

## From 5-2024 Annual Town Meeting

### ARTICLE 15

#### VOTED:

That the Town vote to amend its General Bylaws Part I: Administrative Legislation, Chapter 12: Boards, Commissions and Committees, by adding a new Article IX: Removal of Appointed Officials, exactly as printed in the handout provided to voters at the Annual Town Meeting, incorporating “track changes”, with the exception of the words “or take any other action relative thereto.”

### ARTICLE IX

#### Removal of Appointed Officials

##### §12-26 Eligibility and Potential Grounds for Removal

- A. Eligibility: Any person appointed to serve on a board, commission or committee in the Town of Sharon may be removed from office by the Select Board or the appointing authority that appointed such person in accordance with the process for removal under Section 12-27C.
- B. Grounds: Removal may be initiated for any appointee to a board, commission, or committee in the Town of Sharon ~~on any of the following grounds of malfeasance, misfeasance, nonfeasance, or other abuse of office:~~ for any misconduct, abuse of office or authority, or other actions that call into question the officeholder’s fitness or ability to serve the people of Sharon. The grounds for removal may include, but are not limited to, the following:
- 1) Conviction of a felony, or other serious crime involving moral turpitude.
  - 2) Failure to take the oath by swearing in with the Town Clerk within 30 days of notice of appointment.
  - 3) Unless having taken it prior to appointment, failure to take the Massachusetts Ethics Training Course within 30 days of notice of appointment.
  - 4) The finding of an intentional violation of the responsibilities described in the oath and ethics training course described above.
  - 5) A poor attendance record that impairs the ability of the board, commission, or committee to function.

A member’s opinions or votes on any subject within the public body’s jurisdiction cannot constitute grounds for removal, as members of boards, commissions and committees should be able to make decisions within their authority without fear of removal. An exception may be made if an official’s vote or actions are found to be an intentional violation of the conflict of interest law as set forth in M.G.L. c. 268A or an ethics violation as described in 930 C.M.R. 1.00 – 7.00

##### §12-27 Process for Removal

- A. Initiation of a removal: In addition to removal by the appointing authority pursuant to section 12-26, ~~the~~ removal process ~~shall~~ may be initiated by ~~the appointing authority, or the board, commission, or committee~~ for on which the appointee serves if a majority of the members of the board, commission, or committee agree that there are sufficient grounds to warrant the removal of the appointed board, commission or committee member.

A formal vote on removal will be taken during a properly noticed the board, commission, or committee meeting. The appointing authority, if removal is initiated pursuant to Section 12-26, or the board, commission or committee commission Chair, if removal is initiated pursuant to Section 12-27A, shall then provide written notice to ~~notify~~ the Select Board ~~of this requesting~~, ~~providing~~ the name of the member, the office held, the statement of the grounds for removal, and the results of the board, commission or committee's formal vote on the removal.

The Select Board shall cause the written notice to be given by certified mail or personal service to the appointed official whose removal is being sought. If the appointed official sought to be removed does not resign within three (3) business days after receipt of said notice, the Select Board shall schedule a hearing to consider whether the appointed official should be removed, which hearing shall take place no sooner than fourteen (14) business days and no later than twenty-one (21) business days following the expiration of the three (3) business day resignation period. Both the appointed official and members of the public will be provided with an opportunity to be heard.

- B. Verification: As provided in Section 12-27 above, ~~The~~ Select Board shall contact the appointed member whose removal is being considered to determine if there are any extenuating circumstances and the Select Board will:
- 1) Contact the board, commission, or committee Chair or members with further questions or if any further clarification is needed.
  - 2) Proceed with the removal if the grounds that warrant the removal are clear and no further discussion is required.
- C. Removal: An appointed member of a board, commission, or committee may be removed by a majority vote of the (i) appointing body for removal initiated by the appointing authority in accordance with Section 12-26 or (ii) Select Board with respect to removal initiated by (a) the board, committee or commission on which the appointee serves in accordance with Section 12-27A or (b) the Moderator. Once the appointing body or Select Board's (as applicable) vote to remove an appointed member is final, the appointing body or Select Board (as applicable) shall formally notify the appointed member of the vote in writing and provide a copy of that vote to the Town Clerk. The board, commission, or committee ~~Chair as well as the board, commission, or committee~~ members will be notified of the vote. The Town website, as well as the records of the Town records, will be updated to reflect that the appointed member is no longer part of the board, commission, or committee.