



# Town of Carlisle

## Committee Creation and Appointment Policy

This policy has been adopted by the Carlisle Select Board and is intended to cover all committees, boards, commissions, and task forces (all of which are hereafter referred to as "Committee") appointed by the Carlisle Select Board (hereafter referred to as "the Board"). This policy does not apply to Town employees nor to elected public bodies.

Date adopted: October 24, 2023

Revised: December 16, 2025; Effective January 1, 2026

### I. TERMS AND DEFINITIONS

**Board:** The Carlisle Select Board

**Committee:** Any public body under the jurisdiction of the Select Board. All public bodies are subject to the Open Meeting Law.

Other common terms in Carlisle are "Board", "Task Force", and "Commission". The term used in the name of the public body is determined by the Select Board at the time of creation. The term "Commission" is most often used for certain entities in town that are named by Massachusetts General Law (i.e., Conservation Commission, Historical Commission). The term "task force" indicates a public body of more than 1 person that has been delegated authority by the Board to perform a specific task. A task force will usually have a specific assignment and duration; often the task force will provide a written report to the Board at the conclusion of their assignment; members may be appointed for the life of the task force.

A note on applicability of the Open Meeting Law, as stated by Town Counsel:

"Speaking in broad terms, there is no functional difference between a sub-committee, working group, or task force. With respect to the requirements of the Open Meeting Law, the law will apply to a subset of a public body, or even a group of non-members, if such group is delegated the authority to perform a task which is within the authority of the assigning public body. **In short, the name given to the group is not determinative, but the delegated authority is.**

"The delegation of authority to more than one individual generally creates a new "public body" within the meaning of the Open Meeting Law. However, where authority is

delegated to a single individual, for example by the Select Board to the Town Administrator, a single person does not meet the definition of a "public body" and does not fall within the requirements of the Open Meeting Law. For example, the Town Administrator, if tasked solely with a responsibility by the Select Board, can have regular independent meetings with staff and other individuals and this will not have the effect of creating yet another public body which must have open meetings. The distinction has to do with the deliberative process. A multi-member body must necessarily engage in public deliberations to make decisions on matters within its jurisdiction. In contrast, an individual, if so empowered, may seek information, advice, and guidance from any source, but ultimately has sole discretion to make decisions within their authority or authorization."

**Working Group:** The Board may instruct the Town Administrator (TA) to provide information or recommendations to the Board on a topic or issue. The TA may choose to convene a working group to accomplish this task. The working group is led by the TA or their designee and may include one volunteer from any Committee at the discretion of the TA. Such a working group would not fall under the Open Meeting Law as the TA could choose to take the action without other assistance.

**Charge:** The mission or purpose of a Committee; the language of which must be approved by the Board. "Charter" may also be used.

**Vacancy:** Any open seat on any Committee regardless of how it occurs; whether by resignation or expiration of term.

**Initialisms:**

**EA:** Executive Assistant to the Select Board

**TA:** Town Administrator

**ATA:** Assistant Town Administrator

**OML:** Massachusetts' Open Meeting Law

**MGL:** Massachusetts General Law

## II. COMMITTEE POWERS AND DUTIES

The powers and duties of the following public bodies are governed by State statute, and the members are determined by town election.

They are:

- Board of Assessors
- Board of Health
- Carlisle School Committee
- Gleason Library Board of Trustees
- Planning Board

While the Board does not have the authority to appoint members to these public bodies or to create or appoint subcommittees thereof, it is in the best interests of the Town, as much as possible, that these public bodies be guided by the general policies promulgated by the Board as implemented by the TA and Town staff.

All other Committees are created by the Select Board and have the duties and responsibilities as outlined in their Committee Charge (hereafter referred to as "Charge") which is approved by the Select Board. Committees have the powers and tasks delegated to them in their specific Charge, and these shall be reviewed and updated periodically by the Select Board or at the request of the Committee.

### **III. OFFICERS OF COMMITTEES**

Each Committee shall **annually** elect from among its voting members a Chair. It is desirable that each Committee elect a Vice Chair from its voting members to serve in the absence of the Chair. Committees may choose to elect a Clerk from its voting members with the responsibility of ensuring that minutes are recorded and submitted in a timely fashion. Once elections have been held, the name and title of each officer shall be provided to the EA for listing on the town website.

