

Douglas Council on Aging



Manual of Bylaws and Policies

Adopted 4.28.2014

MISSION STATEMENT

The Douglas Council on Aging is committed to the seniors in this community. By evaluating and responding to those needs, through developing, promoting and encouraging programs and services in a positive atmosphere, while enhancing the quality, enrichment and independence to each senior we serve. With this mission, we allow all seniors to embrace the aging experience with grace and dignity while serving as advocates to the seniors of Douglas, and their caregivers.

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SECTION 1:

DOUGLAS COUNCIL ON AGING BY-LAWS

DOUGLAS COUNCIL ON AGING BYLAWS

Name

The name of the organization shall be called The Douglas Council on Aging hereinafter referred to as the COUNCIL, as established by the Town Meeting of the Town of Douglas, Massachusetts.

Purpose

The basic purposes of the Council are:

- Identify the needs of the elderly population of the community and advocate to meet those needs.
- Educate the community and enlist support and participation of all citizens concerning the needs of our elderly.
- Design, promote and implement services to fulfill the needs of our senior citizens and/or refer them to the appropriate agencies as necessary.
- The Council shall cooperate with the Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists in order to better community programming for the elderly.
- The Council shall make an annual report to the Board of Selectmen with a copy direct to the State Office of Elder Affairs.

Office

The principal office of the Council shall be located at the Douglas Senior Center, 331 Main Street, Douglas, Massachusetts 01516.

Membership

The council shall consist of seven (7) to eleven (11) members, inclusive of the chairperson, but exclusive of the Senior Center Director.

Potential Council members, who are residents of the Town of Douglas, may be recommended by a majority vote of the existing Members of the Council for appointment by the Board of Selectmen.

All members shall be sworn in by the Town Clerk within seven (7) days of their appointment.

Voting Rights of Members

All voting rights shall be vested in the Council on Aging members appointed by the Board of Selectmen and each individual member shall be entitled to one vote with respect to any question or matter, which may come before a meeting of the members of the Council. In accordance with MGL Chapter 30A, Sections 18-25 and 940 CMR 29.00 Open Meeting Laws will apply to each COA Board meeting.

Section 1 - Regular Meetings

Regular meetings of the Council shall be held at 6:15 P.M. on the second Tuesday of each month at the Senior Center.

Section 2 - Special Meetings

Special Council meetings may be called at any time by the Chairperson or at the request of a majority of the members. All members must be duly notified, as well as the Town Clerk, and notice of such placed on the Town Hall bulletin board 48 hours in advance of the meeting.

Section 3 - Annual Meeting

The annual meeting of the members of the council shall be held the second Tuesday in July for the purpose of electing officers.

Section 4 - Quorum

At all meetings of the members of the Council the presence of a majority of members to vote at such meetings shall be necessary and sufficient to constitute a quorum for the transaction of any business. A quorum constitutes the majority of members that the Board of Selectmen appoints that year.

Section 5 - Voting

Except as may otherwise be provided by these By-laws, the vote of at least a majority of the members present at a meeting with respect to a question or matter brought before such meeting shall be necessary and sufficient to decide such question or matter.

Section 6 - Meetings

All meetings shall be conducted in accordance with Robert's Rules of Order.

No one wishing to speak shall do so unless recognized by the Chairperson.

Section 7 - Resignation

In the event that a member wishes to resign from the Council, he/she should notify the Council, Town Administrator and the Town Clerk in writing.

Section 8 - Attendance

Regular attendance is expected of all members except for reasons of health or extenuating circumstances. A member who cannot be present shall report this fact to its Chairman or to the Senior Center Director in advance of the Council Meeting.

Section 9 - Policy

The Council on Aging will establish all policies pertaining to the Douglas Center and all policies pertaining to the Council Senior Center operations, programs and services, with the input and recommendation of the Senior Center Director.

Section 10 - Appointments

The Senior Center Director shall appoint and /or dismiss all employees and instructors of the Douglas Senior Center. All such actions should be reported by the Senior Center Director to the Council on Aging at its next Council meeting.

Officers

Section 1 - Number, Qualification, Election and Term of Office

- a. The officers of the Council shall consist of Chairperson, Vice Chairperson and Secretary.
- b. Officers of the Council shall be elected at the Annual Meeting of the Council by a majority vote of the members present.
- c. All Officers will be elected for a one year term.
- d. Election of officers to fill vacancies created by death, resignation, or other causes may take place at any regular or special meeting and shall be for the expired term of the previous incumbent, except that the office of Chairman, if vacated, shall be filled by the Vice-Chairman, for the un-expired term.

Section 2 - Chairperson

The Chairperson shall preside at all meetings of the Council. The Ch

Section 3 - Vice-Chairperson

During the absence or disability of the Chairperson, the Vice-Chairperson shall serve as Chairperson. If the office of the Chairperson should become vacant, the Vice-Chairperson shall assume such office for the un-expired term.

Section 4 - Secretary

The Secretary shall record all the proceedings of the meetings of the members.

Amendments

The Council shall have the power to amend the Bylaws in the following manner:

Amendments to these Bylaws may be adopted by a two-thirds (2/3rd) vote of the members present at any regular or special meeting of the Council where a vote for adoption is being taken, provided that notice of a meeting at which a Bylaw change is considered shall be included with the agenda, and shall include the text of proposed changes.

Cooperation

The Council pledges to cooperate fully at all times with all recognized senior groups in Town. A standing invitation is extended to a representative of all interested groups to attend any of our meetings for the purpose of reporting on their current needs or activities, and to present any constructive ideas to the Council for their consideration.

Douglas Senior Center Director

Section 1 - Appointment

The Douglas Town Administrator shall appoint and /or dismiss the Director of the Senior Center.

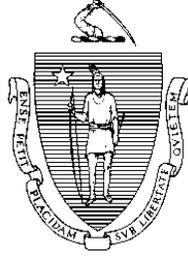
Section 2 - Responsibilities

The Douglas Senior Center Director is in charge of the Douglas Senior Center. The Douglas Senior Center Director is responsible to the Council on Aging for carrying out all policies, programs and practices affecting senior citizens within the Town of Douglas that have been approved by the Douglas Council on Aging. The major duties of the Senior Center Director include access to the Center and service to senior citizens within the community, financial planning; fundraising in coordination with the Sun Shine Club of Douglas and grant writing; staff recommendation to the Council on Aging for employment or dismissal; personnel management and staff supervision; protect the confidentiality of Seniors of Douglas, coordinating the Council on Aging with local, state, federal agencies and networking.

