

POLICY: OGUNQUIT SELECT BOARD APPOINTMENTS

PREAMBLE:

According to the Ogunquit Town Charter, the Select Board is charged with the responsibility for the appointment and removal of members to various Town-related Boards, Committees or Commissions. The importance of these appointments cannot be over-emphasized because of the tremendous influence the respective Boards, Commissions, and Committees have on the direction of Ogunquit Town government.

The following policy outlines the Select Board policy for the appointment of members to Town Boards, Commissions, and Committees for which they have authority. For the purposes of this policy, and since the Select Board does not directly oversee the Town Clerk position, the Town Clerk responsibilities outlined below may be assigned to another position at the discretion of the Town Manager as appropriate.

POLICY:

1. The number of regular and alternative member positions and terms for a Town Board, Commission, or Committee is first identified in a formation/organization "Resolution" document approved by the Select Board. Thereafter, the number of regular and alternative member positions and terms for a Town Board, Commission, or Committee is identified in the Town Board, Commission, or Committee's By-Laws (may be updated from time to time), which has been approved by the Town Board, Commission, or Committee and the Select Board. Both Resolution and By-Law documents may also specify qualifications for Town Board, Commission, and Committee positions so long as they are in accordance with the Ogunquit Town Charter and Maine law.
2. The Town Clerk is charged with maintaining a current list of Town Board, Commission, and Committee positions according to an approved formation Resolution document or By-Laws, which shall include the names of appointed members and their terms, as well as any vacancies. In addition, the Town Clerk will maintain a list of applicants for Town Boards, Commissions, and Committees.
3. Vacancies to Town Boards, Commissions, and Committees positions occur when a new Board, Commission, or Committee is officially formed by a Select Board formation Resolution, when a term of an appointed member ends (even if a member is in a de facto status), when a member is removed from office in accordance with the Town of Ogunquit Charter, or when a member resigns.
4. When a regular member vacancy occurs on a Board, Commission, or Committee (but not the Budget Review Committee) before the end of a term and if there is a first alternate member already appointed, unless a first alternate member requests otherwise or is unqualified, the Select Board may move the first alternate to the vacant regular member position to the end of the specific term. If the first alternate

member requests to not be moved up or is unqualified and if there is a second alternate member already appointed, unless a second alternate member requests otherwise or is unqualified, the Select Board may move the second alternate to the vacant regular member position to the end of the specific term. If a first alternate moves to a regular member position and if there is a second alternate member appointed, the Select Board may move the second alternate member to the vacant first alternate member position to the end of the term. At the discretion of the Select Board Chair, moving up alternates may be included in the Select Board meeting consent agenda. (Note: Budget Review Committee vacancies will be filled in accordance with the Ogunquit Town Charter.)

5. When a vacancy on a Board, Commission, or Committee is not filled by an alternate member or is anticipated due to an upcoming term ending, the Town Clerk will advertise the (anticipated) vacant position opening and expected term. At minimum, the opening will be posted on the Office of the Town Clerk section of the Town website as soon as possible and included in the next Select Board meeting consent agenda packet. In addition, Board, Commission, and Committee Chairs and Select Board Liaisons are charged with advertising and recruiting qualified community members to apply. Further, the Select Board, Town Manager, Town staff, and other Board, Commission, and Committee members are encouraged to recruit qualified community members to apply for any and all vacancies and upcoming vacancies.
6. Once a vacancy is posted on the Town's website, applications are accepted for a minimum of ten business days and on a rolling basis until a position is filled. Applications forms are available in the Town Clerk's Office, as well as available on the Office of the Town Clerk section of the Town website. Member of the community applying must submit a complete application to the Town Clerk in person or via email by the end of business (4pm) on the Wednesday before a Select Board meeting to be considered by the Select Board at their next meeting. Note, setting committee appointments on the Select Board agenda is at the discretion of the Ogunquit Select Board Chair and members, and is often based on prioritizing competing needs.) It is also noted that applications, with redactions of contact information, for Town Boards, Commissions, and Committees are public information/documents once submitted to the Town, unless otherwise deemed confidential by the Town's FOAA designee, Town Manager, or Select Board.
7. Applications are first reviewed by the Town Clerk to ensure the application is complete. The Town Clerk also verifies the applicant qualifies for the position for which they are applying. The Town Clerk may contact the applicant if the application is not complete or if there are questions or additional information needed to verify qualification. In addition to qualifications stated in Resolution or By-Laws for Town Boards, Commissions, and Committees, the following are some additional criteria for the Town Clerk to consider:

- A. Some Boards, Commissions, and Committees require member's to be residents of Ogunquit. These are: Board of Assessment Review, Conservation Commission, Planning Board, and Zoning Board of Appeals.
 - B. For Boards, Commissions, and Committees that allow non-residents of Ogunquit from nearby communities to serve, non-residents cannot make up 50% or more (or less than 505) of the Board, Commission, or Committee members.
 - C. Members who currently serve on the Board of Assessment Review cannot serve on the Planning Board or Zoning Board of Appeals.
 - D. Members who currently serve on the Planning Board cannot serve on the Board of Assessment Review, Conservation Commission, Historic Preservation Committee, or Zoning Board of Appeals.
 - E. Members who currently serve on the Zoning Board of Appeals cannot serve on the Planning Board or Zoning Board of Appeals.
 - F. Members who currently serve on the Conservation Commission or Historic Preservation Commission cannot serve on the Planning Board.
8. Thereafter, if the Town Clerk determines the application is not complete or the applicant is not qualified, they will notify the applicant. The applicant may appeal the Town Clerk's decision to the Town Manager. The Town Manager will then issue a determination. If the Town Manager upholds the Town Clerk's decision, the applicant may then appeal the Town Manager's decision to the Select Board. Then, the Select Board will take up the matter and make a final determination. In this situation, the Select Board's decision shall be considered final. (Note: if the application is deemed incomplete at any time in this phase, the applicant may update their application or submit a new completed application rather than appeal the decision.)
9. Once the Town Clerk, Town Manager, or Select Board confirms qualification, the Town Clerk adds the applicant to the list of applicants for the specific Town Board, Committee, or Commission, and provided the updated list of applicants to the Town Manager. On this list, the Town Clerk will also identify if the applicant currently serves on a Town Board, Commission, or Committee or has served within the past year. Once added to the list of applicants, the applicant's name will remain on the applicant list for one year from the date of their application.
10. The Town Manager then regularly informs the Select Board Chair of applicants for Town Board, Commission, and Committees. The Town Manager also provides applicant information to all Select Board members as requested.
11. For applicants who currently do not serve on a Town Board, Commission, or Committee, or has not served within the past year, or at the request of any Select Board member, the Select Board Chair will schedule an interview with the

applicant(s) or may assign this responsibility to the specific Town Board, Committee, or Commission's Select Board Liaison. If the Chair or Liaison do not schedule an interview within a reasonable time, any Select Board member may compel the Select Board to schedule an interview by calling for a Select Board vote on the matter according to Robert's Rule of Order. Applicant interviews will be scheduled through the Town Manager or their designee, who will contact applicants for scheduling. The Town Manager or their designee will post all interviews on the Town Calendar portion of the Town Website with at least five business days' notice, unless scheduled before, after, or during an already scheduled Select Board meeting. In addition, the Town Manager or their designee will post the interview agenda on the Select Board documentation portion of the Town's website. Select Board members will also be emailed when an interview is scheduled. Interviews may be conducted in person at the Dunaway Community Center or by using a combination of in-person at the Dunaway Community Center and electronic means according to the Select Board Remote Meeting Policy. Unless the Select Board Chair schedules an interview in Executive Session according to Maine FOAA, interviews will be open to the public to attend and observe. Interviews conducted solely in person need not be televised, live-streamed, or done using a video/audio communication platform which typically require staff support, and it is for this reason that solely in-person interviews are encouraged whenever possible. For interviews scheduled via electronic means, such means will be advertised on the Town Calendar and on the agenda for the interview, so the public is given the same access to attend and observe the interview in person or electronically.