It is recommended that the Chair and Vice Chair should rotate yearly amongst the Committee voting membership.

### **IV. OPEN MEETING LAW, MINUTES, AND COMMITTEE DOCUMENTS**

All Committees shall operate in accordance with the Open Meeting Law (OML), MGL Ch. 39, sect. 23a-c, and shall submit agendas and keep minutes of their proceedings. Each Committee is responsible for submitting meeting minutes electronically on a timely basis to the Town Clerk in the format requested by the Town Clerk no more than 10 business days after they have been approved. As a reminder, under OML, minutes need to be approved within 30 days or 3 meetings, whichever is longer.

Committees are reminded that "draft" copies of the Committee's minutes are considered a public record and must be made available to the public upon request, even when the Committee has not yet had the opportunity to review and accept the minutes.

Upon the dissolution of any Committee by the action of the Select Board or Town Meeting (both elected and appointed), all records, documents, correspondence, and files concerning the Committee's work shall be promptly turned over to the Town Clerk for appropriate filing and archival storage.

### **V. CONFLICT OF INTEREST**

All Committee members are subject to the requirements of Massachusetts General Laws, Chapter 268A, Conduct of Public Employees. The statute covers:

- a. Gifts or receipt of compensation or gratuities from anyone other than the Town
- b. Offers or promises to influence official acts
- c. Financial interest in contracts or other matters
- d. Acting as agent or attorney before a Town Committee

- e. Unfair advantage in relation to a particular matter

All Committee members must avoid the appearance of conflict of interest in all matters coming before their Committee. Committee members shall seek guidance from the State Ethics Commission about potential conflicts of interest. If possible, this should be done prior to appointment to the Committee.

## **VI. APPOINTMENT POLICIES AND PROCEDURES**

### **A. General**

The Town of Carlisle has an enviable history of active Town volunteers on many Committees who contribute to the overall benefit of the community. It is the goal of the Board to seek qualified persons to serve on each Committee and to make such appointments in a transparent and clear manner.

1. The Select Board, with support from the TA or their designee, will endeavor to develop a pool of people interested in serving on Town Committees from at least the following sources:
  - a. Recommendations from Town organizations or individuals
  - b. Suggestions from the Committee having a vacancy
  - c. Self-nomination by prospective appointee(s)
  - d. Individual responses to publicity regarding vacancies
  - e. An ongoing list of interested volunteers maintained by the Town Administrator or their designee.
2. The Select Board directs the TA or their designee to regularly publicize Committee vacancies and recruit volunteers through social media, public events such as Town Meeting and Old Home Day, and other appropriate avenues.
3. The Select Board shall make appointments in accordance with the Massachusetts Equal Rights Amendment which states, in part, that "Equality under the law shall not be denied or abridged because of sex, race, color, creed, sexual orientation or national origin.
4. The Board may unappoint any Committee member at their discretion, after discussion in a public meeting, subject to Massachusetts General Law.
5. The Board may dissolve any Committee or Subcommittee at their discretion, after discussion in a public meeting, subject to Massachusetts General Law.

### **B. Residency**

Residency shall be determined by Annual Street Listing (Town Census) records, as kept by the Office of the Town Clerk. Members should have a current year Annual Street Listing (census) form on record.

Voting committee members shall be residents of the Town of Carlisle. A non-resident may serve as a non-voting member of a Committee. The number of non-voting members is at the discretion of the Committee.

In the event a Committee member becomes a resident of another community, the member or the Committee chair shall promptly notify the TA or their designee. The non-resident member is permitted to serve through the Committee's next meeting or 30 days from becoming a non-resident, whichever is shorter.

In general, any resident of Carlisle who is 18 years of age or older may be appointed to a Committee. If recommended by a unanimous vote of the Committee, a person younger than 18 may be appointed to a Committee as a non-voting member only at the discretion of the Board.