Provide a copy of the Douglas Council on Aging manual of By Laws & Policies to all staff members (staff is defined to be those are compensated by the Town of Douglas, volunteers or by Grants received from other sources).

The Douglas Senior Center Director is the Department Head for the Senior Center and Programs affecting Senior Citizens within the Town of Douglas.

The Senior Center Director is required to attend the monthly meetings of the Council.



SECTION 2:

STATE GUIDELINES

COA BOARD MATRIX

AGENCY COMPONENTS	BOARD MEMBER	BOARD CHAIR	DIRECTOR/ Coordinator
AGENDA	Submit Items. (Sub)Committee reports	Develop meeting agenda jointly with Director.	Develop meeting agenda jointly with board chair.
BOARD MEETINGS	Attend; participate	Attend; facilitate	Attend; advise; report.
MANAGEMENT	In the absence of paid staff. Does not direct the director	Focus/oversee board activities. Motivate and develop members, committees. Does not direct the director	Direct and supervise daily operations including oversight of staff, volunteers (and providers or contractors) as well as facility/grounds.
BOARD MEMBER DEVELOPMENT and ORIENTATION	Participate. Be attentive to recruiting and/or supporting new members on behalf of the agency mission. Recruit candidates.	Maintain short/long term planning orientation for program development. Enhance two way communication Recruit candidates.	Participate, (help) prepare orientation package, recommend new members. Recruit candidates.
VISION, MISISON, LONG TERM PLANNING, PRIORITIES, GOALS, OBJECTIVES, POLICIES, PROCEDURES (macro)	Determine through discussion. Advisory... but act in good faith with agreed board goals and objectives.	Articulate confirm discussion. Advisory... but act in good faith with agreed board goals and objectives.	Recommend, develop, record, implement (with board, as appropriate)
STAFFING DECISIONS	Vote on director's recommendations	Present director's recommendations	Offer recommendations. Interview. Hire.* Conduct staffing meetings.
FUNDING or OTHER SOURCES	Be attuned and/or relate to potential resources & program opportunities Optional: membership in community/business orgs.	Be attuned and/or relate to potential resources & program opportunities Optional: membership in community/business orgs.	Research/prepare funding proposals. Seek sponsorships; collaborate with agencies/providers. Optional: membership in community/business orgs.
SELF EDUCATION	Attend conferences and trainings; question, listen; evaluate, learn	Attend conferences and trainings; question, listen; evaluate, learn	Attend conferences and trainings; question, listen; evaluate, learn
COMMUNICATION	Direct through the Chair	Facilitate between Board and Director	Direct through the Chair
ADVOCACY	Represent elder interests	Represent elder interests	Represent elder interests

A GUIDE FOR BOARD MEMBERS

Produced by the Executive Office of Elder Affairs
(July, 2013)

Deval L. Patrick, Governor

Ann L. Hartstein, Secretary

Know Your Mission

Authorization

A Council on Aging (COA/Council) is a department of municipal government authorized under Chapter 40 Section 8B of the Massachusetts General Laws. This “permissive legislation” allows a municipality to establish a Council on Aging for the purpose of coordinating or carrying out programs to address aging issues in coordination with the programs of the Executive Office of Elder Affairs.

Responsibility

As a COA board member, you are responsible to the elected body of your town or city government and ultimately to the citizens of your community. Understanding your charge is essential. Is there a legal charter that established your Council? If so, it may specify your responsibilities as a board member. This charter may define the COA’s mission; if not, the board should seriously consider adopting its own mission statement.

Mission

Your duty is to understand, support and carry out the COA’s mission on behalf of the aging population. What makes the COA unique? You are, in fact, the only public social service agency in most cities and towns in the state. What defines aging? Some COAs target “aging” services starting at age 50. (Aging is not defined in the enabling legislation.) COAs help enable elders to remain independent, at home, for as long as possible, while providing for choices and opportunities. This includes identifying unmet needs and developing and implementing programs and services that help to meet those needs. Many COAs also incorporate the charge of educating citizens and advocating on behalf of elders into their mission statement. Regardless of the exact language, board members must understand and be committed to the agency’s mission.

YOUR LEGAL OBLIGATIONS

Your COA is a governmental body and that functions within your municipality’s legal framework. As a COA board member, you need to understand the state laws that affect you and all COA board members across the state. Because you have a public responsibility, you share many of the legal and ethical obligations of elected officials. The following apply to every COA and to you as a board member:

Open Meeting Law—MA General Laws (c.39, s.23 A-C) states that "All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided..." This requires public posting of meeting notices and discussion topics prior to a COA meeting. (Cf. your town/town clerk or go to <http://www.mass.gov/ago/government-resources/open-meeting-law/>)

1. **Public Records Law**—MA General Laws, c.4, s.7 states that "Any person has an absolute right of access to public records." Although that phrase continues to include items such as minutes and financial statements, an amendment to the COA enabling legislation (c.40, s.8b) in 2002 precludes access to records containing personal identifying material such as name, address, telephone, e-mail or participation in specific programs/services.
2. **Conflict of Interest Laws**—MA General Laws, c.268A "sets a minimum standard of ethical conduct for all municipal employees and officials." This applies to municipal officials and employees whether elected or appointed, full, part-time, paid and unpaid positions: anyone who serves in local government. The purpose of the law is "to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations." This includes even the perception and appearance of conflict. It provides for full disclosure of any conflicts of interest and abstention of voting on such matters. *

* A Practical Guide to the Conflict of Interest Law for Municipal Employees: MA State Ethics Commission.

3. **Solicitation of political contributions by employees.** In the eyes of the state you are considered a municipal employee; therefore, you cannot solicit funds for a political candidate.
4. **Fundraising is not permitted.** MA General Laws, c.44, s. 53 E ½ authorizes the use of revolving funds. Municipal bodies (e.g., Councils on Aging) may retain and expend program revenues with the annual approval of the municipality (which also may set limits as to how much revenue may be generated from the revolving fund). Nonprofit "Friends of the (x) Council on Aging" are often created to raise funds on behalf of the COA (... with the permission of the COA).
5. **Fair Information Practices Act.** MA General Laws, c.66A, s.2. The Commonwealth has very strict regulations regarding the confidentiality of client records and information. Be very careful that information you may have learned about COA clients is not disclosed to others. Council on Aging records that disclose identifying details such as name, address, telephone, e-mail or even which particular programs s/he attended are not a matter of public record.

