

# **ARTICLE 1 - GENERAL OPERATING PROCEDURES**

## **Section 1.1 – Organization of the Board**

### **1.1.1 – Annual Reorganization**

The Select Board shall schedule a meeting after the Town election and prior to the opening of the annual Town Meeting. During this meeting, the Board shall reorganize (elect officers).

Although the Select Board retains the right to reorganize at their discretion, this policy establishes the guidelines of:

1. Annual rotation of the Chair.
2. Not having a Select Board member serve as Chair in the final year of that member's term.

### **1.1.2 - Chair**

The Select Board Chair shall:

1. Be responsible for calling regular, emergency and Executive Session meetings of the Select Board, as needed.
2. Preside over Select Board meetings, approve the Agenda in consultation with the Town Manager, and recognize all speakers including other Board members.
3. Nominate Board members to represent the Select Board at appropriate functions, events and meetings.
4. Nominate Board members to Board Subcommittees. Final appointment is by a majority of the Board members.
5. In fulfillment of the requirement of Sec. 2.2.5 of the General Bylaws, serve as a member of the appointment committees for the following entities:
  - Finance Committee (per Sec. 2.12.1 of the Home Rule Charter),
  - Bylaw Committee (per Sec. 2.12.2 of the Home Rule Charter),
  - Permanent Building Committee (per Sec. 3.2.6 of the General Bylaws).

### **1.1.3 – Vice Chair**

The Select Board Vice Chair shall:

1. Be responsible for stepping in to assume the duties of the Chair as may be necessary.

### **1.1.4 - Secretary**

The Select Board Secretary shall:

1. Be responsible for stepping in to assume the duties of the Vice Chair or Chair as may be necessary.
2. Conduct the final review and signature of Board Minutes.
3. Certify, as required by law, votes of the Select Board.
4. Sign documents upon direction of a majority of the Board members, including legal settlements on behalf of the Select Board. Alternatively, any other Board member or the Town Manager may be authorized to perform this function.

5. Until a revised Communication Policy is enacted, the Secretary will respond to all correspondence received within 48 hours, acknowledging receipt. The correspondence will be done in the role of Secretary and not as an individual member.

### **1.1.5 - Liaisons**

The purpose of establishing Select Board Liaisons to the various Town Departments/Divisions and to Boards and Committees is to maintain good communication and effective working relationships. Liaisons are responsible for providing reports to the full Select Board at a regular meeting on an as needed basis.

Liaisons shall:

1. Act in a role to support the Town Departments/Divisions in their operating functions as well as longer-term Select Board Goals.
2. Attend as many meetings of the Boards and Committees as possible.
3. Inform Town Department Heads of their interaction with Boards and Committees for which they have responsibility as described in the Table of Organization as approved by Town Meeting. All correspondence from a liaison to a Department Head will copy the Town Manager.
4. Facilitate communication between the Select Board and the Boards and Committees. Under no circumstances will a member acting in a liaison role direct or manage staff.

### **1.1.6 - Subcommittees**

The purpose of establishing Select Board Subcommittees is to have a mechanism for the Board to review and consider specific issues.

Subcommittees shall:

1. Be composed of two members of the Select Board.
2. Follow all Open Meeting Law as if conducting a full Board meeting.
3. Recommend, but not approve, a course of action to the full Board.

### **1.1.7 – New Members**

In order to assist new Board members to be effective in their first years, the Board shall establish an on-boarding process which may include but not be limited to meetings with individual Board members the Town Manager and Town Department Heads. The Board shall also create a Select Board Guide to be distributed to new members.

*Section revised March 2019*

## **Section 1.2 – Board Meetings**

### **1.2.1 – Meeting Schedule**

The Select Board shall meet at least once each month and publish a meeting Schedule at least six months in advance.

### **1.2.2 – Office Hours**

The Select Board shall offer Office Hours to the general public at least once each month and publish the times and dates in their meeting schedule. Individual Select Board members will

rotate turns with Office Hours, and make a report to the full Board during Liaison reports as needed.

### **1.2.3 – Meeting Agendas**

The purpose of the agenda is to allow the general public an opportunity to participate in a topic matching their interests.

The Agenda shall:

1. Be approved by the Chair in consultation with the Town Manager.
2. Contain any discussion item requested by two or more Board members as soon as practical
3. Be published in advance as far as is possible.
4. Contain public communication received since the last Board meeting.

Some Board meetings may consider only a single agenda item. However typical Board meetings will have the following agenda items:

1. Proclamations / Certificates of Appreciation
2. Reports and Comments (including Select Board Liaison Reports and Comments, Town Manager's Report, and Public Comment)
3. Open session for topics not reasonably anticipated 48 hours in advance of the meeting
4. Approval of Previous Meeting Minutes
5. Personnel and Appointments
6. Discussion / Action Items
7. Licenses, Permits, and Approvals
8. Preview of the Next Meeting's Agenda
9. Executive Session

The regularly scheduled meetings of the Select Board shall be limited by having discussion limited to agenda items taken up or tabled prior to 11:00 p.m. All remaining items will be deferred to a subsequent meeting. In order to facilitate the above policy efficiently, the Chair shall:

1. Limit the time of speakers from the floor especially during public hearings.
2. Call for votes on major issues or policy changes prior to 11:00 p.m., or defer final votes to subsequent meetings.
3. Request staff to prepare motions for Board action in advance.

### **1.2.4 – Deferred Agenda Items**

It shall be the policy of the Select Board to conduct the business on its agenda at the meeting for which it is listed, unless a particular member of the Board is essential to the topic of discussion by virtue of special background or expertise, and is not able to be present at the meeting for which that item is listed.

