



A Guide for Board Members

Produced by the MA Executive Office of Elder Affairs

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KNOW YOUR MISSION

Authorization

A Council on Aging (COA/Council) is a department of municipal government authorized under Chapter 40 Section 8B of the Massachusetts General Laws. This “permissive legislation” allows a municipality to establish a Council on Aging for the purpose of coordinating or carrying out programs to address aging issues in coordination with the programs of the Executive Office of Elder Affairs.

Responsibility

As a COA board member, you are responsible to the elected body of your town or city government and ultimately to the citizens of your community. Understanding your charge is essential. Is there a legal charter that established your Council? If so, it may specify your responsibilities as a board member. This charter (or warrant article) may define the COA's mission; if not, the board should seriously consider adopting its own mission statement.

Mission

Your duty is to understand, support and carry out the COA's mission on behalf of the aging population. What makes the COA unique? You are, in fact, the only public social service agency in most cities and towns in the commonwealth. What defines aging? Some COAs target “aging” services starting at age 50. (Aging is **not** defined in the enabling legislation.) COAs help seniors remain independent and in the community by providing information, choices, support and opportunities: in effect, linking needs and resources.

COAs identify unmet needs and develop and implement programs, services and activities to meet such needs. Many COAs incorporate education and advocacy on behalf of seniors into their mission statement. Regardless of the exact language, board members must understand and be committed to the agency's mission.

YOUR LEGAL OBLIGATIONS

Your COA is a governmental body that functions within your municipality's legal framework. As a COA board member, you need to understand the state laws that affect you and all COA board members across the state. Because you have a public responsibility, you share many of the legal and ethical obligations of elected officials. The following apply to every COA and to you as a board member:

Open Meeting Law—MA General Laws (c.39, s.23 A-C) states that "All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided..." This requires public posting of meeting notices and discussion topics prior to a COA meeting. (Cf. your *town/town clerk* or go to <http://www.mass.gov/ago/government-resources/open-meeting-law/>)

Public Records Law—MA General Laws, c.4, s.7 states that "Any person has an absolute right of access to public records." Although that phrase continues to include items such as minutes and financial statements, an amendment to the COA enabling legislation (c.40, s.8b) in 2002 precludes access to records containing personal identifying material such as name, address, telephone, e-mail or participation in specific programs/services.

Conflict of Interest Laws—MA General Laws, c.268A "sets a minimum standard of ethical conduct for all municipal employees and officials." This applies to municipal officials and employees whether elected or appointed, full, part-time, paid and unpaid positions: anyone who serves in local government. The purpose of the law is "to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations." This includes even the perception and appearance of conflict. It provides for full disclosure of any conflicts of interest and abstention of voting on such matters. *

* A Practical Guide to the Conflict of Interest Law for Municipal Employees: MA State Ethics Commission.

Solicitation of political contributions by employees. In the eyes of the state you are considered a municipal employee; therefore, you cannot solicit funds for a political candidate.

Fundraising is not permitted. MA General Laws, c.44, s. 53 E ½ authorizes the use of revolving funds. Municipal bodies (e.g., Councils on Aging) may retain and expend program revenues with the annual approval of the municipality (which also may set limits as to how much revenue may be generated from the revolving fund). Nonprofit “Friends of the (x) Council on Aging” are often created to raise funds on behalf of the COA (... *with the permission of the COA*).

Fair Information Practices Act. MA General Laws, c.66A, s.2. The Commonwealth has very strict regulations regarding the confidentiality of client records and information. Be very careful that information you may have learned about COA clients is not disclosed to others. COA records that disclose identifying details such as name, address, telephone, e-mail or even which particular programs s/he attended are **not** a matter of public record.

Criminal Offender Record Information. (CORI) MA General Laws, c.6, s.167A, 172; c.30A. The CORI process is designed to protect the general public from exposure to potentially dangerous ex-offenders. CORI checks apply to COA staff, board members, volunteers and others likely to have “unsupervised contact with seniors.”

COA bylaws are legally binding; check with your board (or city/town) clerk for a copy. Bylaws should comply with your municipal bylaws or ordinances: they constitute the board’s operating procedures, how the board is structured and how it conducts business. This includes qualifications of members, duties, the nominating procedure, termination, powers and responsibilities of officers, terms of office, quorums, standing committees, conflict of interest policy, frequency of meetings, and procedures for amendment.

YOU AND THE DIRECTOR

Selection and Evaluation

COA directors are hired by and ultimately responsible to the appointing authority -- typically the chair of the selectboard or mayor, the town/city manager or administrator or, very rarely, the COA itself. The appointing authority has the power to hire, evaluate and/or terminate the director. Know and observe your local policy or rules regarding this administrative practice.

Partnership

Regardless of how your director is hired or evaluated, ongoing communication between the board (especially the board chair) and the director is vital. Board advocacy complements the director's role: the ideal team/partnership offers multiple perspectives, but ultimately relies on and benefits from a shared vision, voice and goals. Effective teams operate best through mutual commitment, focus and understanding.

Policy and Management

COAs boards typically serve in an advisory (not governance) capacity. As a board member you help set/review agency policies; the director manages daily operations. Although boards and directors need to pursue mutually agreed program/service goals, keep in mind that boards advise but staff implements. Becoming involved in day-to-day functions/operations is neither your role nor your responsibility. The board does **not** direct the director.

Board and Service Volunteers

Board members (may) also serve as volunteers. This is a dual role: you officially share in the leadership of the organization, but -- as a volunteer -- you work under the supervision of the director. It is the director who has the responsibility for the hiring and supervision of paid staff and unpaid volunteers.