6. ***Criminal Offender Record Information.*** (CORI) MA General Laws, c.6, s.167A, 172; c.30A. The CORI process is designed to protect the general public from exposure to potentially dangerous ex-offenders. CORI checks apply to COA staff, board members, volunteers and others likely to have “unsupervised contact with seniors.”

COA bylaws are legally binding; check with your board (or municipal) clerk for a copy. Bylaws should be in compliance with your municipal bylaws or ordinances: they constitute the board’s operating procedures, how the board is structured and conducts its business.

This includes qualifications of members, duties, the nominating procedure, termination, powers and responsibilities of officers, terms of office, quorums, standing committees, conflict of interest policy, frequency of meetings, and procedures for amendment.

You and the Director

Selection and Evaluation

COA directors are hired by and ultimately responsible to the appointing authority - typically the chair of the Selectboard or Mayor, the town/city manager or administrator or, very rarely, the COA itself. The appointing authority has the power to hire, evaluate and/or terminate the director. Know and observe your city/town policy or rules regarding this administrative practice.

Partnership

No matter how your director is hired or evaluated, whether paid or volunteer, effective communication between the COA board and the director is central to the Council's fulfillment of its mission. The ideal link is a partnership with a shared vision, voice, commitment, enthusiasm and goals: you are a team that requires mutual commitment, support and understanding.

Policy and Management

COAs boards typically serve in an advisory (not governance) capacity. As a board member you are a partner in helping set/review agency policies, while the director manages all aspects of daily operations. Although boards and directors need to pursue mutually agreed program/service goals, keep in mind that boards advise but staff implements. Becoming involved in day-to-day functions/operations is neither your role nor your responsibility.

Board and Service Volunteers

Council on Aging board members may also serve as program volunteers. This is a dual role: as a board member, you share in the leadership of the organization and provide support to the director; however, as a program volunteer, you carry out your work under the supervision of the director. It is the director who has the responsibility for hiring and supervision of paid staff and unpaid volunteers.

Watching the Budget

The budget is a financial reflection of the Council's program goals. The budget lets the community know what resources are available to carry out your services and activities. Therefore, as the stewards of community funds, Council on Aging boards have a fiduciary responsibility to:

Understand and approve the budget.

- Are there sufficient revenues to carry out the programs, services and activities?
- Are we getting the most resources to the elders in need?

Advocate for the budget's acceptance through your municipal budgeting process.

Monitor the budget throughout the year. Expenses compared to the budget should be reviewed monthly, or at least quarterly, by the board. You don't need to know how many paper clips are being bought, but you should be satisfied that expenses and revenues are in line with the budget.

Be accountable to your municipality, the elders and the rest of the community. Be confident the money is being used properly.

Other resources enhance/increase the total value of your services. In addition to in-kind support, volunteer efforts (which often substantially increase the value of cash resources) should be clearly acknowledged and recognized as essential to meeting COA service needs. Valuation could be calculated using a FTE (Full Time Equivalent) basis.

Your Planning Role

All COA boards should be involved with the director in planning (and/or reviewing) annual and long term goals. Planning translates your mission into specific programs and services: it tells you what resources are needed. Although implementation of the plan is a staff function, you have the responsibility for developing and monitoring the plan. Your role includes:

7. Understanding what each agency program offers and how it helps fulfill the mission of the Council. Is the program doing what it was designed to do? How do you know? Is this the most effective approach?
8. Identifying problems and **unmet** needs of the target population on a regular basis to see whether the programs are meeting their purpose/s. Is your agency tracking them...even if only anecdotally? How often?
9. Setting goals based on what you plan to achieve and what problems you want to address.
10. Defining the strategies or practices to determine how you will achieve the goals. Is the COA listening **and** learning?

11. Developing/updating action plans, as needed.
12. Making sure the plan is in line with the budget & staff/ volunteer resources.
13. Communicating with elected officials and other department heads about needs and mutually beneficial activities: this may (in fact, should) create or improve visibility and responsiveness.
14. Reviewing the plan regularly and repeating the cycle periodically.

How Well Are You Doing?

Evaluate Your Programs and Services

COA boards need to monitor its annual and long-range plans. It should regularly ask itself:

- What are we doing well?
- How do we know that?
- Are programs and services cost effective?
- What improvements **can**/do **we** need to **make**?
- Could it work better?

Seek feedback from staff, committees and volunteers. Attend a **program/s yourself** and ask participants what they think! Never be satisfied with the status quo: boards should not assume its programs and services are still meeting elder needs. Programs may need refinement. New constituencies arise or arrive. Flexibility matters: is your approach still effective?

Provide your municipality with the results of your program monitoring and evaluation. This provides assurance that money is being well spent and can strengthen the community's commitment to its elders.

Evaluate the Effectiveness of Your Volunteer Leadership

An engaged and supportive board is instrumental to addressing your agency mission. Members should ideally reflect the variety of the community and the knowledge and perspective needed to respond to change.

Board (and officer!) rotation can help ensure a balance of perspectives, strengths and interests to sustain and grow programs and services. COA mandated term/office limits may be at odds with municipal bylaws; if so, board members can pledge to limit their own terms at the outset -- easing transitions and ensuring continuity. Your bylaws should identify the nominating process, ideal candidates and expectations regarding committee service and terms. Ask prospective members to attend at least one board meeting prior to nomination.

Is Your Board Effective?

The COA Board Should See That Each New Member:

- receives a full orientation to the Council;
- is provided a (committee) job description;
- knows the bylaws under which the Council operates;
- understands the roles of volunteers and staff;
- has a clear understanding of the board / director relationship and responsibilities.

The Council Should Have a Clear Mission Statement and Written Policies and Procedures to Ensure That:

- program goals and objectives are set;
- services are described;
- programs fulfill the mission;
- resources are used appropriately;
- satisfaction is monitored and periodically evaluated.

The Chair(person) may Help Increase the Effectiveness of Board Meetings by:

- planning the agenda with the director in advance
- distributing the agenda, committee reports, and motions in advance;
- starting and ending board meetings on time and adhering to the time frame (agreed in advance) for **each** agenda item;
- inviting/encouraging/facilitating participation and adequate discussion;
- determining/confirming what action(s) should be taken;
- making use of an appropriate and effective committee structure.

What are Your Individual Responsibilities?

