

Approved: May 21, 2002

COUNCIL ON AGING
77 Lowell Street
Methuen, MA 01844

BY LAWS

ARTICLE 1 – ESTABLISHMENT

The Methuen Council on Aging, hereinafter referred as the Council, was established by the Town Meeting Report (Articles 13 and 136) for 1970 pursuant to Mass. General Laws, Section 73, Chapter 6 and General Law, Section 8B, Chapter 40. (Assistance to Local Councils on Aging).

The Council on Aging (COA) is a department of municipal government named the Department of Elder Affairs, under Chapter 40, S.8B of the Massachusetts General Laws. (See ATTACHMENT #1).

ARTICLE II – PURPOSE

The purposes of the Council are:

- a. To advocate on behalf of the Methuen elderly population in addressing their needs by identifying and developing community resources of assistance.
- b. To set policy for the operation of the Senior Center working in conjunction with Council on Aging/Department of Elder Affairs staff to ensure a safe environment and fair treatment for all elder participants.
- c. To work in partnership with the Methuen Senior Activity Center, Inc. Trustees for the benefit of Methuen elders.
- d. To provide information, referral, outreach, nutrition and health services in cooperation with other city departments and area agencies
- e. To enhance the quality of life for Seniors and the Community by providing educational, recreational, cultural programs and activities.
- f. To provide policies and procedures pertaining to the management of the Methuen Council on Aging/Department of Elder Affairs city budget, state funds, grants and other financial resources.

ARTICLE III – LOCATION

The principal office of the Council shall be located at the Methuen Senior Activity Center at 77 Lowell Street, Methuen.

ARTICLE IV – MEMBERS

- a. The Council shall consist of seven members who are residents of Methuen and voluntarily commit their time, skills and expertise for the enhancement of life quality for Methuen’s elderly residents. Members are appointed by the Mayor and approved by City Council and shall operate under the By-Laws of the City and Federal/State rules, regulations and mandates.
- b. Each member is appointed for a 3 year term. A newly appointed member who is filling a vacancy must complete the term of the previous incumbent.
- c. Vacancies shall be filled through the recommendation of the Council on Aging Chairperson and Executive Director to the Mayor. Because setting policy for the Senior Center is an important function of the Council, it is paramount for each member to be familiar with the many programs, services and activities held at the Center. It is therefore required that all nominated individuals will have volunteered or worked at the Methuen Senior Center for at least one year prior to their nomination of the Council.
- d. Council membership shall be comprised of at least fifty-one percent (51%) persons sixty years of age or over.
- e. All members shall be sworn in by the City Clerk within seven business days of their appointment.
- f. Members of the Council on Aging shall be subject to the Massachusetts Law known as the Conflict of Interest Law, Chapter 268A. They shall additionally be subject to Chapter 4 and Chapter 4A respectively known as the Code of Ethics and the additional Conflict of Interest Law of the Methuen Municipal Code. (The Conflict of Interest Law, State and local, being attached hereto respectively as ATTACHMENT #2,3(A) and 3 (B).
- g. Members of the Council on Aging shall be subject to the election and campaign finance laws of the Commonwealth of Massachusetts. Said restrictions are listed in “A guide to Political Activity for State, County and Municipal Employees”, Office of Campaign and Political Finance, and “Campaign Finance Guide for Candidates for Municipal Office”. (Said guides are attached hereto as ATTACHMENTS #4 and 5). Summary: Council members shall not actively engage in activities which involve the use of propaganda and political campaigns on behalf of any candidate for public office. Further, Council members shall refrain from using their names or position on the Council to publicly endorse candidates or propaganda. Members of the Council and staff are required to follow the Senior Center Political Policy. (See ATTACHMENT #6).
- h. No member of the Council on Aging or its staff shall make written or oral representations for the Council unless authorized by a Council vote.
- i. A member may resign by notifying the Chairperson in writing. The Chairperson will then notify the Mayor. The written resignation shall in accordance with Chapter 41 of the Massachusetts General Laws be recorded in the Office of the City Clerk.