### **1.2.5 – Public Comment**

Each person appearing before the Select Board who wishes to speak will, upon recognition by the Chair, identify him/herself by name and address of residence. Failure to identify him/herself may result in the Chair withdrawing permission for that individual to speak to the Select Board. When

recognized by the Chair, the speaker shall (1) address only the Chair; (2) speak for only the time allocated; and (3) avoid making disparaging comments about individuals.

### **1.2.6 – Executive Sessions**

The Board shall always begin a meeting in Open Session, and may enter Executive Session only for the purposes allowed under Open Meeting Laws. Whenever possible, Executive Sessions will be scheduled at the end of an open session, and for the convenience of the public the Board will announce their intention to adjourn without returning to open session.

In accordance with the provisions of the Open Meeting Law, the Town Manager, acting as clerk to the Select Board, will review approved confidential minutes of the Select Board's Executive Sessions on a regular basis. It is the intent of the Select Board to withhold minutes only for as long as the publication of the record would defeat the original purpose of a lawfully convened Executive Session. The Town Manager will review all approved minutes still in confidential status, and will release for publication those segments that need not be confidential any longer. This action will be part of a report on the "Routine Matters" of the Select Board's meeting agenda.

### **1.2.7 – Conduct of Select Board Meetings**

In the conduct of all Select Board Meetings, the following rules shall be observed:

**Rule 1** A quorum for doing Select Board business shall be a majority of the total number of Select Board members, as defined in the Reading Home Rule Charter.

**Rule 2** Pursuant to Sec. 1.6 of the Reading Home Rule Charter, except as otherwise determined by bylaw or statute, a majority of the total number of Select Board members shall constitute the majority vote for approving motions.

**Rule 3** All articles on the Select Board agenda shall be taken up in the order of their arrangement in the agenda unless otherwise decided by a majority vote of the members.

**Rule 4** Every Select Board member shall respectfully address the Chair, shall not speak until recognized by the Chair, shall speak to the question under debate and shall avoid making disparaging comments about individuals.

**Rule 5** No speaker at a Select Board Meeting shall be interrupted, except by a Member making a point of order, or by the Chair.

**Rule 6** A procedural ruling of the Chair may be overturned by a majority vote of the Board.

**Rule 7** Select Board members who have a financial interest in any matter that comes before the Select Board for consideration is required by *M.G.L. c.268A, §19* to recuse themselves from participating in the Select Board deliberations. Members of the public who have a financial interest in any matter that comes before the Select Board for consideration and any person whose employer has such an interest are encouraged to disclose such interest or interests before speaking on such matter.

**Rule 8** All Select Board votes shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes.

**Rule 9** No motion shall be acted on until it is seconded. Amendments deemed irrelevant by the Chair to the subject of the original motion shall not be accepted. A “friendly amendment” may be agreed to without a vote and included as part of a pending motion, if it is acceptable to both the mover and seconder of the motion.

**Rule 10** When a question is under debate, no motion shall be in order except:

- to adjourn,
  - to lay on the table (for the duration of the meeting)
  - to make a privileged motion (point of order or, point of information)
  - to take a motion from the table
  - to postpone for a time certain
  - to commit for further study
  - to amend
  - to postpone indefinitely
  - to move the question (requires 2/3 vote)
  - to fix a time for terminating debate and putting calling the question,
- and the aforesaid several motions shall have precedence in the order in which they stand arranged in this rule.

**Rule 11** Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to be decided without debate include motions to adjourn, to move the question, to lay on the table and to take from the table.

### **1.2.8 - Public Hearings**

Public hearings shall be conducted using the following guidelines:

1. Select Board Secretary reads the legal notice for the hearing;
2. Select Board Chair introduces the main speaker, and may then delegate authority to chair the hearing to another Select Board member;
3. Main speaker gives presentation on the hearing's subject matter;
4. Chair or designee first asks for questions on the presentation from Select Board members;
5. Chair or designee then asks for questions from the public. Reasonable time limits per speaker may be imposed, per Sec. 1.2.5. The Chair or designee may take a show of hands to see how many wish to speak before establishing such time limits;
6. Motion to close the hearing (or continue it to a date and time certain) is made and voted by the Select Board;
7. If the hearing is closed (not continued), a motion is made by a Select Board member to approve the document or action that is the subject of the hearing;
8. Motion is seconded. Amendments may then be offered by other SB members. The chair or designee can ask that each amendment be discussed and voted on before others are offered; and

9. Once all amendments are dealt with, a final vote is taken on the main motion as amended.

### **1.2.9 - Liaison Assignments**

Nominate Board members for annual Liaison assignments in April, following the Annual Town Election (per Sec. 1.1.5) or at other times, where necessary. The final decision on Liaison assignments is by a majority of the Board members.

*Section revised March 2019*

## **Section 1.3 – Responsibilities of the Board**

### **1.3.1 – Reading Home Rule Charter Article 3.2**

The executive powers of the Town shall be vested in the Select Board. The Select Board shall have all of the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

The Select Board shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of all its official acts to be kept.

The Select Board shall appoint a Town Manager, a Town Counsel, a Town Accountant, not more than five (5) Constables, and any other appointed board or committee member for whom no other method of selection is provided by the Charter or by Town Bylaw.

The Select Board or its designee shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

### **1.3.2 – Town Manager Authorization**

The role of the Town Manager is established by Article 5 of the Reading Home Rule Charter.

The Town Manager has the ultimate authority and responsibility for the operation and the management of the Town, under the direction of the Select Board. Except for actions contrary to decisions or written policies made by the Select Board, the Town Manager is authorized to take whatever actions are required to operate and manage the Town. The Town Manager is the designated representative for the Select Board regarding collective bargaining negotiations. The Town Manager may utilize other Town personnel as needed to carry out these responsibilities.