All responsibilities previously discussed related to the COA as a board: knowing the mission, understanding legal obligations and the partnership role, watching the budget, planning and monitoring, and otherwise contributing to an effective board.

However, as an individual, you have additional responsibilities to the community. These are to:

- maintain a commitment to the mission;
- attend all board meetings and participate;
- prepare for meetings by reviewing the agenda and reading materials distributed in advance;
- know the issues and be prepared to ask questions;
- vote and do not be reluctant to dissent if you are opposed;
- serve on at least one committee;

- keep yourself informed about aging issues;
- support the board and the director;
- be an ambassador for the COA and act as an advocate on behalf of elders in your community (and elsewhere if that is your vision).

Elder Affairs: BT – Guide for Board Members
E. Schmarsow rev. 7/2013

A Council on Aging (COA) is a department of municipal government, permitted under Ch.40, s.8B, of the Massachusetts General Laws. In most communities COAs are the only public social service agency.

15. Members are designated by appointing authority, following COA (re)search, planning and/or screening. Know your board's needs/interests and those of prospective members. Suggestion: ask prospective candidate/s to attend (at least) one COA meeting (and/or interview with board) prior to nomination.
16. COAs ideally represent a cross section of the community [with majority 60 or over]. Suggested appointees: retired teachers, clergy, health care and human service agencies, marketing/sales personnel, HR administrators, TRIAD, public agencies (e.g., police, fire/rescue, planners, parks/recreation, library, public works, housing authority, cable TV, letter carriers), students, business/orgs., seniors, consumers, computer operators, community organizers and active volunteers.
17. Recruit / orient (non-voting) associates for advisory, development and honorary functions. Alternates may be created to help ensure a quorum; they must be sworn in by municipal clerk. A (non-voting) liaison with the "Friends of COA" is also suggested.

I. Responsibilities – Agency Mission

COA boards are primarily advisory. They provide policy input, help set goals (and objectives) and offer complementary support/advocacy to help implement and promote the COA's mission. The director is responsible for program operations.

A. *Self-governance.*

18. **Establish expectations, committees, policies and procedures.** Suggest a limit of two, successive three-year terms and then a year's absence (#3 above).
 - Require regular meeting attendance. Set absence policies, (e.g., missing three consecutive meetings).
 - Officers serve not more than a two-year term in any given position.
 - Develop/update written committee charges and a board manual (*see*).
 - Provide for orientation, education/mentoring of board members by director or board (development) committee. Publicly recognize new board members.
 - Encourage/anticipate regular board participation in COA programs/activities.
 - Record all (sub) committee meeting minutes and brief notes on discussions.
 - With staff, develop policies re: site operations and management (*see* sec. 4)

- Post notices, comply with open meeting law (MGL Ch. 39, s. 23A-C). Be mindful of conflict of interest and “full disclosure” issues. (MGL Ch. 268A)
 - Records to be maintained per Secretary of State guidelines: http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf
 - Recommend director for hire. Approve (by vote) her/his job description. Suggest that advocacy be memorialized in ED job description.
 - No retired director appointment to COA board within three years.
 - (OTHER) Conduct yearly board training, self-evaluation.
 - → Meeting agenda is a joint effort between board chair and director. Distribute agenda (**w/ # of minutes per item**) in advance. Note anticipated votes, prior minutes, sub/committee and director reports.
19. **Develop measurable outcomes** (objectives) in concert, in advance. Strategic planners might ask: What have you got? What do you want? How are you going to get it? and... What will you do then? This approach, of necessity, commits board and staff to work as partners in achieving mutually agreed goals.
- Identify the needs and interests of all seniors -- including limited English speaking population/s, nursing home residents, the homeless, those with disabilities and the (un)employed. Glean information, including *unmet needs*, from incoming calls, focus groups and questionnaires.
 - Keep/cross reference anecdotes related to service needs & successes!
20. Ensure sound program documentation, fiscal management and accountability and, with the director, develop, submit (and present) the annual budget.
- Review expenditures, grant balance/s, volunteer support (monthly).
 - Track, report and publicize service units (duplicated) and individuals served (unduplicated count: a/k/a “noses”). *Keep a current database.*
 - Trend data monthly/annually. Review monthly/annual report statistics— are outcomes being met? If not, why not? Refine/revise objectives accordingly.
 - **All individual service records are confidential** (MGL Ch. 40, s. 8b) and shall be securely kept by director. Aggregated summaries are permitted.
21. Establish written guidelines/recommendations for service programs, house-keeping and use of the senior center by other groups or organizations.
- Set inclement weather policies, guidelines for nonsmoking, noisy activities, non-elders or out-of-town residents. Ensure equal access to services.
 - Recommend/set and post suggested program fees or donations, including transportation and site use (e.g., fees, deposits) & equipment loan (e.g.,

returnable deposit charges). Ensure access to federal programs (e.g., Title III lunch) without regard for (*confidential*) ability to pay.

B. Develop, conduct and/or coordinate programs, services and activities.

Boards -- regardless of how they are appointed -- have **NO** day-to-day management or supervisory responsibilities with regard to the director, staff and/or volunteers. Support the director. Use the "chain of command" and communicate through the board chair to the director (unless it's an emergency!). The board acts as the program manager only in the absence of paid staff. Board duties differ from other volunteer activities -- because volunteers are subject to the guidance/direction of their supervisor.

- Create/revise volunteer job descriptions and a board manual. Invite/let volunteers themselves assist in this process. Provide for volunteer recruitment, screening, orientation, in-service training, support and recognition.
- Seek Ch. 44, Sec. 53E 1/2 revolving or gift account(s). Pursue other resources, e.g., nonprofit "Friends of COA," Area Agency on Aging (AAA).
- Offer community oriented programs: caregiving, SHINE, Brown Bag Pharmacy, financial planning, pre-retirement counseling, smoke/CO detector installs/chx.
- Consider: RSVP, Senior Aides, Tax Work-off, SCORE.
- **Distribute** info, surveys with census/voting, property tax mailings. \$ gift acct?

