

Town of Brunswick
Town Council
Town Boards, Commissions, and Committees Appointment Policy
Adopted by Town Council - December 16, 2013
Amended by Town Council – December 7, 2015
Amended by the Town Council – February 21, 2017

A. Purpose:

To update and consolidate existing policies for appointments to the Town of Brunswick Boards, Commissions, and Committees. (This policy will replace those policies adopted by the Town Council on December 20, 1993; April 19, 1994; and March 16, 1998)

B. Appointments Committee formation

Each year, the Town Council will establish an Appointments Committee.

1. The Committee will consist of three (3) members of the Town Council.
2. The members will be appointed by the Council Chair for a one (1) year term. The Committee will select a Chair.
3. The Appointments Committee will meet monthly or as necessary. At its first meeting, the Committee will set the schedule for the year and provide it to the Town Clerk.
4. An appointment to the Appointments Committee may not extend more than two (2) consecutive full-terms. A full-term is considered to be a term lasting one full Council year; an appointment to the Committee in mid-year, to fill a vacancy, is not a full-term.
5. In the event a Committee member is not able to attend meetings on a temporary basis, the Committee Chair will request that the Council Chair appoint a temporary replacement. In the event a Committee member is unable to attend a single meeting, the Committee Chair may invite another Councilor to replace the member who is unable to attend.

C. Procedure for resident to be considered for appointment to a Town Board, Commission, or Committee:

1. An Application for Appointment will be prepared, including a section asking for the applicant's reason for applying for the position.
2. The Town Clerk will provide an informational packet, if requested, when an application is filed. The packet will include a summary of the board's duties, a list of current members, the name of the board's chair and his/her contact information, and a copy of the Town Boards, Commissions, and Committees Policy.
3. The Town Clerk will provide a monthly notice indicating public service opportunities in the form of upcoming vacancies on Town Boards, Commissions, and Committees. The list of vacancies will be posted on the Town web site and Cable TV 3. The Clerk may also post in other locations or publications that are deemed appropriate.

4. The Town Clerk will provide all Town Councilors a list of upcoming vacancies via email every six months.
5. All applicants, including an incumbent seeking reappointment:
 - a. Will be required to fill out the current “Application for Appointment to Boards, Commissions, and Committees” form.
 - b. May submit a cover letter and/or resume with the application. The cover letter may include information about what the applicant hopes to accomplish and/or information on the applicant’s relevant training and experience.
 - c. The applicant must attend an interview unless other arrangements are made with the Committee. A telephone interview is acceptable upon the approval of the Committee Chair.
6. The deadline for applications will be at 4:30 p.m. two business days prior to the Appointments Committee’s meeting. This deadline is for a set interview date only and does not preclude the Appointments Committee from accepting additional applications for future interviews. Once submitted, an application may be considered for any vacancies in the current calendar year.
7. The Appointments Committee, through the Town Clerk, will schedule brief interviews with each applicant to determine interest, qualifications, and to ensure no conflict of interest exists. At the request of the Committee Chair, the Town Clerk or designee will record answers to questions provided to the Appointments Committee to be used to create a Summary Report.
8. The Appointments Committee or its designee will prepare a Summary Report to be considered by the full Town Council. The Summary Report will be in writing, with the Committee’s recommendation for committee appointments. The Summary Report will be submitted to Town Council members as part of the Council meeting packet for which the appointments will be considered. Under circumstances of time or other unknown factors, the Appointments Committee may waive any or all of these procedures and report directly to the full Town Council with all recommendations.
9. The Appointments Committee will report to the full Town Council at the first regular Council meeting of the month, unless otherwise scheduled by the Town Council Chair.
10. The Appointments Committee will make recommendations for appointments in the form of nominations. The nominations are not limited to the number of vacancies on a given board, commission, or committee. The Committee may also choose not to make nominations and request, with the consent of the Town Council, the vacancies be reposted. This does not preclude another Councilor from making a nomination from the list of interviewed applicants. A nomination to a board, commission, or committee does not require a second.