WATCHING THE BUDGET

The budget is a financial reflection of the Council's program goals. The budget lets the community know what resources are available to carry out your services and activities. Therefore, as the stewards of community funds, Council on Aging boards have a fiduciary responsibility to:

Know what is in (and not in) the COA budget.

Are revenues and resources sufficient to support needed programs and services?

How do COA services benefit from other local resources (e.g., first responders, public health)?

Advocate for the budget through your municipal budgeting process. This might occur during warrant ("fincom") hearings and/or at town meeting. Consider charts and/or graphs; stories (without name identification) can be (in)valuable.

Monitor the budget. Compare expenses to the budget at least quarterly. You needn't know how many paper clips are being bought, but you should be satisfied that expenses and revenues are in sync with the budget. Oversight helps ensure that state (Formula) grant funds are expended within the fiscal year so as to minimize carryover. (Pretend the fiscal year ends before June 30th.)

Other resources. Volunteers substantially increase (and may even double) the value of local appropriations. Such efforts should be acknowledged and recognized as essential to meeting COA service needs. Approximate (and compute) the Full time Equivalent (**FTE**) worth of volunteers by assuming that **2000 hours** of volunteer service equals the value of a full time "FTE" paid employee. (40 hrs./wk. x 50 wks./yr. = 1 FTE; some municipalities use 37.5 hrs. (or 35 hrs.) as the FTE basis.

In-kind donations or contributions should be noted and recognized.

YOUR PLANNING ROLE

All COA boards should be involved with the director in planning (and/or reviewing) annual and long term goals. Planning translates your mission into specific programs and services: it tells you what resources are needed. Even though implementation is chiefly a staff function, you may have a role in developing and monitoring the plan.

- Understand what each program offers. Does it reach the intended audience? Is it effective? Do you track changes in units of service over time?
- Identify local problems, concerns and **unmet** on a regular (at least annual) basis. Are you taking advantage of the annual municipal census? Contact the city/town clerk in advance to request inserting a **brief** (two question) survey to track transportation and emergency support needs.
- Set realistic, measurable outcomes in priority service areas.
- Define/refine strategies to reach outcomes; develop/update action plans as needed. Is the COA listening **and** learning?
- Is the approach in line with the budget & staff/volunteer resources and/or expectations?
- Numbers, data, stories and graphics matter. How have efforts (e.g., "SHINE" volunteers or SNAP applications or rides) in dollar terms benefited seniors? Communicate with elected officials and other department heads about needs and mutually beneficial activities: this may (in fact, should) create or improve visibility and responsiveness.
- Review the plan regularly and repeat the cycle as needed.

HOW WELL ARE YOU DOING?

Evaluate Your Programs and Services

COA boards need to evaluate and monitor short and long-range plans. It should regularly ask itself:

- What are we doing well?
- How do we know that?
- Are programs and services cost effective?
- What improvements are needed? Feasible?

Attend a program and **get feedback** from participants! Do not assume programs and services are meeting elder needs. Programs may need refinement. New constituencies arise/arrive via fitness and support programs, training, education, media, **cable**, population shifts and grant incentives. Flexibility matters.

Let the city/town know about the results of your program monitoring and evaluation: this provides assurance that money is being well spent -- and it can strengthen the community's commitment to its elders.

Evaluate the Effectiveness of Your Board

An engaged, supportive and knowledgeable board is instrumental to addressing your agency mission. Members should ideally reflect the variety of the community and the knowledge and perspective needed to respond to change. Board (and officer!) rotation can help ensure a balance of perspectives, strengths and interests to sustain and grow programs and services.

Some COAs have changed their bylaws to set term/office limits. This approach eases transitions and anticipates changes that may occur for health, caregiving or other reasons. Bylaws should identify the nominating process, desirable backgrounds and committee duties, terms and expectations. Consider asking prospective members to attend at least one board meeting prior to nomination. Consider designating honorary "associate members".

IS YOUR BOARD EFFECTIVE?

The COA Board Should See That Each New Member:

- receives an orientation to the Council;
 - is provided committee job description(s);
 - obtains the bylaws under which the Council operates;
 - understands the roles of volunteers and staff;
 - has a clear understanding of the board / director relationships and responsibilities. (It's a partnership!)
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The Council Should Have a Clear Mission Statement and Written Policies and Procedures to Ensure That:

- program goals and objectives are set;
 - services are described;
 - programs fulfill the mission;
 - resources are used appropriately;
 - feedback is obtained and periodically evaluated.
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The Chair may Help Increase the Effectiveness of Board Meetings by:

- planning the agenda with the director in advance
- distributing the agenda, committee reports, and motions in advance – and include a time frame for each item to be discussed. (*Time frames can be effective in moving the agenda along. Running long is not desirable, but may be preferable to running short because prospective attendees might time their arrival based on the posted time frame.*)
- starting and ending board meetings on time and adhering to the (posted) time frame (agreed in advance) for **each** agenda item. (*See above note...*).
- inviting/encouraging/facilitating participation and adequate discussion;
- determining/confirming what action(s) should be taken;
- making use of an appropriate and effective committee structure.

WHAT ARE YOUR INDIVIDUAL RESPONSIBILITIES?

All responsibilities previously discussed related to the COA as a board: knowing the mission, understanding legal obligations and the partnership role, watching the budget, planning and monitoring, and otherwise contributing to an effective board.

However, as an individual, you have additional responsibilities to the community. These are to:

- maintain a commitment to the mission;
- attend board meetings and committee meetings, as applicable
- prepare for meetings by reviewing the agenda and reading distributed materials in advance;
- know the issues and be prepared to ask questions;
- vote and do not be reluctant to dissent if you are opposed;
- serve on at least one committee;
- keep yourself informed about aging issues;
- support the board and the director;
- be an ambassador for the COA and act as an advocate on behalf of elders in your community (and elsewhere if that is your vision).