C. Educate, but remember that information can be ignored but involvement can't.

- Attend (state) conference/s, gerontology meetings and workshops of and for COAs. Report/inform the COA board regarding proceedings.
- Ensure (COA board) representation on the Aging Services Access Point (ASAP) board, AAA and advisory board/s.
- (Board to) attend department head, Finance Committee (FinCom), selectmen's, city council and town meetings. *Organizing matters.*
- Publish a newsletter and provide at least monthly news releases to all area newspapers, radio/cable/regular TV stations; include church bulletins.
- Outreach must be constant and consistent. Consider events such as:
 1. legislative office hours; candidates' forum
 2. locate a greeter/information desk in town hall or high school lobby
 3. multi-phasic health screening/fairs
 4. intergenerational (school) activities
 5. Woman's/Scouting/Gardening/Investment or other clubs
 6. choral groups, theatre presentations, lectures, displays, workshops
- *Personalize* newsletters/reports to local officials, e.g., Selectboard, Mayor, Town Manager/Administrator, Executive/Administrative Secretary,

FinCom, schools, municipal department heads and important others, e.g., funders, ASAPs/AAAs, legislators, EOEA and providers.

- **Highlight** annual report items in newsletter, esp. early in the budget process.
- Emphasize “FTE” (Full Time Equivalent) and (realistic) cash equivalent value of volunteers (read: **unpaid staff**) ... to FinCom, as well!
- Focus is on services and quantified, unmet needs of elders (not the COA). Use clear, credible information (and anecdotes, e.g., “I had to make 17 calls to find one volunteer driver.”) → If/when seeking additional resources or support, first establish unmet needs in your listener’s minds, *then* ask.
- Hold department head meetings in the senior center.
- Conduct educational programs – SHINE/Prescription Advantage, "medigap," policies, social security, health care proxies, homestead, tax abatements, Prescription Advantage, “Caring for Elders at Home.” **Record for broadcast:** some may need to hear about issues more than once...you are a resource!
- Support property tax work-off (now in more than 125 locales). Assist w/ Circuit Breaker applications...you can go back three years! Very helpful to seniors.

D. Advocacy. Promote awareness and participation by seniors in COA and other public (benefits) programs. Note equal access obligations. Recognize, promote and support non-senior/intergenerational relationships.

Outreach is a constant because many elders (and others!) only ask for help in a crisis. “Repetition builds reputation.” (remark from an advertising executive).

Locally...

- with Selectmen, FinCom, daily/weekly newspapers, radio, cable TV. **Highlight selected annual (%) changes** in service.
- with elders, schools, hospitals, HMOs, public safety officials, Postal Alert; Gatekeeper (utilities), unions, funeral directors, Rotary and service clubs.
- maintain formal membership (& annual/biannual board meetings) with the "Friends." They may be (surprisingly) unfamiliar with COA activities.

Regionally – by representing COA interests with the ASAP and the AAA for Title III funding. Consider offering a site for case management or outreach training.

State and federal...

- with legislators to support issues that benefit seniors; public office hours.
- with Elder Affairs present/promote policies that will benefit elders.

II. Considerations

Your mission is to “link needs and resources” for the (senior) community. Despite the merits of your work, you’ve still got to ask for funding and support!

Success requires confident, knowledgeable, consistent, entrepreneurial and inspiring leadership. Leadership is a potent combination of character and strategy, but if you must be without one, be without the strategy.* An ideal board chair is not necessarily an authority figure but a good listener who encourages input and is committed to doing what is right and fair. Qualities such as enthusiasm, integrity, common sense, flexibility, resourcefulness, thoughtful risk-taking and good will (and luck!) allow for change and growth.

Constant organizing, informed communication, trust and follow-up are essential for effective results. Process doesn’t guarantee outcomes, but provides opportunities for creativity, personal satisfaction/growth and public service.

A cardinal rule of human relations states: everyone likes to be asked and appreciated. All volunteers--including board members--need to feel they are an important part of a worthwhile organization. Enjoy yourself (!) and remember that productive board membership, like aging, is an acquired set of skills.

Lastly, recall the observation of Margaret Mead: Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.

**Gen. Norman Schwarzkopf*

The **Open Meeting Law** was revised as part of the 2009 Ethics Reform Bill, and will centralize responsibility for statewide enforcement of the law in the Office of the Attorney General. The effective date of the revised law is July 1, 2010.

The **purpose** of the Open Meeting Law is to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based. The Open Meeting Law supports the principle that the democratic process depends on the public having knowledge about the considerations underlying governmental action. The Open Meeting Law requires that most meetings of governmental bodies to be held in public. There are some exceptions, which are designed to ensure that public officials are not “duly hampered” by having every decision among public officials open to the public. As a result, the Open Meeting Law provides for particular circumstances under which a meeting may be held in executive, or closed session.

There are **major changes** to the Open Meeting Law that are listed below. Some of them you are already aware of and have complied:

- All persons serving on “public bodies” must receive a copy of: Open Meeting Law, G.L. c. 30A, section 18-25
- **The officer calling the meeting** is responsible for complying with the following posting requirements

1. 48 hour notice for meetings of Boards and Committees - the Town Clerk must receive your meeting posting, including agenda, at least 48 hours prior to the meeting. This notice must be available to the public at all hours. The 48 hour notice cannot include Saturdays, Sundays or Holidays.

For example:

Monday night meetings must be posted before Thursday night

Tuesday night meetings must be posted before Friday night (if Monday is a holiday, before Thursday night)

Wednesday night meetings must be posted before Monday night

Thursday night meetings must be posted before Tuesday night

Friday night meetings must be posted before Wednesday night

2. **Notices** must include the date, time, and place of the meeting and the agenda (the list of topics that the chair reasonably anticipates will be discussed).

- Emails are included in the definition of “deliberation” which is prohibited outside of open session; but distribution of agendas, scheduling information, or reports to be discussed at future meetings is permitted.
- Attendance by a quorum at a location is not considered to be a “meeting” if members are not intending to conduct business and no deliberation occurs.

For example:

1. Attendance at a conference, social event, or a meeting of another municipal board is not considered to be a meeting if no intention to conduct business or deliberation occurs.
 2. A meeting of a quasi-judicial board solely to make a decision required in an adjudicatory proceeding is not a "meeting".
- Meeting minutes must contain more detailed information than previously required.

The following must be included in the minutes

3. Date, place, time and matters discussed
 4. Summaries of discussions
 5. List of documents used
 6. Decisions made
 7. Actions taken
 8. Record of all votes (yeas, nays and abstentions)
 9. Documents and other exhibits such as photographs, recordings, maps, and presentations used by the body at the open or executive session shall be part of the official record of the session in addition to the minutes.
- **Executive Minutes** must be reviewed by the chair periodically to determine if they should be released or if purpose for executive session is still ongoing to keep minutes confidential.
 - **Attorney General** will assume broad interpretation and enforcement authority over the Open Meeting Law. The District Attorney is no longer involved.
 - **Persons making complaints** of Open Meeting Law violations must file written complaint with the Public Body first. The Public Body then submits a reply to the complainant and to the Attorney General's Office

Source: Brian Riley, Esq., Kopelman and Paige, P.C. and Rosemary Harvell, Sudbury Town Clerk.

