action.

# **PERSONAL LIABILITY**

- **Indemnification**
- **Acting within the scope of your authority**





# OPEN MEETING LAW OVERVIEW

**With certain exceptions, all meetings of a public body must be open to the public.**

Does a communication constitute a meeting? Ask these 4 questions:

1. Is the communication between or among members of a public body;
2. If so, does the communication constitute a deliberation;
3. Does the communication involve a matter within the body's jurisdiction; and
4. If so, does the communication fall within an exception listed in the law?

# OPEN MEETING LAW

- Only applies to “Public Bodies”
- Notice must be posted for all meetings
- Meetings must be open to the public unless the meeting enters executive session
- Minutes of all meetings must be kept and approved
- There are penalties for violations administered by the MA Attorney General’s Office

## WHAT IS A “PUBLIC BODY?”

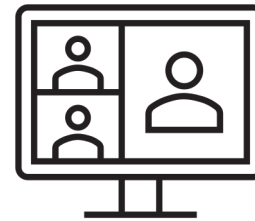
- All Elected/Appointed Boards and Committees
- Specially Appointed Committees or Subcommittees by Selectmen or School Committee
- Subcommittee of Conservation Commission
- Ad-Hoc Building/Study Committees
- Screening committees appointed by a board/committee

## WHAT IS NOT A “PUBLIC BODY?”

- Democratic/Republican Town Committees
- Group Planning Retirement Party
- Parent Teacher Organizations
- Dept. Staff Meetings
- Connelly Exception Committees – appointed by individual official
- Department heads

# WHAT IS A DELIBERATION?

- An 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.



## WHAT IS A “MEETING” UNDER THE OML?

**“Meeting”** is defined by statute as a **deliberation by a quorum of public body with respect to any matter within the body's jurisdiction.**

Includes: any gathering by quorum of multi-member board or commission where there is any discussion of matters involving that board or committee (2 of 3, 3 of 5, 4 of 7, etc.)

Not a meeting: Site visit (as long as there are no deliberations during the visit)

# EXECUTIVE SESSION

- General rule is all matters are open session
- Very limited and specific exceptions
- Agenda item must be specific
- Motion must be specifically worded and note if you will or will not be returning to open session
- Roll call votes
- **Consult with Town Counsel prior to scheduling or posting any Executive Session item.**

## CAN YOU GO INTO EXECUTIVE SESSION TO...

- Discuss a complaint against an employee?
- Discuss employee performance?
- Hear a grievance?
- Discuss litigation because someone is threatening to sue your board and the Town?
- **If you don't normally go into Executive Session, call or email Town Counsel for guidance.**



# COMMON OML PITFALLS

- Emails – Staff to Board members is fine – “Reply All” is a violation
- Phone polling is a violation
- Prior to going into Executive Session, check with counsel
- If you get a complaint, notify counsel
- Agenda
  - No listing “old business” or “new business” without details
  - Get in a routine, give yourself a few days to draft agenda
- Beware of Open Forum
  - Taking matters under advisement, put on later agenda

## OML GUIDES AND RESOURCES

- General Laws, c. 30A, §§ 18-25
- AG's Guide to the Massachusetts Open Meeting Law:  
<https://www.mass.gov/files/documents/2017/09/25/2017%20Guide%20only.pdf>
- Open Meeting Law FAQs:  
<https://www.mass.gov/files/documents/2017/09/25/2017%20Guide%20only.pdf>

# PUBLIC RECORDS LAW OVERVIEW

- **“Public records”** include every record that is made or received by a government entity or employee (*including Town board and committee members*)
- Broad definition – includes all types of records, such as books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, **regardless of physical form or characteristics** (paper, electronic, etc).
- **This includes emails and text messages - even those from a personal account/device!**

## PUBLIC RECORDS: EXEMPTIONS FROM DISCLOSURE

- The Town may *not* withhold any public records, unless they meet one of the 21 enumerated statutory exemptions under G. L. c. 4, § 7(26).
- Even in cases where a record falls under a statutory exemption, the Town often has an obligation to release a *partial* or *redacted* record, only withholding the specific portions that meet the exemption.

# SOCIAL MEDIA & TECHNOLOGY



Social media is a helpful tool for communicating with the public, but be aware of the implications:

- Open Meeting Law
- Public Records Law
- Potential violations of Town policies, including Harassment/Discrimination policies
- Impact of communications on Town workplaces

# SOCIAL MEDIA

- Keep criticism and negative comments in perspective – *is it really representative of the public at large?*
- Responding to comments on social media
  - Could be an Open Meeting Law violation
- Board business should be discussed in a board meeting

**QUESTIONS?**

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