### **1.3.3. Process for Evaluating the Town Manager**

The Select Board is responsible for approving overall goals, objectives and policy setting for the Town to be discharged by the Town Manager within the constraints of the Reading Home Rule Charter, and other applicable local Bylaws and Federal and State statutes and regulations. The Board is also charged with conducting an annual review and evaluation of the Town Manager's performance.

### **1.3.3.1 Town Manager Contract**

In accordance with Article 5.1 of the Reading Home Rule Charter, the Select Board has entered into a three-year contract with the Town Manager (see <https://www.readingma.gov/administrative-services/human-resources/pages/contracts-1>).

There are a series of requirements stipulated in the contract for the annual evaluation:

- (Sec. V A.) The Board shall review and evaluate the Town Manager no later than September 30 of each year. .... Said review and evaluation shall be based on the goals and objectives developed jointly by the Board and the Town Manager. Further, the Town Manager shall be provided a summary written statement of the evaluation findings of the Board and shall have an adequate opportunity to discuss individual comments with each Board member in advance of a formal Performance Review.
- (Sec. V B.) Annually the Board and the Town Manager shall define the Town Manager goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives, and shall further establish a general priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the Town and the events that have occurred during the year.
- Per a recent court case, the method of collection of material used in the Town Manager's annual evaluation has been changed to comply with OML. Composite evaluations must now be compiled by Staff, not by individual Select Board Members.

### **1.3.3.2 Process for Setting Town Manager Goals**

The following guidelines and timetable are hereby established for setting annual and multi-year goals for the Town Manager:

- Prior to the end of the calendar year, the Town Manager shall submit in writing to the Select Board for discussion and mutual approval a list of goals that reflect the Town's needs and priorities; provided, however, where a new Town Manager is appointed, the Town Manager shall submit said goals within sixty (60) days of appointment and such goals shall be effective from the date of Select Board approval through February 14.
- Between 5 and 10 of these goals shall be prioritized by the Town Manager.
- If multi-year goals are desired by both parties, they shall be split into multiple sub-goals for each fiscal year, in a manner that allows progress on each year's sub-goal to be measured.
- These draft goals should be accompanied by a set of metrics suggested by the Town Manager by which the Select Board can measure progress toward the accomplishment of each goal.
- The goals shall generally be attainable within the time limits specified and within the

annual operating and capital budgets and appropriations provided by the Town and the events that have occurred during the year.

- The Select Board shall discuss, modify, and approve the Town Manager’s goals by February 14, to be effective February 14 through February 13, annually.
- If a situation arises where the Town Manager or Select Board decide that the approved goals for the current year need to be modified or re-prioritized,
  - The Select Board Chair will first meet with the Town Manager to discuss therevisions
  - The Town Manager will revise the goals and re-present them to the Select Boardfor their approval within thirty (30) calendar days of the initial meeting with the Select Board Chair.

*Section revised February 1, 2022*

### **1.3.3.3 Process for Reviewing and Evaluating the Town Manager**

The following guidelines and timetable are hereby established for the annual review and evaluation of the Town Manager’s performance:

#### **Development and Periodic Review of the Annual Evaluation Form**

- The Board shall annually review and evaluate the Town Manager no later than February 14 of each year. This review and evaluation shall include a “360 degree assessment” with solicited subjective feedback from the Superintendent of Schools, the Library Director, and at least five direct reports to be designated by the Select Board, at least three of whom are Department Heads. The Select Board members shall also submit evaluation forms. These forms shall be submitted to a staff member, designated by the Select Board, or the Chair, and compiled into a composite evaluation. The composite evaluation shall be a public record. The Town Manager shall have an opportunity to discuss the evaluation and the results of the assessment with the Select Board.
- The Town Manager ~~to~~ shall submit a self-evaluation on a form provided by the Select Board as part of the evaluation process.
- The Board may assign the process review to a subcommittee who will hold public meetings on the subject.
- The Town Manager review form shall contain the following elements, with a mixed response style of numerical ratings and comments:
  - Evaluation of progress toward meeting goals
  - Setting and measuring of core competencies
  - Measuring achievement of daily responsibilities
  - Highlighting areas of “necessary professional growth”



### Communication During the Year

- The Town Manager shall review progress made toward achieving the goals with the SelectBoard at least once every three months
- Consistent with the Town Manager's contract, each member shall discuss any concerns that they might have with the Town Manager in a timely manner. This feedback should take the form of a meeting with the Town Manager and a representative of HR.

### First Year Review

- The Board may adopt a more robust review process, including but not limited to more frequent evaluations, to be followed in the first twelve (12) months of a Town Manager who is new to the position in the Town of Reading. Such process shall be included in the new Town Manager's contract.

### End of Year Review

- Each Board member shall complete and submit the approved evaluation form to designated staff member no later than January 15.
- Individual Board members should keep their feedback professional and respectful.
- Newly elected Board members should endeavor to complete as much of the evaluation form as they feel competent to do. Their comments should address the Town Manager's performance only for the period of time they have been Select Board members.
- The designated staff member will collate the individual submissions into a composite document that will be used in the evaluation.
- The Town Manager's self-review is also due not later than January 15.
- During public meetings held to discuss the composite evaluation, the Board should focus on common themes present in the composite evaluation.
- If a majority of Board members agree that remedial action is required by the Town Manager in any area, the Board and the Town Manager will develop a separate plan of action and may incorporate any required actions into the Town Manager's goals that are being set for the current Fiscal Year, in accordance with the timetable specified in Sec. 1.3.3.2.

*Section revised February 1, 2022*

### **1.3.3.4 – Personnel File**

- A copy of the annual or multiyear goals, the individual evaluation and composite evaluation forms, and the self-evaluation shall be maintained in the Town Manager's personnel file.
- Any progress reports or modifications to annual or multiyear goals shall be maintained in the Town Manager's personnel file.