### **C. Resignations and Appointments**

Openings on any Committee are hereafter referred to as a Vacancy. A Vacancy includes all volunteers at the end of their term as well as Vacancies due to resignations that may occur during a term.

i. **Volunteer Resignation:**

It is the responsibility of any member resigning before the end of their term to submit a letter of resignation to the Town Clerk. Under MGL Ch 41, the resignation must be received and acknowledged by the Town Clerk to be effective. The member should also notify the Committee Chair, the Board liaison, and the Executive Assistant to the Select Board, hereafter referred to as EA. (Members resigning shall provide an electronic notice to the EA so that the Board may be notified of the resignation at a subsequent meeting, thus making it possible to appoint a new volunteer to fill the vacancy.) If the member only notifies the Chair, the Chair shall forward the letter of resignation to the Town Clerk, Select Board liaison, and EA.

ii. **Appointment of Committee members:**

1. It is the sole responsibility of the Board to make appointments to Committees made under their authority.
2. The EA will coordinate with Town staff and community partners to publicize vacancies regularly through the appropriate social media and Town website and invite residents to submit a letter of interest to the EA, including any relevant experience and why they would like to serve. The form may be found on the Town's website.
3. The EA will maintain an updated list of all Committees, their current members, their terms, committee charge and all vacancies to be posted on the Town website.
4. After a prospective volunteer submits their letter of interest, the EA will confirm with the Town Clerk that the interested volunteer meets the residency requirement as defined in Section B, above.
5. The EA will send the letter of interest to the relevant Committee Chair, who may choose to have the interested volunteer attend one or more of their meetings.
6. The EA will follow up with the Committee Chair to determine if the Committee has voted to recommend the applicant or has chosen to not recommend the applicant.
7. The EA will notify the TA and Board Chair of the vacancy and will provide to them a copy of the letter of interest and all other documents supporting the appointment of this volunteer.
8. The TA shall notify the Board Chair of all pending committee appointments for the Board Chair's consideration of inclusion on the appropriate SB agenda for approval.
9. New members may be recommended for appointment at any time during the year.

iii. **Terms of volunteers:**

1. Unless otherwise specified in the Committee's charge, a term is 3 years and staggered so that there is some continuity from year to year.
2. All terms typically follow the Town fiscal year of July 1 through June 30; a 1-year

term ends the following June 30; a 2-year term ends 2 years later on June 30, a 3-year term ends 3 years later on June 30

- a. If someone resigns before the conclusion of their term, a new member may be appointed and will serve out the remainder of the term.

iv. **Multiple Volunteers interested in one Vacancy:**

1. The Committee shall review all applicants in a public meeting and vote to recommend one to the Select Board for appointment. In their written recommendation to the Board, the Committee shall explain their choice in their recommendation.
2. The Select Board shall review all applicants, the recommendation of the Committee, and any other relevant materials in a public meeting. The Board may choose to interview the applicants and/or question the Committee to clarify their choice.
3. The Board will make the appointment after discussion in a public meeting. They may direct staff to contact the interested volunteers who are not appointed to assist them in identifying another volunteer opportunity.

**VII. VOTING BY A COMMITTEE MEMBER**

All newly appointed volunteers must be sworn in by the Town Clerk and take the Oath of Office. This includes members who have been appointed to another term.

Appointed members who have not yet been sworn in may attend the relevant Committee meeting and may participate at the discretion of the Chair, but they may not vote on any matters before the Committee until officially sworn in.

**VIII. CREATION OF A NEW COMMITTEE**

The Board has authority to delegate research, actions, and recommendations to a new non-elected Committee since the Board serves as the Town’s primary appointing authority.

Once a need has been established by the Select Board, there are several steps to be followed:

1. At the direction of the Select Board, a draft of the charge/mission of this new body is written by Town Hall staff in consultation with 1 designated SB member. The charge should include a recommendation for the number of voting members and the length of their terms; if the new body has a goal or specific time frame for completion of their mission, this should be included. The draft is then discussed and approved by the Select Board in a public meeting.
2. Once approved, the process will follow the “Appointment of Committee members” as described above in section C, part ii.
3. Additional volunteers may be appointed at any time throughout the year to fill vacancies, provided the vacancy has been advertised for at least two weeks.

Committees of the Board may form subcommittees, using the process outlined above, provided they report to the EA, TA, and Board liaison of their activity. The Board must be notified at a public meeting before the subcommittee begins operation. If there are any concerns brought to the

attention of staff or the Board, the Board may review the subcommittee's charge, creation, and activity at a public meeting before the subcommittee is permitted to continue operating.