11. The Town Council will vote on nominations in the order made and each Councilor will be allowed the same number of vote(s) as vacancies for each board, commission, or committee. An appointment to a board, commission, or committee must be by a vote of the majority of the Town Councilors present.
12. After Town Council action, all applicants, whether appointed or not, will receive an official notification of action, sent out by the Town Clerk, in a timely manner. Personal telephone or email notification is acceptable.
13. Exception: There will be no Appointments Committee meeting in December since there will be no appointments made in the new calendar year until a new Appointments Committee has been appointed and a meeting schedule submitted.
14. All appointments to Town boards, commissions, and committees shall be made in accordance with Maine law and the Town Charter. Appointees must be residents of the Town and may not be members of more than one of the following boards, commissions, and committees:

Zoning Board of Appeals	Village Review Board
Conservation Commission	Personnel Board
Brunswick Housing Authority	Sewer District
Parks and Recreation Commission	Water District
Assessment Review Board	Marine Resource Committee
Planning Board	

15. Position Vacancy

- a. In the event an incumbent member has not reapplied for a position and the member's term has expired, the position will be considered vacant after a period of five (5) business days.
 - i. Exception: In the event a member does not wish to reapply but wishes to remain a voting member until replaced, said member must advise the Town Clerk, who will notify the Appointments Committee Chair. The term of the member will temporarily continue until the Appointments Committee next meets. If at its next meeting the Appointments Committee so votes, the expired term of the member will be extended until a new appointment is made by the Council. Notification of appointment extension will be provided to the Town Clerk and the Town Council Chair.
- b. The exception outlined in section "a" does not apply to the following committees: Board of Assessment Review, Marine Resource Committee, Planning Board, Village Review Board, and Zoning Board of Appeals. In the event a member's term for these committees has expired, the position will be considered vacant as of the date the term expires.

16. Conflict of Interest

- a. Appointment: No relative of a Councilor shall be appointed to the Planning Board, Village Review Board, Zoning Board of Appeals, Assessment Review, or Marine Resource Committee so long as that Councilor continues to serve on the Town Council. As used in this section, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. (Amended 12/7/15)
- b. While Serving: All appointed members of boards, commissions, and committees of the Town of Brunswick shall comply with the conflict of interest provisions as adopted by the Council in its "Rules of Order and Procedure for Brunswick Town Council."

17. Removal From Office:

Appointed members of boards, commissions, and committees of the Town of Brunswick are subject to removal from their positions by the Council in accordance with the "Policy For Removal of Officials Appointed to Boards, Commissions, and Committees," approved as part of this policy.

18. Mandatory Training

All members, who are new appointments to the Planning Board, Zoning Board of Appeals, and the Village Review Board shall, within three months, complete a mandatory course of training as prescribed by the Town Manager or the Town Manager's designee. Upon written request, and with the approval of the Board chair, the Town Manager may, due to extenuating circumstances, extend this deadline. Failure to complete the mandatory training shall be cause for removal.

(Section 18 added 2-21-17)

POLICY FOR REMOVAL OF APPOINTED MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

1. Purpose. The purpose of this policy is to have a process in place for the removal of appointed members of boards, commissions and committees.
2. Authority. Section 203 of the Brunswick Town Charter vests in the Town Council the performance of most duties and obligations imposed on the Town by law. Section 12-31 of the Personnel Policy makes it clear the Policy does not apply to persons appointed to boards, commissions and committees. Therefore, the Town Council exercises its authority to remove members of Boards, Commissions and Committees in accordance with Title 30-A M.R.S.A. Section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds for excused absences. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Town Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member, temporary relocation for employment, military duty, educational reasons, and/or increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Town Council shall balance the needs of the Town and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. A conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting where the office involves the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the conviction has taken place outside the Town of Brunswick or State of Maine.
 - E. Other reasons related to the good of the Committee, the Town or the office held.

4. Removal procedure.

- A. Separation of roles. While a Town Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the Town Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the Town Manager or the Town Manager's designee (hereinafter "the Town Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the Town Manager, and refer further inquiries to the Town Manager. Inquiries to other Councilors shall be turned over to the Town Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Brunswick Town Council.
- B. Investigation. The Town Manager shall investigate the allegations as soon as reasonably possible. If the Town Manager determines the allegations create probable grounds for removal, the Town Manager shall notify the official in writing that the Town Manager is contemplating a recommendation to the Town Council that the official be removed, outlining the Town Manager's reasons. The Town Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the Town Manager finalizes the recommendation to the Town Council.
- C. Hearing. If the Town Manager recommends removal, the Town Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the Town Manager and the official an adequate opportunity to prepare their presentations to the Town Council. At the hearing, the Town Manager shall present the Town's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The Town Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public, which request shall be honored.

If the hearing is conducted in open session, it is not a public hearing. The only persons presenting testimony or evidence will be those persons presented as witnesses

by the Town Manager or official. The general public is not permitted to testify at the hearing.

- E. Decision. At the conclusion of the hearing, the Town Council shall deliberate and vote whether to remove the official. A vote to remove an appointed official shall require a majority vote of those Councilors present and voting. Within thirty (30) days of the vote, the Council shall issue a written decision. The written decision shall state the facts and conclusions upon which the Town Council relied in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision.
- 5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.