• *Section revised February 1, 2022*

### **1.3.4 – Town Manager Contract**

The Select Board may approve a written contract with the Town Manager in accordance with Article 5.1 of the Reading Home Rule Charter. This contract shall be available as a public document.

### **1.3.5– Town Collective Bargaining Agreements**

The Select Board is responsible for approving written agreements signed by the Town Manager and all Town labor unions, including a Health Insurance agreement signed by the Town Manager and all Town, School and Light department unions plus a Retiree representative.

### **1.3.6– Legal Issues**

The Select Board is responsible for initiating or settling litigation, in certain cases subject to Town Meeting approval.

### **1.3.7– Operations**

The Select Board shall:

1. Operate in accordance with the spirit, as well as the letter of all laws affecting its business and its employees.
2. Act with the highest level of integrity, business ethics and objectivity in any transaction where a Select Board member or employee represents the Select Board. No Select Board member or employee is allowed to misuse the authority or influence of their position.
3. Operate in a businesslike and efficient manner in all aspects of operating and managing the Select Board.
4. Be supportive of a good working relationship between management and employees.
5. Advocate for the use of technology, training, personnel and flexible work and administrative processes to maintain an efficient municipal government serving the best interests of residents;
6. Operate in the best interests of the Town in all matters.
7. Adhere to the Code of Conduct presented in Article 2, Subsection 2.2.

### **1.3.8– State of the Town Address**

The Select Board shall prepare and deliver the annual State of the Town address, at the Annual Town Meeting following the Election.

*Section revised March 2019*

## **Section 1.4 – Communication**

### **1.4.1 - Select Board Communication**

It is important to the public and to the Select Board itself to make it clear when individual members are speaking for the Board as a whole, or when they are speaking for themselves as

individuals. In order to ensure this clarity of communication, the following shall be the policy of the Select Board:

1. Members of the Select Board shall be given stationery with the Town seal in printed and electronic format for their use. This stationery shall name only that member of the Board on the masthead. Board members may only use this stationery for correspondence relative to Town matters. Any such correspondence shall state that the views expressed are those of that member of the Select Board only.

2. The Select Board stationery, naming all five members of the Board on the masthead, shall be used only for correspondence from the full Select Board. This stationary shall be used to communicate positions of the full Select Board based on consensus of the full Board or based upon actually voted positions of the Board.

3. The Select Board may take votes on recommendations on Warrant Articles appearing before Town Meeting, and the Chair of the Select Board or the designee thereof shall be responsible for communicating those recommendations to Town Meeting based on votes of the Board.

4. When Board members rise to speak at Town Meeting, they shall identify whether they are speaking for the full Board or as individuals.

5. In today's society, much of the correspondence to the Select Board is electronic, and often is copied to all members of the Board. The Select Board acknowledges that correspondence in electronic form that is made and/or received by it and its individual members are public records, unless specifically exempted from the definition of public record. Additionally, the Select Board acknowledges that the manner in which it deals with electronic correspondence may raise concerns relative to the Open Meeting Law. The Board also feels it is important to ensure that a proper response is given to an email request.

All correspondence will be handled in the following manner:

- a. Electronic correspondence sent to the whole Select Board shall be included in the meeting packet for the Board's next meeting if the communication specifically pertains to an approved agenda item for that meeting, as determined by the Chair, after Consultation with the Town Manager. Notwithstanding the above, all correspondence from or pertaining to a minor child or involving privileged legal material shall be excluded from the meeting packet. A correspondence shall also be excluded from the meeting packet on the advice of Town Counsel. All meeting packets shall be posted online and made publicly available.
- b. Non-electronic correspondence sent to the whole Select Board shall be converted to an electronic format and forwarded to the full Select Board in a timely manner. All correspondence circulated pursuant to this provision shall also be subject to the terms of subsection a, above.

- c. The Select Board's Secretary shall respond to electronic communication sent to the entire Board and acknowledge receipt of the correspondence, and note that the correspondence shall appear in the next available Select Board meeting packet.
  - i. If the correspondence may require actions by Town staff, the Town Manager shall be copied and so noted to the sender.
  - ii. If the correspondence requests action from the Board on a particular matter within the Board's jurisdiction, the sender shall be advised that the Requests for action shall appear in the next available published meeting schedule under 'Future Agendas' as appropriate.
- d. Select Board members may respond directly to any email correspondence received, provided they do not violate the Open Meeting Law in doing so. They are encouraged to copy the Town Manager on issues that may involve Town staff.
- e. The Town Manager is encouraged to reply directly to the sender on issues that have been noted under section 1.4.1.5.b.i above and to update the entire Select Board on a timely basis either through email or at the next Select Board meeting. The Town Manager shall maintain a record of outstanding resident requests and inquiries that have come to the Select Board's attention that may require actions by Town staff. Such record shall contain the name, request, and status of response, which shall be provided to the Board as part of the Town Manager's report at each meeting. Multiple requests on the same topic may be consolidated into one record.

If an inquiry relates to interaction with a member of Town staff, the Town Manager shall provide all relevant updates to the Board as permitted by law or pursuant to the advice of Town Counsel. The Town Manager, the Ombudsman and the Human Resources Director shall make themselves available to the public as may be helpful for further follow up on the inquiry; provided, however, that the Town Manager, the Ombudsman and the Human Resources Director shall provide an acknowledgement but shall not provide substantive responses to such inquiries when doing so would violate a contract or other law and need not so respond when such response would be contrary to the advice of Town Counsel.

- f. Members of the Select Board may communicate electronically as a quorum on the scheduling, cancellation, and time of meetings.
- g. Documents may be distributed via email from the Select Board to all members of the Town's boards, commissions and committees to permit advance review of materials to be discussed at upcoming meetings, provided such distribution does not violate the Open Meeting Law.
- h. Relative to information potentially of interest to members of the Select Board, the Town Manager shall err on the side of providing that information to all members of the Board on a timely basis either through email or at the next Select Board meeting.