12. Any member of the Select Board may attend an interview; however, it is only required that the Town Board, Commission, or Committee Select Board Liaison attend. If the Select Board Chair or Vice Chair do not attend an interview, the interview is conducted by the Liaison. While no Select Board appointments or decisions are made during interviews, an interview will constitute an official Select Board procedure should more than two Select Board Members attend as this would make a quorum of the Select Board. Since all interviews are posted for public transparency, there is no additional requirement for when interviews are attended by three or more members of the Select Board.
0. While there are no specific interview questions, interviews are a time for Select Board Liaison and Members to get to know applicants. Questions during interviews will focus on the applicant's interest in serving, background/experience, and hopes for serving. Questions that could be deemed discriminatory are forbidden.
Whenever appropriate, applicants are also offered an opportunity to ask questions of the Select Board about the position and Town Board, Commission, or Committee.
13. If the Select Board Chair does not attend an interview, the Liaison will inform the Select Board that the interview has been completed.
14. After an interview is conducted, or if an interview is not required or requested by a Select Board Member (for applicants who currently serve on a Town Board, Commission, or Committee or has served within the past year), the Select Board

Chair will schedule the appointment consideration on the next Select Board meeting agenda or as soon as all applicable interviews for the position(s) have been conducted. Note: If applicant interviews have been offered and have not been able to be scheduled within a reasonable amount of time (generally one month), the Select Board Chair may schedule the appointments, regardless of interview status, on the Select Board agenda or must schedule the appointments, regardless of interview status, with an affirmative vote of the Select Board.

16. As with all votes, the Select board must make appointments to Town Board, Commission, and Committee vacancies at a public meeting of the Select Board. The Select Board must make appointments to any Town Board, Commission, or Committee vacancy at a public meeting of the Select Board. The Select Board should make every effort to consider applicants to position vacancies at a regularly scheduled meeting of the Board as soon as possible. Appointments for Town Board, Commission, and Committee members is at the discretion of the Select Board. A vacancy does not guarantee appointment, even if there is only one applicant. The Select Board does not take public comment on Town Board, Commission, or Committee appointment agenda items. There are several options for placing appointments on the Select Board agenda. They can be placed on the regular agenda (generally under new business). When listed as a regular agenda item, the available positions and terms will be listed, as well as all current applicants on file with the Town Clerk. It should be noted on the agenda if applicants are re-applying to serve on the Town Board, Commission, or Committee. There are some options where the Chair, at their discretion, may place appointments on the Select Board consent agenda. The two options include:

- A. Applicants who currently serve on a specific Town Board, Commission, or Committee may be placed on the consent agenda of the Select Board for consideration of re-appointment.
- B. If there are less applicants than there are open positions on a Town Board, Commission, or Committee.

If placed on a consent agenda, the consent agenda will specify the term of the position for each applicant being considered. If there are multiple terms available, the Select Board Chair, at their discretion, will make a term determination for the consent agenda consideration.

17. Once a person is appointed to a position on a Board, Commission, or Committee, the formal document appointing the individual will be prepared by the Town Clerk and shall be signed by at least three members of the Select Board voting in the affirmative for the appointment (non-affirmative voting members of the Select Board are encouraged to also sign). Appointees will be duly notified of their appointment by the Town Clerk and will be requested to come to the Town Clerk's Office to be sworn in or provide documentation of their swearing in according to Maine law and the Town Charter, and sign the Code of Ethics at the earliest possible date, but in no

case more than thirty business days. If more than thirty business days pass before being sworn in or before providing swearing in documentation and signing the Code of Ethics, the individual is no longer considered an appointee and their name shall be returned to the list of applications maintained by the Town Clerk. Once sworn in or documentation of being sworn in is provided to the Town Clerk and after signing the Code of Ethics, the Town Clerk will notify the appropriate Town Board, Commission, or Committee Chair of the appointment by the Select Board and that the appointee is able to vote during meetings of that Town Board, Commission, or Committee. The Chairperson will assure that the appointee is introduced to members of the respective Town Board, Commission or Committee at or before the first regular meeting following the member's appointment.