1. New requirements for all persons serving on “public bodies” to receive Attorney General’s version of Open Meeting Law, regulations and educational materials; Town or City Clerk or designee shall maintain written certifications of receipt.
2. 48 hour notice – still required, but now cannot count Saturdays, Sundays or holidays. Example: Monday night meeting must be posted before Thursday night.
3. Notices must (1) include list of topics chair reasonably anticipates will be discussed, i.e., agenda, and (2) be posted in or on municipal building to be visible to public at all hours.
4. Emails are expressly included in definition of “deliberation,” which is prohibited outside of open session; but distribution of agendas, scheduling information or reports to be discussed at next meeting is permitted.
5. Attendance by a quorum at a location is not a “meeting” if not intended to conduct business and not deliberation occurs – for example, attending a conference, social event, or a meeting of another municipal board.
6. Minutes must contain more detailed information; in addition to “date, place, time and matters discussed,; shall include summaries of matters discussed, list of documents used, all decisions made/votes taken.
7. Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.
8. Chairs required to periodically review executive session minutes and determine if they should be released, or if purpose for executive session is still ongoing to keep minutes confidential.
9. Attorney General will assume all interpretation and enforcement authority over Open Meeting Law, District Attorneys no longer involved. Attorney General has broader enforcement authority.
10. Citizens making complaints of OML violations must file written complaint with the governmental body first; body submits reply to complainant and Attorney General’s Office.

Source: Brian Riley, Esq., Kopelman and Paige, P.C. and Rosemary Harvell, Sudbury Town Clerk

SUMMARY OF THE CONFLICT OF INTEREST

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation : A town administrator accepts reduced rental payments from developers.

Example of violation : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation : A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation : A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example : A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation : A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation : A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for

working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation : A selectman buys a surplus truck from the town DPW.

Example of violation : A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example : While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example : A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

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This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 6: Revised May 10, 2013



SECTION 3:

POLICIES AND PROCEDURES OF THE SENIOR CENTER

Policies and Procedures

The Senior Center is funded by the tax payers in this community, coupled with a grant from the State of Massachusetts. The Douglas Senior Center is for the pleasure and enrichment of all Douglas senior residents.

- Patrons are required to sign in upon arrival at the center so vital statistics may be kept
- Patrons are expected to dress in a manner acceptable in a public dwelling
- Patrons are expected to act appropriately and conduct themselves in a courteous and cooperative manner.

Any behavior that interrupts or infringes on the rights of others preventing the enjoyment of any activity or education program will not be tolerated. Any person disturbing the peace or provoking an altercation of any kind will be required to leave the center for the day.

All incidents of disruptive behavior will be brought to the attention of the senior center Director immediately; if said issue can not be resolved, it will be brought to the attention of the Town Administrator. If the Town Administrator deems it necessary, it will be brought before the Board of Selectmen.

Use of the Senior Center

The Douglas Senior Center is to be used for the sole purpose of senior related activities, Sunshine Club activities and may be used by professional board and/or committees. Dates are subject to availability and must not conflict with already scheduled senior center activities.

All usage of the senior center must be brought to the attention of the senior center Director, unless a private group wishes to utilize the center after hours, and then it is at the discretion of the Town Administrator.

All outside groups utilizing the senior center will leave the center clean, all trash will be removed, no articles that are for senior center use will be used by any organization; such as coffee, condiments or disposable paper products. All furniture will be placed back in its original position if moved.

Complaints

All complaints will be addressed by the senior centers Director; any complaints that can not be resolved will be brought before the COA Board. If said issue can not be resolved by the Board and/or Director it will be brought to the attention of the Town Administrator.

Kitchen Use

All food being prepared at the senior center must be done in the kitchen area. You must have a Serve Safe/Allergan certificate to prepare food, or you may prepare food under the management of a Serve Safe Certified person.

No food is to be taken from the senior center after meals. All food is to be properly stored or disposed of immediately.



SECTION 4:

TOWN OF DOUGLAS POLICIES & PROCEDURES

Town of Douglas
Code of Conduct
Boards/Commission/Committees

All members of Board, Commissions, and Committees are expected to conduct themselves as follows:

1. Realize that his/her function is to follow the purposes and mission of the Board, Commission, or Committee as defined in state and federal laws, local bylaws, and town policies.
2. Realize that he/she is one of a team and should abide by all decisions of the Board, Commission, or Committee once they are made.
3. Be well informed concerning the duties and responsibilities of the Board/Commission/Committee.
4. Remember that he/she represents the entire community at all times.
5. Accept that the role of a committee member is a means of unselfish service, not to benefit personally or politically from their Board, Commission, or Committee.
6. Abide by the Ethics, Open Meeting, and Public Records laws established by the State.
7. Not make statements or promises of how he/she will vote on matters that will come before the Board, Commission, or Committee until he/she has had an opportunity to hear all sides of the issue during a public meeting of the Board, Commission, or Committee.
8. Make decisions only after all the facts have been presented and discussed.
9. Treat with respect all members of the Board, Commission, Committee, and the Public despite differences of opinion.
10. Never publicly criticize an employee of the Town. (Certain Boards, Commissions, and Committees have the responsibility of reviewing and/ or critiquing supervisory personnel as part of their regular duties. The exercise of those duties shall not be limited by this section.) Concerns about staff performance should only be made to the Executive Administrator through private conversation, or similarly to the Superintendent of Schools for School Department staff.
11. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Board, Commission, or Committee member will offer his/her resignation to the appointing authority. A member with three consecutive unexplained absences will be expected to resign.

Approved by Board of Selectmen – October 6, 2009

GENERAL EXPENDITURE PROCESS

All requests for payment submitted to the Town Accountant must be necessary, reasonable and directly related to the conducting of Town related business. Documents submitted to the Town Accountant's Department which do not have the proper authorization or proper supporting documentation will not be processed.

The Accounting Department generally processes bills once each week. All departmental bills should be processed according to the attached procedure list and submitted to the Accounting Department at least once each week. Invoices should be processed timely to obtain any discounts. Any invoice submitted to the Accounting Department that is over 30 days should have a notation as to why the invoice was submitted late. Utility invoices should be submitted within 20 days of receipt by the department.