Correspondence relative to setting meeting agendas may be limited to the Town Manager and Chair.

- i. The Town Manager shall respond individually to members of the Select Board who email the Town Manager as individual members, unless the individual Board member requests that the Town Manager provide the information to all members of the Board and such communication does not violate the Open Meeting Law.
- j. If individual Board members request the Town Manager or Town staff take a particular action and it is unclear whether that request is representative of the will of the Board as a whole, the Town Manager may request the Board provide additional instruction or take a formal vote to indicate their preference or instruction for staff action.

*Section revised March 9, 2004  
revised June 5, 2007  
revised February 16, 2021  
revised August 10, 2021*

#### **1.4.2 – Access to Public Records**

The Select Board is committed to the philosophy that the citizens should have access to public records that are not exempt by law. To this end, the Town Clerk is hereby designated as custodian of public records for the Town of Reading (not including the School or Light Department).

The custodian of public records will carry out the duties and responsibilities of a record custodian as required by Massachusetts General Laws, Chapter 66, Section 10, and may establish and charge such reasonable fees and establish other regulations in accordance with rules and regulations established by the Supervisor of Public Records, Regulation 950 CMR 32.06, or other applicable laws and regulations.

*Section revised December 13, 1994  
Revised February 16, 2021*

### **Section 1.5 – Volunteer Board and Committee Appointments**

The Select Board is responsible for appointing volunteers to Boards and Committees in accordance with Article 4 of the Reading Home Rule Charter, as well as those Boards and Committees created by local Bylaw or Select Board Policy.

The Select Board recognizes the following two issues related to the consideration of and appointment to the various Boards and Committees:

1. The amount of time taken in the past for this process by the Select Board and volunteers has been extraordinary and not necessarily productive; and
2. The depth of interviews given time constraints does not allow the full Select Board to do a thorough job of interviewing.

The Select Board therefore hereby implements the following process in order to address these two issues:

**1.5.1 - Volunteer Appointment Subcommittee (VASC)**

The Select Board shall appoint members to a two-member VASC at the time that Select Board liaison assignments are established.

1. VASC members shall be appointed for staggered two-year terms so arranged that one term shall expire each year.
2. No member of the Select Board shall serve on the VASC for more than two consecutive terms. Notwithstanding this limitation, the Chair and the Select Board shall consider appointing a new member who wishes to serve, over an incumbent reapplying for a second term on the VASC.
3. Following their appointment, the VASC shall appoint a Chair and Secretary to serve for one year.
4. Vacancies on the VASC shall be filled promptly by a vote of the Select Board.
5. The meetings of the VASC shall be posted and open to the public.

**1.5.2 - Process for Annually Appointing Volunteers to Boards and Committees**

In order to ensure an orderly, transparent and fair process for annually appointing incumbents and new candidates to Boards and Committees, the following guidelines are established:

1. Beginning on May 1 of each year, the Town Manager's office shall issue invitations to all incumbent members of Boards and Committees, asking them to indicate their desire for reappointment. Responses shall be due not later than May 15. At the same time, the Town Manager's office shall cause to have advertised the complete list of full and associate positions, whether currently filled or not, that will be open beginning July 1.
2. Following the expiration of the required number of days for advertising open positions (per Sec. 8.10 of the Reading Home Rule Charter), the VASC Chair and the Town Manager's office shall schedule a minimum of six meeting dates between May 16 and June 15 for the VASC to hold interviews for these positions, covering as many days of the week (Monday-Thursday) as is practicable.
3. In recognition of the value of maintaining personal relationships between the Select Board and its appointees, it shall be the policy of the VASC to invite all incumbents seeking reappointment to attend one of these interview sessions.
4. In recognition of the Select Board's desire to involve Board and Committee Chairs in the appointment process, the Town Manager's office shall notify all Committee Chairs of the six VASC meeting dates.
5. The Town Manager's office shall issue an email to Board and Committee Chairs not later than 5:00 pm the day of each scheduled VASC meeting, with the complete interview packet for that day's VASC meeting and requesting the attendance of the affected Committee chairs (or designees).

6. The VASC shall interview any new candidate who is not already an Associate member of that Board or Committee, prior to voting a recommendation on that candidate to the full Select Board.
7. Following the last VASC meeting, the VASC shall transmit to the entire Select Board and to all candidates and Committee Chairs, a slate of recommended candidates for each Board and Committee along with a list of all candidates who had applied for each Board and Committee. A copy of the application form and/or resume for any new candidate shall also be provided to the entire Select Board.
8. The VASC shall present this recommended slate of candidates to the Select Board as a single item on the agenda. Any member of the Select Board may ask for a particular recommendation to be voted on separately. Any person who has been interviewed or recommended by the VASC for a particular position may ask for their particular recommendation to be voted on separately. Any request to remove a name should include a reason. The remaining Board and Committee appointments of the recommended slate shall then be considered and voted on as a single item.
9. Any Board and Committee appointments removed from the consent item will then be scheduled for interview during a later Select Board meeting, and the appointment process to that Board and Committee will be by the full Select Board.

### **1.5.3 - Process for Filling Vacancies on Boards and Committees during the Year**

1. Within five days of learning about a vacancy on a Board or Committee, the Town Manager's office shall cause to have advertised the complete list of full or associate positions that have become vacant.
2. The Town Manager's office shall also invite all Associate Members of the affected Board or Commission to apply for any available Full memberships.
3. Following the receipt of all applications and the expiration of the required number of days for advertising (per Sec. 8.10 of the Reading Home Rule Charter), the VASC Chair and Town Manager's office shall schedule one or more dates for VASC interviews, taking into consideration the schedules of all applicants.
4. The requirements of Sections 1.5.2.4 through 9 shall be applicable to filling vacancies on Boards and Committees during the year. *Section revised March 2019*

## **Section 1.6 – Financial Matters**

### **1.6.1 – Acceptance of Gifts and Donations**

It is the policy of the Select Board to encourage donations and gifts, with the clear understanding that there is no offer on the part of the Town to reciprocate in any manner with regard to provisions of services, enforcement of laws or regulations, or any other consideration by the Town.