ARTICLE V – VOTING RIGHTS OF MEMBERS

Each member shall be entitled to one vote with respect to any question or matter that may come before a meeting of the members of the Council. Votes shall be cast only by members in attendance. The majority of members in attendance rules.

ARTICLE VI – MEETINGS

Section 1. Regular Meetings.

Council on Aging meetings shall be held on a monthly basis excluding the months of July and August, unless notified by the Chairperson.

Section 2. Notification & Agenda

In accordance with the provisions of the Open Meeting Laws (MA General Laws Chapter 39, Section 23B and Methuen Home Rule Charter, Article 9, Section 9 – 11 known as MHRC). The Council on Aging shall, except in cases of special emergency, at least forty-eight (48) hours before any meeting of the Council be held, cause to be posted an agenda containing all items which are scheduled to come before it at the meeting. (For the State Open Meeting Law, see ATTACHMENT #7 and the Home Rule Charter Open Meeting Law, see ATTACHMENT #8).

Section 3. Minutes.

Minutes of the previous meeting will be distributed at each meeting by the Council's Secretary unless the Chair specifies minutes to be distributed prior to the meeting. After minutes are accepted, a copy of the same will be sent and recorded in the Office of the City Clerk.

Section 4. Special Meetings.

Special or emergency meetings of the Council shall be held on call of the Chairperson or by one-third (1/3) of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set.

Section 5. Elections and Annual Council Meeting.

An annual meeting of the Council shall be held in June for the purpose of electing officers as well as conducting the usual business of the Council. Notice of the meeting shall comply with the open meeting law. Elected officers begin serving July 1st.

Section 6. Quorum.

At all meetings of the members of the Council, the presence of a simple majority of the total membership shall be sufficient to constitute a quorum for the transaction of any business. Votes shall be cast only by members in attendance.

Section 7. Conduct of Meetings.

All meetings of the Council shall be conducted in accordance with Roberts Rules of Order unless provided for in the By-Laws.

Section 8. Attendance.

Regular attendance at all meetings is expected of all members.

ARTICLE VII – OFFICERS

Section 1

The officers shall consist of a Chair, Vice-Chair, Secretary/Clerk and Treasurer. Officers of the Council shall be elected at the annual meeting and begin their term on July 1st for one year. Election of officers to fill vacancies created by resignation or other causes may take place at any regular or special meetin and shall be for the unexpired term of the previous incumbent; however, the office of Chair, if vacated, shall be filled by the Vice-Chair for the unexpired term of the Chair’s normal term of office. The position of Vice-Chair will then be filled by election.

Section 2. Chair

The Chair shall be the chief executive officer of the Council and subject to the direction of members of the Council, shall have charge of the business, affairs and property of the Council in its general operations. Subject to the direction of the Council members, the Chair will be the official spokesperson for the Council.

The Chair shall prepare an agenda in conjunction with the Executive Director and will preside at all meetings of the members. The Chair will appoint all committees and their chairs and be an ex officio member of all committees. The Chair may delegate duties to any one or more members of the Council, or to the Executive Director as deemed necessary or expedient.

The Chair shall ensure that each member of the Council on Aging shall, upon being sworn in, be given a copy of M.G.L. Chapter 39, Section 23B (MA. Open Meeting Law) and a copy of Section 9 – 11 Methuen Home Rule Charter.

The Chair shall be the designated signatory for all major business transactions, grants and other fiscal affairs unless the Chair delegates such responsibility to the Executive Director or the Vice-Chair.

The Chair shall work in conjunction with the Executive Director to ensure compliance with rules, regulations and directives of the City, State and Federal Government in carrying out the administrative and fiscal responsibilities and policies of the Council on Aging.

The Chair shall prepare the annual budget with the Executive Director for submission to the Mayor and represent the Council on Aging with the Executive Director at the City Council Budget meeting if requested by the Mayor.

The Chair shall present policies, procedures and other matters that require the approval/acceptance at Council meetings.

Section 3. Vice Chair

During the absence of the Chair, the Vice-Chair shall exercise all the functions of the Chair and, when so acting, shall have all of the powers and be subject to all the restriction of the Chair.

