

110 CMR 15.00: AREA BOARDS AND STATEWIDE ADVISORY COUNCIL

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15.01: Introduction

Under M.G.L. c. 18B, § 13, the Department is mandated to operate with the advice of 40 area boards which consist of a representative cross-section of the community. Area boards provide citizens with an opportunity to plan, develop, and implement the social services provided in their community.

Under M.G.L. c. 18B, § 16, the Department is mandated to operate with the advice of one statewide advisory council. The statewide advisory council is composed of representatives from the area boards as well as members appointed by the Commissioner. The statewide advisory council provides citizens with an opportunity to advise the Commissioner in matters of statewide interest.

110 CMR 15.00 govern the operation, duties, and responsibilities of social service area boards and the statewide advisory council.

15.02: Area Board Membership

(1) Each area board shall have 21 members. No employee of the Department may be a member of an area board. No more than seven members of an area board may be employees of the Commonwealth or any of its political subdivisions (county employees, city employees. *etc*).

(2) Area boards shall consist of the following representatives:

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- (a) Four area consumers;
- (b) Three area providers;
- (c) One member of the mental health area board;
- (d) One member knowledgeable in the field of mental retardation;
- (e) Two members of the councils for children;
- (f) Two members of the financial or business profession with special fiscal or budgetary skills;
- (g) Two members of the community service area boards.

If after diligent efforts, it proves to be impossible to obtain individuals as listed above, then other individuals who are knowledgeable about the required subject matter may be temporarily appointed.

Every effort will be made to ensure that Area Boards reflect the demographic composition in their communities, and to ensure that all minority groups (blacks, hispanics, handicapped, etc.) are represented.

(3) In order to provide geographical representation in the membership of area boards, each area board shall include at least one member from each city, and if practicable each town, in the area.

(4) At least two members of the area board must be, at the time of their appointment, members of the financial or business professions and have competence in fiscal or budgetary matters.

15.03: Appointment to Area Board; Term of Office

(1) Area board members shall be appointed by the Commissioner. The term of appointment shall be three years. Members shall serve no more than two full consecutive terms of three years each.

(2) Area board members may be removed at any time by the Commissioner, according to the provisions of 110 CMR 15.00.

(3) The Commissioner may appoint an individual to serve during the remainder of the term of any board member whose seat becomes vacant for any reason.

(4) The area board shall provide, for the Commissioner's consideration, one or more names of candidates for each expiring term of vacancy.

(5) Area board members shall be sworn to the faithful performance of their duties, pursuant to the provisions of M.G.L. c. 30, § 11 and M.G.L. c. 222, § 3, by taking the oath prescribed by the Constitution of the Commonwealth.

(6) The area board shall notify the Commissioner in the event that it ceases to meet qualifications of membership enumerated in 110 CMR 15.00. The Commissioner may authorize a period of time during which said requirements may be suspended, while requiring that efforts be made to meet said qualifications.

15.04: Rules

With the prior written approval of the Commissioner, each area board may adopt such rules as it may decide are necessary or helpful for the conduct of its business. Proposed rules shall be reduced to writing and adopted by a majority of the area board members present and voting. Within three days of the board's adoption of such rules, a copy shall be forwarded to the Commissioner who shall have 30 days to approve or disapprove, and to notify the board for approval or disapproval in writing.

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15.05: Officers

(1) Each area board shall annually elect one member as president and such other officers as may be required. The election of officers shall occur no later than the second regularly scheduled meeting of a calendar year. The election shall be secret by ballot. Prior to the annual election of officers, the board shall insure that the members of the board are apprised of the qualifications of the candidates for president and any other officers to be elected.

(2) No person may serve more than two consecutive full terms of one year each as president. Upon election the president shall preside over each meeting, unless the board provides otherwise in its rules. The president shall have the sole and exclusive power to appoint members of the board to committees.

15.06: Committees

(1) The area board may establish such standing committees, special committees, or sub-committees as it deems necessary to conduct the business of the board.

(2) Each area board shall establish one committee which shall conduct the annual needs assessment for social services, as set forth in 110 CMR 15.00.

(3) In order to broaden citizen participation on area boards, the president may appoint persons who are not board members to committees. Non-board members may be appointed to any committee except an executive committee, if they have expressed a willingness to serve and if they have a particular expertise or perspective which would contribute to the committee's work.

15.07: Meetings and Proceedings of the Area Board

(1) Each area board shall hold meetings as often as the President shall require, but must meet at least four times in each calendar year.

(2) Area board meetings shall be held in conformance with the Open Meeting Law, M.G.L. c. 30A §§ 11A and 11A 1/2. Notice of area board meetings shall be filed with the Secretary of the Commonwealth and the Secretary of Administration and Finance at least two calendar days prior to the scheduled meeting.

(3) Notice of regularly scheduled meetings must be given to all board members and to the Area Director in writing at least ten days in advance of the meeting.

(4) A special meeting of the board may be called by the president, by the Area Director, or by at least ten members of the board, by written notice to all members and to the area director. Any such notice of a special meeting shall be issued at least three days in advance of the meeting and shall contain the names of the person or person's calling the meeting and the proposed agenda.

(5) The Area Director shall provide staff support to the Area Board, shall work with the Board to achieve its purposes, and shall work with the Board's President regarding the Board's agenda.

15.08: Quorums; Voting

(1) Any proposed business requiring a vote shall be considered carried and adopted if it is supported by the vote of a majority of those members present.

