



# Town of Needham

## Select Board Code of Conduct

### Adopted: March 14, 2023

In its role as a primary governing body for the Town of Needham, the Select Board establishes the following Code of Conduct. This self-enforcing set of guidelines is designed to supplement all relevant state laws and regulations governing to conduct of public bodies and elected officials, to include (but not limited to) the Open Meeting Law ([G.L. c.30A, §§18-25](#)), the Public Records Law ([G.L. c.66](#)), the Campaign Finance Law ([G.L. c.55](#)), and the Conflict of Interest Law ([G.L. c.268A](#)). Members are expected to familiarize themselves with and adhere to both the above listed laws and other relevant statutes. The purpose of this Code of Conduct is to set forth the Board's expectations of member conduct and responsibilities, as well as to maintain public trust in the Select Board and Town government.

#### 1. General

1.1 Select Board members will act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

1.2 Select Board members will conduct themselves in a manner that cultivates an environment of dignity and mutual respect, in which every person feels welcomed, safe, and valued.

1.3 All members of the Select Board will fully comply with all applicable Town personnel policies, to include (but not limited to) Policies #202 ([Sexual Harassment](#)), #205 ([Harassment of Individuals in Protected Classes](#)), and #426 ([Workplace Violence Policy](#)).

#### 2. Preparation for Meetings

2.1 All members of the Select Board will arrive for meetings having prepared themselves for discussion on any and all items scheduled to be discussed on the agenda.

2.2 Pursuant to the Open Meeting Law, members will limit discussion of agenda items and matters within the Select Board's jurisdiction outside of posted public meetings. This includes, for example, refraining from discussion of agenda topics and matters within the Select Board's jurisdiction with more than one other member outside of a public meeting.

This includes discourse and deliberation on such topics in person, via email, using messaging tools, or posting on social media.

2.3 In preparation for public meetings, members will refrain from taking public stances on pending agenda items and are encouraged to enter each meeting open-minded, ready to hear new information.

2.4 Members will notify the Chair and Office of the Town Manager as soon as possible if they are unable to attend a scheduled meeting or require remote participation, if permitted by Select Board Member Remote Participation in Public Meetings Policy ([SB-ADMIN-008](#)), Office of the Attorney General regulations governing remote participation in public meetings ([940 CMR 29.10](#)), the Open Meeting Law ([G.L. c.30A, §§18-25](#)), and any other applicable regulation or law governing remote participation.

### **3. Conduct at Meetings**

3.1 The Select Board seeks to be a deliberative body in which various opinions may be shared in an environment of dignity and respect. The Board understands that there is space for disagreement amongst its members, but that dissent and debate will take place in a civil manner with a focus on policy over personality.

3.2 Board members will refrain from comments on the individual personality or character of a fellow Board member, other Town elected or appointed official, and Town staff.

3.3 Members will not use messaging apps or other media to communicate with each other in private during Select Board meetings.

3.4 In accordance with the purpose of [G.L. c.30A, §22\(f\)](#), following all Executive Sessions, members will keep the contents of discussions privileged and confidential unless and until the minutes of said session are released to the public.

3.5 Further, in accordance with [G.L. c.268A, §23\(c\)\(1\) and \(2\)](#), members will refrain from disclosing confidential information gained by reason of their official position or duties.

3.6 The Chair or individual Board members are expected to immediately address conduct or language by invited participants and members of the public who are disrespectful, demeaning, inappropriate, or otherwise in violation of community standards.

3.7 The Board affirms that its members will act in good faith to share all relevant information they may have to contribute to a discussion and will disclose to other

members and the public any conflicts of interest, either actual or perceived, in matters before the Board.

3.8 In response to a self-identified determined or perceived conflict of interest by a Board member, it is incumbent upon said Board member to seek advice from the State Ethics Commission and/or Town Counsel before participating in the particular matter. Further, a Board member is always welcome to obtain a written opinion from the State Ethics Commission and/or Town Counsel before participating in a matter when they believe a written opinion would be beneficial to their potential participation in the matter.

3.9 Should a Board member believe a colleague may be in jeopardy of violating State Ethics Law, they should inform that member before the Board discusses the agenda item in question as both a courtesy and opportunity for education.

3.10 Should a Board member believe that a colleague has violated this Code of Conduct, they may request that the Chair place an item on a Select Board agenda so that the Board may discuss the member's concern and take any actions deemed necessary.

#### **4. Conduct Outside of Meetings**

4.1 Members of the Select Board are always permitted to voice their opinions on issues at hand in their capacity as a private citizen or candidate for office. In these capacities, members may participate in partisan political events, take positions on candidates for office or ballot measure, and other related actions, but must exercise care to ensure that they are speaking on behalf of themselves in their private capacity, and not as a member or representative of the Select Board. Members are encouraged to seek advice from Town Counsel or the State Ethics Commission if they have questions.

4.2 When acting in their capacity as members of the Select Board, members should speak on behalf of the Board's decisions and actions, even when their personal position was not in the majority opinion. If a member is attending an event as a private citizen, members of the public still may address them in their official capacity – in this circumstance, members should take care to represent the Board in their official capacity.

4.3 At times, the Select Board may be asked to attend community events. The Select Board Chair will designate a member (or members) to attend. Some of these events may involve a cost to the attending member(s). The member's annual stipend is expected to cover the cost of such events. In other cases, members may attend events for which they are offered free admission to events in exchange for providing a service (e.g. moderating a panel or acting as master of ceremonies). Without limiting the foregoing expectations, members should consult Town Counsel or the State Ethics Commission before accepting payment for, or waiver of, fees for admission to an event from outside persons or organizations.

4.4 When the Board as a body is asked questions by the public (through email, mail, or other means), the Chair will either respond directly or designate a Board member to respond. If the question is related to the operations of Town government, the Chair may ask the Town Manager to respond on behalf of the Board.

## **5. Policymaking versus Administration of Policy**

5.1 The Select Board is a policymaking body and appoints the Town Manager to oversee administration of the Town government. Members will generally direct questions or concerns relative to Town government operations to the Town Manager.

## **6. Use of Town Counsel**

6.1 Members of the Select Board will engage with Town Counsel to resolve any questions they may have relating to potential or perceived conflicts of interest, and regarding rules and requirements of the Board as a public body subject to relevant state law.

## **7. Public Records**

7.1 Members will archive and provide upon request any documents, texts, emails, or other communications contained or stored by the member on their premises, private devices, or private accounts that constitute public records in accordance with relevant law and regulation, to include (but not limited to) the Public Records Law ([G.L. c.66](#)); Statutes ([G.L. c.4](#)); and Office of the Secretary of the Commonwealth regulations governing public records access ([950 CMR 32](#)) .

7.2 Members shall not delete such documents, texts, emails, or other communications, whether stored on Town-issued or private email systems or devices, unless it is in accordance with the [Municipal Records Retention Schedule](#).

## **8. Trainings and Acknowledgements**

8.1 All members are required to complete the initial and bi-annual Conflict of Interest Law education requirements as mandated by the State Ethics Commission. Members are encouraged to take advantage of the confidential phone advice provided by the State Ethics Commission (617-371-9500) and to periodically review "The Summary of the Conflict of Interest Law for Municipal Employees" and "The Municipal Officials Guide to Avoiding Conflicts of Interest" to be cognizant of any potential ethical issue.

8.2 All new members are required to complete the Certificate of Receipt of Open Meeting Law materials as required by the Office of the Attorney General.

**AGREED TO BY:**

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**Member, Needham Select Board**

**Date:** \_\_\_\_\_