Properly processed invoices must be received in the Accounting Office by 12:00 p.m. on Monday (Tuesday if Monday is a holiday) to be included in the following Thursday warrant processing. Vouchers received after the deadline are not guaranteed to be paid on the current warrant. They will be put on the next week's warrant unless special arrangements are made with the Accounting Department.

Checks are generally mailed on Thursday. All checks must be mailed to the vendor except employee reimbursement checks which will be given to the employee. An employee reimbursement check may be given to the department head or designee as long as the department head or designee signs to accept responsibility for getting it to the employee. Any other exceptions must be approved by the Treasurer/Collector.

RECONCILIATION AND ADJUSTMENTS TO EXPENSE ACCOUNTS

Expenditure and Revenue Reports are provided to the departments at the end of the month. Please reconcile these reports and send notification to the Accounting Department that you agree with the balances listed on the reports. An e-mail notice is sufficient.

If it is determined that an adjustment must be posted to the general ledger for any reason, (e.g. an invoice has been posted to an incorrect account number), a memo must be sent to the Accounting Department requesting a correction. The request must include the original account number, the corrected account number, the amount and other reasonable documentation (e.g. copy of the invoice etc.) This memo must be signed by the department head and if applicable a majority of the Board or Commission.

MANUAL CHECK

A manual check will only be written in an emergency (a sudden, unforeseen happening which requires action to correct or to protect lives and property). If a situation arises where a check is immediately needed to pay for goods or services, please contact the Town Accountant's Office or Treasurer/Collector's Office. The Board of Selectmen will be notified as soon as possible in the event of a manual check being issued.

PROCEDURE FOR PAYING INVOICES

- 1) **REVIEW THE INVOICE.** We only pay from original invoices. Please be sure you are not forwarding a statement that may contain individual invoices that have already been processed. Recalculate the totals on the invoice and verify that no sales tax is being charged to the Town. Investigate any previous balance because it is not considered an original invoice and will not be paid.
- 2) **ATTACH PROCUREMENT DATA** as required by the Uniform Procurement Act. If the purchase is over \$5,000 there must be a written contract signed by the vendor and Town personnel authorized by the Chief Procurement Officer. All contracts must be provided to the Town Accountant.
- 3) **PREPARE A VOUCHER.** The following information must be included on the voucher. a) Vendor Number b) Vendor Name c) Invoice Number d) Amount Paid e) Description f) Account Name and Number. See sample
- 4) **ALL VOUCHERS MUST BE SIGNED.** All vouchers to be paid must be approved and signed by the Department Head and if applicable, a majority of the Board or Commission. A Board or Commission cannot delegate this responsibility for expenses. A full signature is required on the voucher. Your signature certifies that all goods have been received, services provided, delivery satisfactory and that the supporting documents are accurate, complete and in compliance with all related laws and regulations.
- 5) **SEVERAL INVOICES CAN BE PROCESSED ON ONE VOUCHER,** but a separate voucher should be done for each department. Invoices should be listed separately when paying more than one invoice to a vendor, unless the original invoices are attached to a monthly statement and you are processing payment at the same time.
- 6) If you are **PAYING INVOICES FROM ANOTHER DEPARTMENT'S ACCOUNT NUMBER** you must do a separate voucher for that department code and have the appropriate department head and if applicable, a majority of the Board or Commission sign off on the voucher.

**TOWN OF DOUGLAS
EXPENDITURE POLICY**

**APPROVED
July 24, 2012**

- 7) If you are **PROCESSING REIMBURSEMENTS** you must submit the approved reimbursement request form, an original invoice and proof of payment (e.g. credit card statement or a copy of the cashed check.) If you are reimbursing an internet purchase you must also attach the packing receipt. If you are requesting reimbursement for travel expenses you must submit the approved Time, Activity and Mileage Report along with the Map Quest print out, agenda, original receipts and proof of payment. Mileage reimbursements are from the place of work or other location which ever is less. If there are multiple options available on Map Quest, the shortest distance will be reimbursed.

- 8) **NEW VENDORS** must have a W-9 on file in the Accounting Department. Submit the W-9 and new vendor form to the Accounting Department to set up new vendors in the system. You must have the Vendor Name, Address, applicable remit address and Federal Identification or Social Security Number.

- 9) The **ORIGINAL** invoice and one copy must be submitted to the Accounting Department for processing. The copy is to inform the vendor of which invoice the Town is paying so you only need, enough information for them to identify the payment. If the vendor supplies a payment stub, you don't need to copy any other paperwork as long as you don't write pertinent information on the payment stub.



Town of Douglas

To: Jeanne Lovett, Asst. Town Accountant
Cc:
From: Angela Emenwein, Assistant to the Executive Administrator
Re: Mileage Reimbursement Policy
Date: February 7, 2001

At the February 6, 2001 meeting of the Board of Selectmen, the Board made, seconded, and voted unanimously for the following motion:

For the Mileage Reimbursement Policy to read "When any employee, elected official or appointed official uses his/her personal vehicle in performing official duties for the town, he/she will be reimbursed at the current rate of the Federal Standard Mileage Allowance per mile. If the same trip is being made by more than one employee, elected official or appointed official, only one car is to be used."

Therefore, since the current rate of the Federal Standard Mileage Allowance per mile is 34.5 cents, employees of the Town should be reimbursed at that rate for their mileage.

Please call me with any questions.

Meal Expense Reimbursement Policy

The policy stated below does not apply to events where meals are included in the registration fee. Events must take place out of town unless otherwise mentioned.

OUT OF TOWN ONE DAY EVENTS:

The event must have prior authorization by the employee's Supervisor.

The meal allowance will be as follows:

Lunch \$10.00 Maximum

Dinner \$20.00 Maximum

Any additional meal expenses over and above this total will be the responsibility of the Employee and are not reimbursable.

OUT OF TOWN MULTI-DAY EVENTS:

These events must have prior authorization by the Employee's Supervisor and must include at least one overnight stay; otherwise the one day policy applies.

The meal allowance is as follows:

Day One - Lunch \$10.00 maximum, Dinner \$20.00 maximum.

Middle day (s) (if applicable) - Total not to exceed \$35.00

Last Day - Breakfast \$5.00 maximum, Lunch \$10.00 maximum. Dinner will not be included unless the day is 8 hours or more. If 8 hours or more, the meal dinner expense would be a \$20.00 maximum.