18. Before their first meeting as a voting member, or shortly thereafter, initial training (proper preparation for the duties) shall be completed according to the Town Clerk and Chair of the Town Board, Commission, or Committee. The Chair oversees training for day-to-day work of the Town Board, Commission, or Committee. The Town Clerk oversees training for the Code of Ethics, Town Charter, and Maine/Federal laws such as FOAA, etc. Ongoing training is also emphasized as an important facet to accepting appointment to any Town Board, Commission, or Committee. If a Town Board, Commission, or Committee Chair or Town Clerk have concerns regarding a Town Board, Commission, or Committee member's training, they shall first speak with the member. If they continue to have concerns thereafter, they should refer the matter to the Town Manager, Select Board Liaison, or Select Board Chair.

19. Annually, on June 30th, when the terms of some members of Town Boards, Commissions, and Committees expire. Between 45-60 business days before an appointee term expires, the Town Clerk will update anticipated vacancies online and will notify members who terms are expiring that she has posted the anticipated opening and they should re-apply if they wish to be considered for re-appointment. The Town Clerk will also inform the Town Board, Commission, or Committee Chair, as well as the Select Board Chair and Liaison to the appropriate Board, Commission, or Committee. Members whose terms have expired may continue to serve as a de facto member of a Town Board, Commission, or Committee until they resign, are formally re-appointed, or a replacement is appointed by the Select Board, or unless the Select Board takes a specific action to the contrary. The Select Board reserves the right to take up specific action precluding some or all individuals from participating as de facto members.

20. Town Board, Commission, and Committee members serve until their term ends (unless de facto till they are re-appointed, replaced, or removed), they resign, or they are removed from office in accordance with the Town of Ogunquit Charter.

A. After specific action of the Select Board, if a member is not re-appointed, is replaced after their term expired, or is removed, the Town Clerk will notify the individual and the Chair of the specific Town Board, Commission, or Committee

that they can no longer serve as a (de facto) regular or alternate member. Past members are welcome to always participate in Town Board, Commission, and Committee meetings as appropriate for all community members.

- B. Members who wish to resign from their position, shall notify the Town Board, Commission, or Committee Chair in writing (can be via email), and shall copy their written notification to the Town Clerk, Town Manager, Select Board Liaison, and Select Board Chair.
 - a. Once a resignation is obtained by a Town Board, Commission, or Committee Chair, the Chair shall place the resignation the next Board, Commission, or Committee meeting agenda. According to Robert's Rules, the Board, Commission, or Committee shall vote to accept the member's resignation. Thereafter, the Chair shall inform the Town Clerk of the accepted resignation.
 - b. The Town Clerk will then inform of the Town Manager of the official resignation and vacancy. The Town Manager will then inform the Select Board Chair and the resignation will be included in the next Select Board meeting consent agenda packet.

*For the Ogunquit Conservation Commission, if associate (term in Maine law) members are ever appointed, they shall be treated as "alternative members" in this policy.

** The Town of Ogunquit, its employees and its Officers, including those appointed by the Select Board, shall abide by all federal and state laws/regulations, as well as the Town Charter. If any provisions of this policy are considered not valid, enforceable, binding, and/or legal it will not cancel or void the rest of this policy. The remainder of the policy will continue to be valid and enforceable, to the maximum extent of the laws and regulations set forth by federal, state, or Ogunquit's Town Charter.

Adopted at Select Board's Meeting:
February 1, 2022