The Town Manager is hereby authorized to accept any such gifts or donations on the part of the Town, to see to their disposition in accordance with donor's wishes and applicable law, and to

notify the Select Board of any such gifts or donations. The Town Manager shall determine if the gift and donation is consistent with Town plans, needs and resources.

If gifts and donations involve equipment, programs or the construction of capital projects, it is important for the Town and the donor to have an agreement in advance of any fundraising efforts. A written agreement will describe the nature, location, design and details of any such equipment, programs and projects.

If a commitment of Town funds is required to match or supplement fund raising efforts, the fundraising efforts may be approved if the proposed project is included in the Town's Capital Improvement Program (CIP), with an understanding that Town funds will not be available until those capital funds are available through the budget.

In circumstances where donations are made to replace, maintain or repair portions of Town sites and facilities, including replacement of elements of parks, recreation areas, buildings, and similar equipment, the Department Head within whose jurisdiction the site or facility falls may accept such donations where:

- The value of the donation is \$5,000 or less
- The item being replaced, maintained, or repaired is consistent with any master plan for the property in question.

Additionally, the Town must be assured that any donations that are solicited or received on behalf of improving Town facilities or operating Town programs are either solicited by properly established non-profit corporations, through for profit corporations, or by individuals making donations directly to the Town. This is important for purposes of ensuring that donor's expectations are completely met with regard to possible tax deductibility of donations, and that a fundraising group is indeed making all donations properly and directly to the Town for the purpose intended.

### **1.6.2 – Use of Town Staff and Resources for Gifts and Donations**

In order to achieve other department missions and provide essential services, the Select Board recognizes the need for staff to develop fiscal and other resources to supplement municipal funding.

The policy of the Select Board regarding fundraising activities by staff is the following:

1. Such activities will not decrease staff effectiveness nor will they constitute an inordinate amount of work time.
2. In accordance with the Conflict of Interest Law (Massachusetts General Laws, Chapter 268A), Town employees will not realize personal financial benefit from fundraising activities.
3. Employees involved in fundraising are expected to use good judgment at all times, and to be sensitive to issues such as the business climate and the ability to give.
4. In accordance with the Town's established policy on Acceptance of Gifts, it is understood that there is no offer on the part of the Town or its employees, Departments, or Agencies to reciprocate in any manner with regard to provision of



services, enforcement of laws or regulations or any other considerations by the Town.

5. To ensure consistency in communication about fundraising efforts, Boards and Committees and Department Heads shall inform the Town Manager of new fundraising efforts or campaigns prior to such activities.
6. Notice of regular or ongoing fundraising activities should be given to the Town Manager through the regular channels of communication.
7. The Town Manager may establish guidelines which specifically describe different types of fundraising and appropriate actions.

### **1.6.3 – Authorization for the Town Manager to Sign Grant Applications and Acceptances**

The Town of Reading from time to time makes application for grants from various State, Federal and private sources.

Since the Town Manager is authorized to execute contracts for the Town, the Select Board authorizes the Town Manager to sign grant applications and acceptances for such grants as have been authorized by the Select Board or the appropriate public body.

It shall be the responsibility of every Department to report to the Town Manager that all operating requirements and resources are in place to properly implement the grant, including personnel policies, labor contract provisions, availability of resources, equipment, and all other things that will be needed. This action should take place prior to application for the grant if possible, but in all cases shall take place prior to the acceptance of any grant, unless the Select Board waives this requirement.

### **1.6.4 – Use of Public Funds for Gifts**

Public funds shall not be expended by any employee, official, Board or Committee of the Town, except the Select Board, for the purchase of food, flowers or other gifts for personnel of any Town Department who are retiring or resigning from employment. Use of public areas for the purpose of Department testimonials may be approved by the Town Manager.

The Select Board members representing the Town may, as they deem fit, expend public funds for the purpose of presenting personnel or members of Boards and Committees, testimony of service in the form of printed, framed documentaries or other forms of appreciation, as the Select Board members shall decide from time to time.

The Select Board members representing the Town may, as they deem fit, accept and use funds donated for the specific purpose of expressing sympathy for injury or death with appropriate acknowledgment.

### **1.6.5 – Use of Public Funds for Professional Development**

The Select Board recognizes that in many instances it is desirable for staff and/or elected officials to have spouses and/or families attend conventions or seminars with them. The intent of this policy is not to prohibit or discourage such attendance but to provide that, to the extent such attendance creates an expense over and above the expense of the employee or official attending such seminar or conference, that the employee or official will personally bear that additional expense. It is not

the intent, where no additional expense is generated, to have the employee bear a pro-rated share of the expense for rooms, transportation or other costs.

### **1.6.6 – Financial Oversight**

The Town is committed to complying with and requires its employees (which includes officers, board and committee members and other persons acting on its behalf) to comply with all applicable Town policies, State and Federal Laws and regulations and internal accounting controls. The Town of Reading will investigate any report of fraudulent acts or related misuse of Town resources or property. Any individual found to have engaged in fraudulent acts or related misconduct, as defined in this policy, is subject to disciplinary action by the Town, which may include dismissal or expulsion, as well as prosecution by appropriate law enforcement authorities.

