

Good Morning Folks,

In going through the preparation necessary for the Select Board to make their annual appointments to boards and committees, the following section of MGL was brought to my attention. Heath currently has Select Board members serving a few of the appointed committees. Now we are wondering if we should continue that practice or make a switch to strict adherence to this MGL. It tough filling seats and now we have another obstacle to reach the goal of full memberships on our appointed entities.

E. Appointments by the Board of Selectmen (Chapter 268A, Section 21A)

As a Selectman, you generally cannot be appointed to any position, paid or unpaid, that is both appointed by the Board of Selectmen and is under the supervision of the Board of Selectmen. You must wait 30 days after you finish serving as a Selectman before you are eligible to be appointed to such a position ⁽⁵⁾ or you must receive approval for the appointment at an annual town meeting of the town. You may submit a resume or otherwise indicate an interest in such a position while still being on the Board, but the Board may not take any actions regarding your expression of interest until after the 30-day cooling off period. For more information about this restriction, see Advisory No. 96-01: Municipal Officials Being Appointed to Positions under their own Boards.

Positions on Board subcommittees and positions held ex-officio by virtue of your Selectman's position are considered to be part of your Selectman's position, and therefore do not trigger the restrictions of Section 21A. Generally, you may serve on a Board subcommittee, so long as your position on the subcommittee would terminate if you were to resign as Selectman. Similarly, you may serve ex-officio on another municipal committee that reports to the Board, as long as the committee membership would automatically terminate should you resign as Selectman. For example, you may serve on the Recreation Commission as the selectmen's representative on that board, as required by the town's charter.

What do other towns do in regards to appointing, or not appointing, a Select Board member to a committee or board?

Thanks in advance for your responses,
Hilma

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