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Select Board Code of Conduct

It is the ~~long-standing~~long-standing intention and tradition of the Select Board to act as a single body in the best interests of the people of the Town of Arlington, and to maintain a civil decorum becoming of the citizenry the Select Board serves. Even as individual members may passionately disagree with one another, members of the public, or Town employees, engaging in lively discourse, the Select Board shall endeavor to conduct itself as a whole in the most professional of manners. To that end, the Select Board members pledge their commitment to the following self-enforced code of conduct ~~developed by~~drawn from the work of the Massachusetts Municipal Association and others and modified for Arlington's governance.

A. Board-Community Relations

A member of the Select Board, in relation to his or her community shall:

1. Conduct himself or herself with the understanding that his or her basic function is to make policy; ~~I, with~~ implementation and administration is ~~invested~~ in the Town Manager by the Town Manager Act;
2. Maintain the perspective of being part of one larger political body, appropriately respecting collective Board decisions and policies;
3. Be ~~well~~well-informed concerning the duties of a Board Member on both local and state levels;
4. Remember that he or she represents the entire community at all times;
5. Be mindful that a member is privileged to serve, requiring selfless service that does not yield- inappropriate personal benefits based on his or her work as a Select Board Member; ~~and~~
6. Adhere to the ethical rules and guidelines established by the State, refraining from use of status or power to obtain improper benefits for themselves or others; and;
- 6.7. Be attentive and respectful toward all persons appearing before the Board.

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B. Board-Manager Relations

Each Select Board Member, in relation to the appointed Town Manager, shall:

1. Endeavor to establish sound, clearly defined policies that will direct and support the Town Manager in the administration of the Town;
2. Provide the Town Manager full discretion for discharging his or her duties;
3. Recognize and support the administrative chain of command, reporting citizen complaints to the Town Manager;
4. Refrain from instructing Town Department Heads;
5. Exercise good judgment in contacting Town personnel supervised by the Town Manager.

Questions and/or requests for information or assistance on matters of policy under the Board's jurisdiction should be directed to the Town Manager, Town Counsel, or Department Heads with the Town Manager's knowledge.

C. Internal Board Relations

A member of the Select Board, in his or her relations with fellow Board Members, should:

1. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings;
2. Refrain from public statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to fully vet the issue during a Board meeting;
3. Make decisions only after all facts on a question have been presented and discussed;
4. Uphold the intent of executive session and respect the privileged communication that exists in executive session;
5. Refrain from communicating the position of the Select Board to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position;
6. Treat with respect the rights of all Members of the Board despite differences of opinion; ~~and~~
7. Afford Members of the Board the opportunity to speak on matters in Board meetings and hearings without interruption; ~~and~~

~~7.8.~~ Respect the authority of the Chair in the conduct of meetings.

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D. Board-Town Staff Relations

A member of the Select Board, in his or her relations with Town staff, should:

1. Treat all staff as professionals, ~~that respects~~sing the abilities, experience, and dignity of each individual;
2. Exercise caution and discretion in public criticism of any individual Town employee. Member concerns about performance of staff reporting to the Town Manager – or, with the exception of the annual performance review process, regarding the performance of the Town Manager -- should, under ordinary circumstances, only be articulated to the Town Manager, or, in limited circumstances, other appropriate Town personnel, such as Town Counsel and Department Heads.
3. Keep requests for staff support to a minimum wherever ~~possible, and possible~~and insure that all requests go through the Town Manager's Office or between such office and the Select Board.
4. To the extent practicable, ~~insureensure that any materials or information provided to an individual member from a staff member be made available to all Select Board Members.~~

As a final matter each Select Board Member, as an elected official, has an individual and specific series of ethical obligations under Massachusetts' "Conflict of Interest" statute, G.L. c. 268A, as well as Office of Campaign and Political Finance regulations. Moreover, the Board has obligations as a body to abide by a number of other important laws and regulations reflecting on its conduct, including, but not limited to, the Open Meeting Law and Public Records Laws. Both Members as individuals and the Board as a whole must be especially mindful of these obligations in addition to its self-enforced code of conduct.

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Board Meeting & Hearing Procedures

Board meetings and hearings are the primary manner in which the Select Board members as a body conduct their work, both by tradition and operation of law. This section outlines the significant policies and practices of the Board in arranging and conducting meetings and hearings.

A. Notice of Meetings

The Office of the Select Board, on behalf of the Chair, is responsible for filing appropriate public notice of any Board meeting or hearing with the Town Clerk and post on the website at least 48 hours in advance, excluding Saturdays, Sundays and Legal Holidays. The Office of the Select Board, including the Board Administrator, shall take all steps necessary to ensure Board notices comply with requirements of the Open Meeting Law, as well as any other notice requirements germane to a given public hearing or agenda item under the laws of the Commonwealth.