#### **1.6.6.1 - Definition of Fraud**

Fraud and related misconduct prohibited by this policy generally involves a willful or deliberate act or failure to act with the intention of obtaining an unauthorized benefit. The following are examples of activities that may be considered fraud:

- Making or altering documents or computer files with the intent to deceive;
- Purposely inaccurate financial reporting;
- Improper handling or reporting of money transactions;
- Misappropriation or misuse of Town assets and resources for personal gain or for the advantage of another;
- Unauthorized use of Town assets and resources for personal gain or for the advantage of another;
- Altering or incorrectly reporting information for personal gain or for the advantage of another or the Town;
- Authorizing or receiving remuneration for time not worked;
- Authorizing or receiving compensation for goods not received or services not performed

Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive.

#### **1.6.6.2 - Responsibilities**

The Town has a responsibility to investigate and report to appropriate governmental authorities, as required, any violations of compliance with Town policy, State and Federal Laws and regulations, internal accounting controls and questionable accounting matters.

Town of Reading management is responsible for establishing and maintaining policies and controls that provide security and accountability for the resources entrusted to them. Internal controls are intended to aid in preventing and detecting instances of fraud and related misconduct. Management is also expected to recognize risks and exposures inherent in their area of responsibility and be aware of indications of fraud or related misconduct. Responses to such allegations or indicators should be consistent.

Every employee has the responsibility to assist the Town in complying with policies and legal and regulatory requirements, and in reporting known violations. It is the policy of the Town to encourage the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

### **1.6.6.3 - Reporting Suspicion of Fraud**

Employees should report suspected instances of fraud or irregularity to their immediate supervisor or their next appropriate management level. However, in certain circumstances, it may be appropriate for employees to report suspected instances of fraud or irregularity directly to the Town Accountant (If the alleged fraud has been committed by the Employee's supervisor.) It is the responsibility of a supervisor or relevant manager to ensure that the suspicion of fraud and/or irregularity that is reported to them is reported as soon as practical to the Town Accountant. The written or verbal report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. In the event that the Town Accountant is the subject of, or otherwise identified as involved in the acts underlying such report, the person making the report may notify and forward such report to the Town Manager or Assistant Town Manager who will then lead the investigation, and the Town Manager or Assistant Town Manager shall immediately report such allegation to the Chair of the Select Board.

Town employees are not to initiate investigations on their own. However, anyone may report suspected violations or concerns by letter to the Town Accountant and should indicate that he or she is an employee of the Town. The report should be sufficiently detailed and inclusive to ensure a clear understanding of the issues raised. Mark the envelope "Confidential and Private". It is the policy of the Town that anyone who reports a violation may make such report confidentially and offsite.

There shall be no retaliation by the Town's employees against any employee who makes a report pursuant to this policy even if after investigation the Town Accountant determines that there has not been a violation of any applicable Town policy, State or Federal laws and regulations or internal accounting controls. However, employees who make reports or provide evidence which they know to be false or, without a reasonable belief in the truth and accuracy of such information, may be subject to disciplinary action.

### **1.6.6.4 - Investigation**

Following receipt of a report, the Town Accountant shall commence an investigation, as he/she, in his reasonable judgment, deems appropriate. The Town Accountant shall be authorized to retain such other individuals, including outside legal and accounting experts, as he or she deems appropriate to assist in such investigation.

Appropriate Town management, together with the Town Accountant, will constitute the Investigation Team and will determine the necessary action depending upon the nature of the allegations or suspicions. The individual being investigated shall be notified immediately of said investigation and shall have the right to an attorney and/or union representative, as applicable, during all stages of the investigation. All efforts shall be made to ensure due process in the investigative process. Law Enforcement agencies may

be notified and included on the Investigation Team. In those instances where the investigation indicates the probability of criminal activity, the inquiry will be turned over to the appropriate law enforcement agency.

In an investigation, objectives include verifying the facts, maintaining objectivity and confidentiality, determining responsibility and recommending corrective action. Details of the initial response and/or investigation will remain confidential.

If in the opinion of the Investigating Team fraud is probable, employees suspected of such irregularities and/or fraud shall be suspended pending investigation. Appropriate Human Resource personnel will provide guidance to the Investigating Team related to action (disciplinary or otherwise) required as a result of any response to or investigation of fraud or irregularity.

Any individual suspected of irregular and/or fraudulent activities should not be confronted prior to commencement of the investigation process. Records related to the activity may need to be seized before the suspected individual becomes aware of any investigation. All employees suspected of irregularities and/or fraud are to be treated fairly and consistently and in compliance with the collective bargaining agreements and personnel policies. Employees suspected of irregular and/or fraudulent activities have legal rights that must be respected.

In the event any such investigation reveals information that is either material or, in the reasonable judgment of the Investigation Team, merits immediate attention by the Audit Committee, and in every case where the dollar impact of fraudulent activities exceeds \$2500, they shall contact the Chair of the Audit Committee to discuss the matter, and shall inform the Chair of the Select Board. The Investigation Team shall make the final determination of whether a violation of the Town policy, State and Federal laws and regulations or internal accounting controls applicable to the Town has occurred.

#### **1.6.6.5 - Reporting Results**

The Town Accountant will prepare a report of the results of any review of fraudulent or irregular activities. The report will contain the disciplinary taken, if any. As applicable, it will also contain details of the systems weaknesses that did not prevent or detect the fraudulent or irregular activities and provide recommendations for improving systems controls to prevent or detect similar events.

It is recognized that management investigating the incident may share information with senior management, the town's audit committee, town counsel, and/or law enforcement agencies as deemed necessary. The Town Accountant will include a statistical summary of the fraud reports in the annual report.

#### **1.6.7 - Purchasing Card Policy**

Use of purchasing cards will expedite Town and School purchasing and payables for isolated one-time purchases along with payment for smaller dollar items. Purchasing cards may be issued to one or more employees at the discretion of the Town Manager or Superintendent of Schools as applicable, and with the names of all users to be filed with the Town Accountant.