Section 4. Secretary/Clerk

The Secretary/Clerk shall:

- a. Record the proceedings of the meetings and distribute minutes at each meeting or as requested by the Chair.
- b. Cause all notices to be given in accordance with these policies and procedures (and M.G.L. Ch. 39, S23B and Section 9, 9-11 MHRC).
- c. Oversee the retention of business records in accordance with the Secretary of State's Records Retention Schedule (DS-27-93) of September 9, 1993.
- d. Perform all duties relevant to the office of Secretary/Clerk.
- e. Obtain from the City Clerk in accordance with Chapter 268A, Section 23 (f), the Conflict of Interest Law and the Code of Ethics and additional Conflict of Interest Ordinances know as Chapter 4 and Chapter 4A and provide a copy thereof to each member.

Section 5. Treasurer

The Treasurer shall:

- a. Render to the Chair and to the members a monthly statement of the financial condition of the Council.
- b. Provide oversight over funds, securities and receipts of the Council.
- c. Perform all duties relevant to the office of the Treasurer.

ARTICLE VIII- BOARD/STAFF RELATIONSHIP

The Council may appoint clerks or other employees as it may require in accordance with municipal practices and procedures. (See M.C.L. Ch. 40, S 8B).

The Council has been designated by Resolution Order #3770, 1996 to interview and recommend a candidate for its Executive Director to the Mayor, when a vacancy occurs. This resolution further outlines the screening, evaluation and termination procedures for this position.

The Executive Director is considered an integral part of the Council therefore, shall attend Council meetings, give a monthly report, provide informational resources, provide guidance when the Council is developing policies and procedures to be used by Council on Aging staff and volunteers.

The Executive Director shall conduct interviews for staff and other positions and shall present recommendations for hire to the Chairperson for approval by the Council. The Executive Director is charges with daily operations and supervision of staff of the Council on Aging. Council members, including officers, act in the capacity as a

governing board only and are not authorized to interfere with the day-to-day operations of the Center and the duties of the Center's staff.

The Council shall, at all times, work in full cooperation with its Executive Director and staff to ensure the best possible programming for Methuen elders. The Executive Director is charged with the responsibility of enforcing Council on Aging policies.

ARTICLE IX – COUNCIL COMMITTEES

Committees shall be established as needed and requested by the Chairperson. Each member of the Council shall serve on various committees upon request of the Chairperson.

ARTICLE X – MISCELLANEOUS

Section 1. Seal.

The seal of the Council shall be the City seal to be used separately or in conjunction with the Methuen Senior Activity Center, Inc. seal.

Section 2. Fiscal Year.

The Fiscal Year of the Council shall coincide with the Fiscal Year of the City.

Section 3. Honorary Members.

The Council may from time to time select former members as honorary members of the Council on Aging. The purpose of Honorary members is to recognize those individuals whose past and present support of the Council on Aging is of importance and to recognize such. Honorary members are absolved from the attendance rule-s and do not vote at meetings of the Council.

ARTICLE XI – AMENDMENTS

Section 1.

These By-Laws may be emended by a majority of the Council as determined by a quorum of members present at any meeting provided that notice in writing of such proposed amendments and such meetings shall be sent or presented to each member of the Council as herein provided that each member waive such notice in writing.

Section 2.

These By-Laws as amended to include the City of Methuen Resolution Order #3770 dated May 1996 and permanently attached.

Methuen Council on Aging
BY-LAW ATTACHMENTS

- Attachment #1 (A) Council on Aging Ordinance 1978
(B) Section 8B Chapter 40. Mass General Laws
- Attachment #2 Standards of Conduct, M.G.L.
- Attachment #3 (A) Code of Ethics/Chapter 4
(B) Conflict of Interest Law
- Attachment #4 Guide to Political Activity
- Attachment #5 Campaign Finance Guide for Candidates for Municipal Office
- Attachment #6 Methuen Senior Center Political Policy
- Attachment #7 Open Meeting Law/Municipal Home Rule
- Attachment #8 Open Meeting Law/State

AMENDMENT

ARTICLE XI. Section 2. City of Methuen
Resolution Order #3770 / 1996