Typically, notice must set forth the following information regarding any meeting or hearing:

- Date and time of meeting;
- Place of meeting; and
- A list of topics the Chair reasonably anticipates ~~to be being~~ discussed at the meeting or hearing. (See also Agendas, set forth in §5.C below).

B. Schedule & Location

Unless otherwise set forth on meeting notices, regular meetings of the Board are held at least twice per month on Monday evenings, September through June. Meetings are commenced generally at 7:15 p.m., and all business is to conclude by 11:00 p.m. unless extended by Board vote. The location of meetings unless otherwise specified in notices is in the Select Board's Chambers on the second floor of Town Hall.

During July and August, meetings may be scheduled on a monthly basis. The Board shall not meet on days designated as legal holidays. Meetings falling on a legal holiday are cancelled or rescheduled for another date at the discretion of the Board.

B-1. Hearings & Special Meetings

Hearings (conducted separately from regular meetings) and special meetings of the Board may be scheduled at the discretion of the Board regarding any matter within

their jurisdiction. Subjects of special meetings or hearings may include matters such as setting Board and Town Manager goals and objectives for the ~~year, or year or~~ warrant articles where regular meetings would not provide sufficient time to address all appropriate articles within a given Town Meeting cycle.

Any special hearings or meetings follow the normal notice procedure absent an emergency, or pertinent provisions of law setting forth further notice criteria than the Open Meeting Law.

-B-2. Emergency Meetings

An "Emergency Meeting" is defined by law as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Emergency meetings of the Board may be called by the Chair or any member of the Board through the Board Administrator consistent with the requirements of the Open Meeting Law, which allows a meeting in special circumstances even though no notice was previously posted.

However, a notice should be posted at the earliest possible juncture; all Board Members must be notified by the Board Administrator; and a majority of Board Members must agree to convene an emergency meeting.

B-3. Virtual Meetings

At the commencement of any virtual meeting, a summary of governing laws or executive orders will be read by the Chair. A roll call will be conducted to confirm the presence of each member, and all subsequent votes shall be conducted by roll call. In an instance where a member loses their connection to the meeting, this shall be duly noted in the minutes with the time that the member was disconnected and the time when they returned.

In the case of virtual meetings, video, audio, and names of only Board members, selected staff, and others testifying on a particular agenda item, including Open Forum, will be displayed publicly. Efforts will be made to disable chat functions. In cases where this is not possible, Board members will restrict themselves to interacting with one another and other meeting participants through spoken interactions.

With the consent of the Chair, staff and other authorized individuals may use screen share functions to display relevant materials and presentations.

All virtual meetings shall be recorded for later on-demand distribution, and – where feasible – they shall be broadcast live and replayed on community access television.

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C. Agendas

C -1. Responsibility

The Chair of the Board holds the responsibility for coordinating and planning the regular agenda utilizing digital meeting management. Each of the members of the Board and the Town Manager may request items be placed on the agenda, but must communicate their desired agenda items both to the Chair and the Office of the Select Board. Ultimate authority over what items are to be placed on an agenda is vested in the Chair. However, any dispute with respect to agenda items requested, but not placed on an agenda, by members of the Board or the Town Manager may be raised during "new business" within a Board meeting.

The Board Administrator, after consultation with the Chair, shall schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business and shall confirm all appointments including time allotted. Further, the Chair, in consultation with the Board Administrator and the Town Manager, shall decide the meeting date on which any given agenda item shall appear.

C-2. Timing

All items, including background and reference materials for a regular meeting agenda must be submitted to the Office of the Select Board by twelve noon on the Wednesday preceding the meeting so an agenda may be posted in a timely fashion.

Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "new business." However, persons seeking action or approval from the Board such as license and permit applicants are advised that the Select Board will not ordinarily place untimely requests on the agenda due to lack of diligence by such applicants.

Moreover, to the extent feasible, the Office of the Select Board shall provide a revised agenda enumerating emergency or other authorized items added after the closing of the agenda, in advance of the meeting.

C-3. Format and Content

Agenda items will appear in a Board approved format. See Sample Agenda attached in Appendix Section A-3. An agenda item should be followed by the name of the person or board or committee requesting the item to be placed on the agenda.

C-4. Release and Distribution of Agenda Materials

For regular meetings the complete agenda with supporting materials (unless unavailable) shall be available to the public and the press at the Select Board's Office

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or on the website no later than noon Friday before the meeting date and shall be posted on the Town's website that same day. Similarly, the official weekly agenda will be available to the Select Board, the Town Manager, and Town Counsel on Thursday evening. All supporting materials (unless unavailable) including copies of the minutes and all important correspondence, reports and other pertinent background materials shall be electronically accessible to the Members of the Board, the Town Manager, and Town Counsel with the agenda.