Any additional meal expenses over and above the total allowed will be the responsibility of the Employee and are not reimbursable. All Meal reimbursement limits include gratuities.

OTHER:

There will be no meal allowances for events taking place in town with the following exceptions:

1. Upon the approval of the Highway Superintendent, Town employees who are conducting snow removal operations during or immediately after a snowstorm shall be authorized to expend a total of \$15.00 per person for every 10 consecutive hours of work.
2. During a public safety emergency, meals may be provided to public safety personnel at the discretion of the Police Chief, Fire Chief, Highway

Supt., and Emergency Management Coordinator.

3. Food and beverages may be provided to citizens and town employees at Special Events that are open to the public and which have the prior approval of the Board of Selectmen.

Any exemptions to this policy must receive the prior approval of the Executive Administrator.

Note: Receipts must be presented utilizing the Town of Douglas Vendor Form

Effective Date of Policy: April 19, 2005

Last Revised: November 6, 2006

ANTI-FRAUD POLICY & RESPONSE PROGRAM

The Town of Douglas is committed to and requires its employees (which includes officers, board, committee, and commission 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 Douglas will investigate any report of fraudulent acts or related misuse of Town resources or property, including but not limited to revenue, property, information, and any other assets. 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.

Definitions:

1. Misappropriation of Assets

- 1.1 Forgery, alteration or misappropriation of checks, drafts, promissory notes or securities:
- 1.2 Unauthorized use, or disposition of funds or property (for example, misuse of town owned computer hardware, software, data and other records; use of town owned equipment, vehicles or work time for non town purposes)
- 1.3 Embezzlement
- 1.4 Theft
- 1.5 Falsifying time sheets or payroll records
- 1.6 Falsifying travel or entertainment expenses and/or utilizing town funds to pay for personal expenses or for personal benefit
- 1.7 Fictitious reporting of receipt of funds

2. Fraudulent Financial Reporting

- 2.1 Improper revenue recognition
- 2.2 Improper expense/expenditure recognition
- 2.3 Overstatement of assets
- 2.4 Understatement of liabilities

3. Expenditures and Liabilities for Improper Purposes

Payments in money or other property, including but not limited to such things as jobs for families and friends, use of vacation properties, discounted or free service's in exchange for benefits and other things of value, bribes and kickbacks

4. General Policy and Responsibility

- 4.1 It is the Town's intent to fully investigate any suspected acts of fraud or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Town of any party who might be involved in or be the subject of such investigation.
- 4.2 Each elected .or appointed official, department head, and manager is responsible for instituting and maintaining systems of internal control to provide reasonable assurance of the prevention and detection of fraud, misappropriation, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- 4.3 The Executive Administrator has primary responsibility for the investigation of all activity defined in this policy.
- 4.4 The Executive Administrator will notify the Board of Selectmen and the Town Accountant of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation they shall be kept informed of pertinent investigative findings.
- 4.5 In all circumstances where there are reasonable grounds to indicate that a fraud may have occurred, the Executive Administrator, subject to the advice of Town Counsel, shall contact the office of the District Attorney and/or the Douglas Police Department.
- 4.6 Upon conclusion of the investigation, the results will be reported to the Board of Selectmen, Town Counsel, and others as determined necessary.
- 4.7 Town Counsel will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the Town's losses from the offender, or other appropriate source.

5. Procedures

5.1 All Employees

- 5.1.1 Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that their

supervisor may be involved or does not feel comfortable reporting the occurrence to their supervisor, the employee shall immediately notify the Executive Administrator.

5.1.2 Employees have a duty to cooperate during an investigation. Employees who knowingly make false allegations will be subject to discipline.

5.2 Town Management/Elected Officials

5.2.1 Upon notification from an employee of suspected fraud, or if management has reason to suspect that a fraud has occurred, they shall immediately notify the Executive Administrator.

5.2.2 Upon notification of discovery of a suspected fraud, the Executive Administrator will promptly investigate the suspected fraud. In all circumstances, where there are reasonable grounds to indicate that a fraud may have occurred, the Executive Administrator will inform Town Counsel. Subject to the advice of Town Counsel, the Executive Administrator will contact the office of the District Attorney and/or the Douglas Police Department.

5.3 Security of Evidence

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5.3.1 Once a suspected fraud is reported, the Executive Administrator, in consultation with Town Counsel, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the audit investigation can begin.

5.4 Confidentiality

5.4.1 All participants and all persons questioned in a fraud investigation (**including all executive sessions**) shall keep the details and results of the investigation confidential so as not to violate an individual's expectation of privacy.

5.4.2 No elected or appointed official or town employee will discuss the details of any ongoing fraud investigation (**including all executive sessions**) with the media that may compromise the integrity of the investigation.

5.4.3 Any Town employee contacted by the media with respect to an audit investigation shall refer the media to the Executive Administrator.

5.4.4 All public announcements concerning an investigation shall respect the rights of all individuals under federal and state law as recommended by Town Counsel.

5.5 Personnel Actions

5.5.1 If a suspicion of fraud is substantiated by the investigation, disciplinary action shall be taken by the Appointing Authority in accordance with the Personnel Bylaws and applicable state and federal laws after consultation with Town Counsel.

5.6 Documentation

5.6.1 At the conclusion of the investigation, the results will be reported to the Board of Selectmen, Town Counsel, and other as determined necessary.

5.7 Completion of the Investigation

5.7.1 Upon completion of the investigation, including all legal and personnel actions, any records, documents, and other evidentiary material will be returned to the appropriate department.

5.8 Reporting to External Auditors

5.8.1 All information relating to investigations will be available to the external auditors of the Town.

5.9 Whistle-Blower Protection

5.9.1 No employer or person acting on behalf of the Town shall:

- be dismissed or threatened with dismissal;
- be disciplined, suspended, or threatened with discipline or suspension;
- be penalized or any other retribution imposed, or
- be intimidated or coerced,

Violation of this section of the Policy may result in disciplinary action, up to and including dismissal in accordance with the applicable federal, state, and local administrative laws.

5.10 Distribution

5.10.1 Upon adoption, this policy shall be distributed to all currently serving elected and appointed officials and to all existing employees. All newly- elected and appointed officials and all newly-hired employees shall be given a copy of the Town's Fraud Policy at the time of swearing-in or hiring.

**Approved by the Board of Selectmen
November 3, 2009**

