

10/20/08

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**Christine Joyce**

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**From:** Lauren Rosenzweig [lrs57@comcast.net]  
**Sent:** Friday, October 17, 2008 7:41 AM  
**To:** Board of Selectmen  
**Subject:** Open Meeting Law/Quorum policy

Attached is Town Counsel's recommendation for a policy for complying with Open Meeting Law as well as attending meetings to gain information as Board of Selectmen members if by attending you might create a quorum of the Board. Please review the policy for discussion and vote on October 20<sup>th</sup>.

Christine and Maryjane—please add to the packet, if you haven't already.

Sincerely,

Lauren

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Version: 7.5.524 / Virus Database: 270.8.1/1728 - Release Date: 10/16/2008 7:38 AM

10/17/2008

**Motion to Adopt Policy on Informational Meetings of the Board of Selectmen**

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I move that the Board of Selectmen adopt a Policy on Informational Meetings in the form attached.

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**Policy on Informational Meetings of the Board of Selectmen**  
**In Conjunction with Meetings of Other Boards and Committees**

**Background:**

Under the Town Charter (§ 4-1(b)), the Board of Selectmen is the chief goal-setting, planning and policy-making agency of the town.

The Board of Selectmen undertakes its goal-setting, planning and policy-making activities at regularly scheduled, duly posted meetings of the Board of Selectmen.

Members of the Board of Selectmen are often appointed to sit as *ex officio* members of or as the Selectmen's liaison to other boards and/or committees.

Other individual members of the Board of Selectmen may find it prudent or helpful from time-to-time to attend meetings of other boards and/or committees to gather information necessary to help fulfill their goal-setting, planning and policy-making responsibilities as selectmen.

As a result, on occasion, three or more members of the Board of Selectmen may find themselves in attendance at a meeting of another town board and/or committee. On some occasions, this attendance by a quorum of the Board of Selectmen will be foreseeable; on other occasions it will not be foreseeable.

The Open Meeting Law applies to every meeting of a quorum of a governmental body if any public business over which the governmental body has jurisdiction is discussed or considered.

A governmental body engages in "deliberations" under the Open Meeting Law, and must comply with the Law's requirements, whenever a quorum engages in a "verbal exchange."

When a quorum of each of two governmental bodies meets jointly it is a meeting of each governmental body under the Open Meeting Law. If only one of the governmental bodies has a quorum present, it is a meeting only of that governmental body.

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**Policy**

Accordingly, pursuant to Section 4-1(b) of the Town Charter and the Open Meeting Law, the Board of Selectmen establishes the following Policy regarding the attendance of Selectmen at other board and/or committee meetings:

- 1) If there is a reasonable likelihood that more than two (2) selectmen will attend another board or committee meeting, the meeting will be posted and conducted under the Open Meeting Law as an "Informational Meeting" of the Board of Selectmen, in addition to being posted and conducted as a meeting of the other board or committee in question.

- 2) At an "Informational Meeting" of the Board of Selectmen, no substantive decisions will be made on behalf of the Board of Selectmen as a whole by the members present. Decisions may be made by the other board or committee.
  
- 3) At an "Informational Meeting," Selectmen (other than those who are present as a member of or the official liaison to the other board or committee) will not (except when specifically authorized by the Board of Selectmen) participate actively in the meeting in their official capacity by speaking, deliberating, or otherwise expressing an opinion on the matters before the other board or committee. (See Charter § 4.1(b) ("Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board to do so.))
  
- 4) If more than two Selectmen appear at a meeting of another board of committee which has NOT been posted as an "Informational Meeting" of the Board of Selectmen in accordance with the Open Meeting Law and this Policy, the following actions should occur:
  - a. Any of the Selectmen serving as either a member of or a liaison to the other board or committee may continue to participate in the meeting.
  
  - b. Except in an emergency, if other Selectmen are present such that a quorum of the Board of Selectmen is in attendance at the meeting, the Selectmen should promptly leave the meeting in the reverse order in which they arrived until there is no longer a quorum of the Board of Selectmen present at the meeting.
  
- 5) This policy is intended to assure compliance with the Open Meeting Law, enable individual members of the Board of Selectmen to gather information pertinent to their goal-setting, planning and policy-making responsibilities, and preserve the prerogative of the Board of Selectmen as a whole to arrive at goal-setting, planning and policy-making decisions. This Policy shall be effective as of \_\_\_\_\_, 2008, and will remain in effect unless altered, amended, or rescinded by the Board.

	Lauren S. Rosenzweig - Chair Paulina Knibbe - Vice-Chair Andrew D. Magee - Clerk Peter Berry - member Terra Friedrichs - member
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