Issuance of a purchasing card under the name of the Town of Reading or the Reading School Department is a privilege and every reasonable effort shall be made to ensure that cards are used responsibly and in a manner consistent with Town and School Department policies, guidelines and applicable laws and regulations of the Commonwealth of Massachusetts.

The Town Accountant will authorize the type of items that can be purchased on the card and the maximum single transaction limit. In any event, the purchasing card shall not be used for purchases of travel, lodging, food, or beverages, for employees or Officials. The procurement card may be used for travel, lodging, and food and beverage (but not alcohol) expenses from student activity accounts for student travel. The Procurement card may be used to register for conferences or seminars. If the use of purchasing cards is extended beyond the one year trial period, the Town Accountant will periodically establish and issue guidelines to purchasing card users. It is the responsibility of each purchasing card user to ensure that their respective card is stored in a secure place and that the account number is protected. A card number may be used in a secure internet transaction but shall never be written out and transmitted via email. Each purchasing card user is responsible to reconcile every transaction made within the month.

Purchasing cards may be issued to individual users at the discretion of the Town Manager or Superintendent of Schools as applicable. Each user will sign for receipt of the card. Cards are to be stored in a secure location. If a purchasing card is lost or stolen the purchasing card user will notify the Town Accountant who will notify the bank, local police department and the Town Manager or Superintendent of Schools as applicable. Replacement of a lost or stolen card will be at the determination of the Town Manager or Superintendent of Schools as applicable.

Failure to adhere to purchasing card policy and guidelines will result in revocation of card use, and the user may be subject to disciplinary action. An individual who is found to abuse the use of a purchasing card will be subject to disciplinary action up to and including termination from employment along with potentially criminal charges being filed against them. In addition the Town will seek restitution for any inappropriate charges made to a purchasing card.

The Town Accountant will establish procedures to be followed regarding the reconciliation processes. All relevant records are to be included with each statement and retained with applicable voucher records.

### **1.6.8 - Surplus Property**

The following policy outlines the process to be followed in the disposition of tangible surplus items after the originating department has offered the item(s) for repurposing to other departments within the Town. This policy applies to all items having resale or salvage value regardless of dollar amount. Any property that is determined to be surplus to the Town must be disposed of according to the guidelines of this policy.

In order to follow the appropriate steps you must first make a determination of its value. The declared value determines the procedure that must be followed.

Surplus items owned by the Town shall be sold, traded or otherwise disposed of upon the written recommendation of the respective Department Head to the Town Manager. The written recommendation shall include a specific description (as much information as possible) of the item to be disposed of including relevant make, model number, serial number, vehicle identification number, etc. The written recommendation must include a justification/reason for the request. Please complete the **Surplus Property Form** and submit it to the Town Manager.

The Town Manager shall review the written recommendation and make an initial determination of its merits.

If the surplus goods or equipment have no resale or salvage value, the department shall dispose of such property at the least cost to the town.

If the item has a resale or salvage value, the next step is to have the item approved for disposition by the Select Board. After the Surplus Property Form has been approved by the Town Manager follow the steps outlined below:

Please submit the “Surplus Property Form” to the Procurement Office. Sufficient information and photographs should be provided to allow for inspection of the surplus item. The form gives the Procurement Office the necessary information to offer the item(s) for auction and disposal. The Procurement Office will require the list and photographs of the items to sell a minimum of 30 calendar days prior to the items needing to be removed from your site. This timeframe allows for advertising requirements and the buyer time to make payment and pick the item up.

The originating Department must ensure that all confidential and personal data has been removed prior to the sale, trade or disposal of the item.

### **Value Less Than \$10,000**

If the surplus property is determined to have resale or salvage value less than \$10,000 the property may be disposed of pursuant to one of the procedures set forth below in subsection A, B or C.

- A. Solicit quotes from at least 3 companies that deal in such property, maintaining a written record of the names and addresses of the companies from which a quote was solicited; or
- B. Advertise the surplus property for sale on the town website and or on any internet site that offers such property for sale at least 14 calendar days prior to the sale. Any such advertisement shall state the sale date and the terms of the sale, or
- C. Offer the item no longer useful to the Town to a charitable organization after receiving approval of the Town Manager and the Select Board. To be eligible, the charitable organization must be tax-exempt under section 501(c)(3).

### **Value Greater Than \$10,000**

If the surplus property is determined to have resale or salvage value greater than \$10,000 it must be disposed of in conformance with procedures of Massachusetts General Laws Chapter 30B.

This policy shall not apply to the Municipal Light Board or the disposition of old books, magazines, periodicals, recordings and printed materials in the custody of the Board of Library Trustees. Such disposition may be made at the discretion of the Board of Library Trustees.

*Section revised March 2019*

### **Section 1.7 – Non-discrimination**

The Town does not discriminate against any person on the basis of race, religion, ethnicity, color, gender, sexual orientation, gender identity, national origin, ancestry, age, marital status, veteran status, or disability, or any other protected status defined by law.

### **Section 1.8 - Use of the Town Seal**

The Town Seal was adopted by the Town in 1890, and constitutes a symbol to the general public of the Town of Reading. In order to control and regulate the use of the Town Seal so that it is used only to represent official uses by the Town, this policy is adopted as follows:

1. The Seal of the Town shall be used on all letterhead, forms, legal notices and other official papers of the Town of Reading, in a form and format to be approved by the Town Manager.
2. The Town Seal is to be placed on municipally-owned or operated vehicles as may be determined by the Town Manager.

Any other use of the Seal of the Town of Reading will require prior approval by the Select Board.

### **Section 1.9 – Severability**

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be affected to the minimum extent necessary, so as to secure the purposes thereof.