The special meetings of the Board shall conform insofar as practical to the agenda for the regular Monday meetings. Distribution shall be as outlined above to the extent possible.

Additional copies of the agenda shall be available in sufficient quantity to distribute to those requesting a copy and to the people in attendance at the meetings.

C-5. Notification of Interested Parties

The Office of the Select Board shall notify persons who are directly involved in the issues to be discussed by the Board.

D. Meeting and Hearing Procedures

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. It is the Board's 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 or definition.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policies or the making of critical appointments shall be taken whenever practicable only when the full Board is in attendance.

Actions and decisions shall be by motion, second and vote. Split vote will be identified by name. When only three members of the Board are present or in the case of nominations, no second will be required prior to Board action.

D-1. Remote Participation

The Board approves the use of remote participation by Members of the Board within the bounds allowed by the Open Meeting Law. All votes taken when any Board member participates remotely shall be conducted by roll call vote.

E. Citizen-Public Participation at Select Board Meetings

Meetings of the Select Board are meetings devoted to the business of the Town of Arlington that are conducted in public by duly elected members of the Board, as opposed to meetings of the public.

Unless directly involved in a public agenda item or within a hearing, citizens members of the public may only participate at a regular Board meeting at the discretion of the Chair, or upon request of any member of the Board.

A Public Comment or "~~Citizens~~-Open Forum" period will be scheduled at ~~each-most~~ meetings to hear concerns of the general public ~~(some exclusions may apply)~~. Exceptions to this practice include meetings including warrant article hearings, meetings preceding sessions of Town Meeting, special meetings called for a limited purpose, goal-setting sessions, and any other situations at the discretion of the Chair

Citizens-Members of the public are welcome to raise new issues for future board agendas, identify community problems, and comment on past, present or future board agendas.

The issues raised will not typically be debated at such time.

Further, ~~Citizen's~~-Open Forum shall be conducted under the following rules:

1. Persons wishing to participate in ~~Citizens~~-Open Forum should sign up to speak on an appropriate Forum List prior to the commencement of the meeting and will generally be recognized in order;
2. There will be no vote or other actions or discussion by Board members based on Forum public comments, unless there is a properly posted agenda item pertaining to such subject;
3. Each speaker may speak only once for a maximum of three (3) minutes;
4. As noted by the Attorney General's Office, each speaker must first be recognized by the Chair before speaking;
5. Before speaking, participants should state their name, address, and if known, precinct; and precinct; and
6. All speakers will adhere to our commonly agreed upon standard of civility, specifically:

(a) -a) direct all comments through the Chair and not to other speakers, staff, or attendees;

(a) -a) treat others with respect;

(b)

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~~(b)~~ avoid personalities, refraining from disparaging remarks about any person or group, including employees; and

(c)

~~b)(d)~~ refrain from any conduct which substantively disrupts the Board's ability to conduct business, including lewd, offensive, or violent behavior.

Additionally, members of the public may present the Board with materials in support of their comments. However, presentation of audiovisual materials will only be allowed at the discretion of the Chair and must be provided to the Office of the Select Board by twelve noon on the Wednesday prior to the meeting.

The Chair's authority to maintain order at meetings shall include the authority to temporarily recess the meeting and – in extreme cases – to facilitate the removal of any individual who is disruptive of the Board's conduct of its business.

E-1. Public Recording of Meetings

Select Board ~~Meetings-meetings~~ are broadcast and recorded by Arlington Community Media, Inc., which provides members of the public free access to such recordings. However, audio and video recordings of meetings by members of the public are permitted under State Law so long as such recording does not interfere with the conduct of the meeting. By law, the Chair must be notified by any member of the public of their intention to record a meeting before the meeting commences. The Chair shall announce any such personal recordings as proscribed by law.

F. Executive Session

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the Open Meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. An Executive Session shall not be held unless the Board has first convened in Open Session for which notice has been given. However, nothing herein shall restrict the Board from entering Executive Session at any time for any lawful purpose not previously reasonably anticipated by the Chair. A majority of the members must vote to go into Executive Session and the vote of each member must be by roll call recorded in the minutes. The mover must specify in the Open Meeting the grounds on which Executive Session is sought. Before the Executive Session, the Chair must state whether or not the Board will reconvene in Open Session.

- Executive Session Votes

All votes taken in Executive Session shall be recorded roll call votes made part of the records of the Executive Session.

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- Executive Session Records

The Board must maintain accurate records of both Open Meetings and Executive Sessions. At a minimum, the records must set forth "the date, time, place, members present or absent and action taken." Executive Session records shall remain confidential only "so long as the publication may defeat the lawful purpose of the Executive Session, but no longer." Thereafter they shall be open to the public. As such, the Board should periodically review its executive session minutes every three (3) months and vote to maintain confidentiality or release such records for public review following recommendations by Town Counsel.