(2) No proposed business requiring a vote shall be acted upon or voted upon unless at least seven members of the board are present.

15.09: Area Director Selection

(1) The Department shall recruit qualified applicants whenever there is a vacancy in the position of Area Director. The Department shall submit the name(s) of the final

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candidate(s) to the area board. The area board shall have the opportunity to interview the final candidate(s). The Commissioner, with the advice of the area board, shall appoint the Area Director.

(2) The Commissioner may designate any person to act as temporary Area Director in any case in which the office is vacant, until such time as a replacement selection is made.

15.10: Annual Needs Assessment

(1) Each area board shall participate in the needs assessment for social services in its area. The needs assessment shall be conducted annually.

(2) The purpose of the needs assessment process is to identify social services needed by area residents, which are either not being offered by the Department or are not offered in sufficient quantity or quality. The needs assessment shall be conducted and reduced to writing following uniform guidelines developed by the Department.

15.11: Area Plans

(1) Annually, the Area Director shall furnish to each area board member a copy of the draft annual area plan and a proposed budget for the following fiscal year. The draft area plan shall describe the resources which will be utilized to provide social services in the area, and each category of planned social services. The proposed budget shall specify the amount of funds which are to be allocated for each category of planned social services contained in the area plan.

(2) The area board shall review the draft area plan and budget and shall submit its recommendations in writing to the Area Director. Any sections which the board disapproves shall be accompanied with a proposed, revised section. The Area Director shall meet with the board to attempt to resolve any differences between the draft area plan and the board's recommendations. However, the decision of the Area Director shall be final.

(3) The board shall certify to the Area Director, the Regional Director and the Commissioner whether it has or has not approved the annual area plan.

15.12: Regional Review

(1) The Regional Director shall call an annual meeting of all of the area boards in the region. The Regional Director shall preside at such meeting.

(2) The purpose of the regional meeting is to consider the needs assessment and the proposed area plans from a regional perspective. The meeting shall attempt to balance competing needs for resources and shall also designate area responsibility for new program development.

15.13: Receipt of Funds and Incorporation

(1) Subject to the prior written approval of the Commissioner, area boards may receive or solicit funds. The Commissioner shall issue guidelines which shall govern the solicitation, receipt, and expenditure of any funds by area boards.

(2) No area board may incorporate itself, nor may any group of area board members incorporate, for a purpose relating in any way to the delivery of social services.

15.14: Review of Proposals

(1) Each area board (or sub-committee established for that purpose) shall review, and make recommendations concerning, proposals submitted to the Department for the provision of social services within the area.

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(2) The Area Director shall determine annually the manner in which proposal review shall be accomplished by the area board.

(3) The board shall make one of the following written recommendations following its review of each proposal:

(a) "Recommended". The board may include detailed comments which describe how the proposal could be further strengthened.

(b) "Not recommended". The board shall include a detailed statement indicating the reasons for this determination.

15.15: Review of Contracts

No more frequently than twice per calendar year, the Board may request from and receive from the Area Director a list of all contracts for programs or services which have been entered into which are a part of the area program of social services. The board may in addition request and receive a copy of the actual contract(s). Following its review, the area board may make written recommendations to the Area Director.

15.16: Statewide Advisory Council

(1) There shall be a statewide advisory council which shall advise the Commissioner in matters of statewide interest relating to the delivery of social services.

(2) The council shall have 45 members elected or appointed in the following manner.

(a) Each area board shall elect one of its members to serve for a term of one year; and may elect an alternate delegate to serve and vote in the absence of the elected delegate.

(b) The Commissioner shall appoint five members to serve on the council. Each appointed member shall serve for a term of one year.

(3) No member shall serve more than three consecutive terms.

(4) The council shall hold meetings as often as its business requires but must meet at least once in each calendar year.

(5) The council shall adopt such rules as are necessary for the conduct of its business. The rules shall be subject to the approval of the Commissioner.

15.17: Conflict of Interest

(1) Area board and statewide advisory council members shall comply with all provisions of the state conflict of interest law as mandated under M.G.L. c. 268A.

(2) If any matter comes before the board in which any board member or statewide advisory council member (or any member of his or her immediate family) has a financial interest, that member shall immediately inform both the Commissioner and the state Ethics Commission, in writing, of his/her financial interest in the matter. Furthermore, that area board or statewide advisory council member shall not participate in any proceedings or votes of the board which concern the matter in which the member (or any member of his or her immediate family) has a financial interest.

(3) No area board or statewide advisory council member shall directly or indirectly advocate to any other member a position which would benefit his or her financial interest or that of any member of his or her immediate family.

(4) No member of the statewide advisory council or any area board shall:

(a) improperly disclose confidential information acquired in the course of official duties nor use such information to further personal interests;

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(b) use or attempt to use his or her official position to secure unwarranted privileges or exemptions or give the appearance of any such action;

(c) by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her; or

(d) pursue a course of conduct which will raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of the trust of the office of a board or council member.

(5) Members of any area board or the statewide advisory council shall request an advisory ruling from the state Ethics Commission whenever the Department informs such member in writing that in the judgment of the Department a potential conflict exists.

(6) Any violation of the provisions of 110 CMR 15.17 may result in the removal of the member from the area board or statewide advisory council by the Commissioner.

REGULATORY AUTHORITY

110 CMR 15.00: M.G.L. c. 18B, §§ 7(i), 13, 14, 15, and 16; M.G.L. c. 30A, §§ 11A and 11A 1/2; M.G.L. c. 268A.