G. Minutes

The Board Administrator shall draft minutes and shall distribute such minutes to the Board. Minutes are circulated to the Board on or before any Friday preceding a regular meeting for approval at such next regular meeting of the Board.

On request of any Board Member, approval of minutes submitted shall be postponed for one week to enable such Board Member to propose and circulate proposed amendments. Proposed amendments must be circulated to each member not later than the Friday preceding the meeting at which approval is sought.

Minor typographical corrections may be made with respect to minutes otherwise in order for approval, without advance circulation of such corrections or Board approval.

Minutes shall contain a statement of all actions taken by the Board and of the disposition of all proposals for action. Discussions preceding action need not be detailed in the minutes.

Approved minutes shall be recorded and filed consistent with Town Bylaws and Massachusetts Public Records Laws. Minutes of executive sessions shall be separately kept and recorded in accordance with the above procedures.

H. Electronic Communications

Electronic communications provide a powerful and efficient resource for Board Members' communication. However, e-mail also poses risks of both perceived and actual Open Meeting Law violations. Accordingly, in keeping with the best current practices in government transparency and Open Meeting Law compliance, Select Board Members should endeavor to:

- Treat fellow officials, staff members, and representatives of the public with respect, dignity, honesty, fairness, and integrity;

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- Refrain from any electronic communication exchanges between a quorum of members of the Board regarding Town business;
- Limit electronic communication exchanges between any members to discussion of procedural items regarding agendas and scheduling, etc.; and
- Refrain from debating policy or conveying opinions on matters before the Board via electronic communication among members of the Board whether or not among a quorum of members.

Particular care should be exercised in the use of social media. Accordingly, Select Board Members should:

- Refrain from directing comments to other members of the Board;
- Be thoughtful about the manner in which comments are made;
- Differentiate between “official” sites and “private” sites, such as a campaign sites;
- Consider using separate accounts for campaign purposes and the period of official service;
- Be mindful of due process issues, particularly when a board member might be involved in the adjudication of the rights of others, discussing relevant matters only at a duly noticed hearing;
- Indicate when social media posts are made in a “personal” capacity;
- Consider using municipal e-mail addresses, rather than private e-mail addresses for “official” business;
- Use social media in an “official” capacity for public announcements, emergency alerts, and event reminders when such use does not contravene other relevant Board policies; and
- Refrain from engaging in online debate or discussion with members of the public concerning matters that are or could be pending before the Board.

Harassment or threats against Board Members or other Town staff or officials in digital forums will be taken seriously, particularly if they cause the target to have a reasonable fear of death or serious bodily injury to themselves or others. Such incidents should be referred by the Chair or any other Board Member to appropriate authorities, which may include the operators of responsible social media forums in cases of apparent breaches of terms of use and/or law enforcement agencies.

- Board Members are encouraged to document harassing or threatening posts with screen captures and/or photographs and to enlist the support of colleagues and the public in censuring egregiously bad behavior.

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Licenses & Permits

Detailed license and permit policies and requirements are set forth in the Select Board's applicable License & Permit Policy ~~Manuals~~, available in the Select Board's Office. The following licenses and permits are approved by the Board:

LICENSES

All Alcohol Package Store License (6)

All Alcohol Restaurant License (20)

Wine & Malt Beverages Only License (18)

All Alcohol Club License (7)

Special Alcohol License (varies)

Theatre License (2)

Automatic Amusement License (4)

Cable Television License (3)

Contractor Drainlayer License (70)

Common Victualer License
(71)

Food Vendor License – Take Out Only (25)

Fortune Teller License (0)

Class I Auto Dealer License (new cars) (3)

Class II Auto Dealer License (used cars) (17)

Class II Auctioneer License (4)

Lodging House/Inn Holder License (5)

Public Entertainment License (10)

Secondhand Dealer License (1)

PERMITS

Awning/Sign Permit (12)

Block Party Permit (varies)

Café/Outside Seating Permit (12)

Parking Exception Permit (varies)

Street Performance/Special Event
Permit (varies)

~~Taxi Cab~~Taxicab License (21)

**No more licenses available at this time*

-Unless otherwise required by law, the Board shall not require C.O.R.I. checks of applicants for licenses or permits, nor shall the Board require the following personally identifiable information:

- Information Regarding Applicant's Spouse
- Place of Birth (Including Country of Birth)
- Date of Birth
- Naturalization Date
- Photo

Additionally, applicants shall be provided with an opportunity to self-identify their gender and shall not be presented with a binary option.

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All applicants appearing before the Board shall have the opportunity to be represented by a language interpreter.

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