

POLICIES AND PROCEDURES

TOWN OF SOUTH HADLEY

SELECTBOARD

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PURPOSE:

The Selectboard of the Town of South Hadley, recognizing the need to codify the traditional and accepted working relationships among the members of the Selectboard, between the Selectboard and the Town Administrator, and the Selectboard and other town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Selectboard.

NATURE OF POLICIES AND PROCEDURES:

These policies and procedures contain items relating to topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in statutes, by-laws or regulations are not addressed in this document. Where there is confusion as to the application of a similar Selectboard policy or procedure addressed here, the language contained in this document will prevail.

PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES:

Draft policies and procedures will be placed on the agenda for any regularly scheduled meeting of the Selectboard. Drafts will be in writing, and may be introduced only by a Selectboard Member or the Town Administrator. Upon receipt of a draft, the Selectboard may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Selectboard may schedule any hearings or meetings it deems necessary for discussion. The Selectboard may distribute a draft for comment to appropriate officials as it deems necessary.

The Selectboard will not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Selectboard unanimously votes that prompt action is necessary. A majority of the full five member board is necessary for adoption.

The Town Administrator will be responsible for implementation of all policies and procedures.

The Selectboard will, at a minimum, review these policies and procedures bi-annually.

AUTHORITY:

The Selectboard is an elected board and derives its authority and responsibilities from the statutes and enabling legislation ratified by the General Court of the Commonwealth of Massachusetts and the By-laws of the Town of South Hadley.

ELECTION AND QUALIFICATION:

In accordance with Town vote, effective April 1, 1991, and recodified at a Special Town Meeting January 11, 2017, the South Hadley Selectboard consists of five duly elected members. Before assuming official duties, each newly elected member shall be sworn in by the Town Clerk.

VACANCIES ON THE BOARD:

When a vacancy occurs in the membership of the Selectboard, the Selectboard or its remaining members may call a special Town election to fill the unexpired term or terms in accordance with Massachusetts General Law Chapter 41 section 10 or any other applicable law.

ROLE OF THE SELECTBOARD:

The Selectboard is responsible for policy development and review for compliance. Therefore, the Selectboard is responsible for supervising the departments of the general government that are not supervised by the other elected officials. Responsibility and authority to supervise these departments is delegated to the Town Administrator; and therefore the Selectboard or its individual members will refrain from involvement in day-to-day operations. Concerns and questions about the operation of departments, requests and information from department heads, and suggestions for improvements are to be made through the Town Administrator. The responsibility for addressing these issues is thus carried out through the Town Administrator. The Selectboard may be called upon by the Town Administrator, on issues which have a significant level of complexity and cannot otherwise be resolved effectively by Administration. The Selectboard may request further review or reporting from Administration on concerns periodically.

ROLE OF THE TOWN ADMINISTRATOR:

The Selectboard appoints a Town Administrator who functions as the Town's Chief Administrative Officer consistent with the Massachusetts General Law Acts of 2012 Chapter 458 (Article IV section 4 e360 General Code). The primary duties of the Town Administrator shall be the day- to-day administration of the general government as outlined in the position's job description. The Town Administrator will also assist and work under the direction of the Selectboard in the formulation of policy. The Town Administrator must maintain a close working relationship with all members of the Selectboard. The Town Administrator shall regularly brief the Selectboard on all important issues.

In order to provide the Town with continuity of management, the Selectboard is committed to maintaining an employment agreement with the Town Administrator that delineates the Town Administrator's responsibilities and conditions of employment as permitted by statute.

EVALUATION OF THE TOWN ADMINISTRATOR

The process for reviewing the performance of the Town Administrator is set out in the employment agreement between the Selectboard and the administrator. Following submission of individual performance reviews to the Selectboard chair, the chair then compiles the evaluations received into a document by the deadline given. The Selectboard will then employ the following procedures as recommended by counsel:

1. Selectboard votes on whether or not the compiled document as presented by the Chair as the evaluation is approved.

BOARD POLICIES AND STANDARDS OF CONDUCT:

I. A member of the Selectboard, in relation to their community should:

- A. Realize that their basic function is to carry out the Selectboard's mandated responsibilities and develop Town policy related thereto, with administration delegated to the Town Administrator.
- B. Realize that they are one of a team and should abide by board decisions once they are made.
- C. Be well-informed concerning the duties of Selectboard members on both local and state levels.
- D. Remember that they represent the entire community at all times.
- E. Accept the office of Selectboard as a means of unselfish service, not benefit personally or politically from their board activities.
- F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- G. Abide by the ethics established by the Commonwealth

II. A member of the Selectboard, in their relations with administrative officers of the Town should:

- A. Respect clearly defined policies that will direct and support the administration for the benefit of the people of the community.
- B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- C. Give the Town Administrator the appropriate support to apply the policies set by the Selectboard.

III. A member of the Selectboard, in their relations with fellow board members, should:

- A. Recognize that action at official legal meetings is binding and that they alone cannot bind the Selectboard outside of such meetings.
- B. Not make statements or promises of how they will vote on matters that will come before the Selectboard until they have had an opportunity to hear the pros and cons of the issue.
- C. Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session. Chapter 39 S23B
- D. Make decisions only after all facts on a question have been presented and discussed.
- E. Treat with respect the rights of all members of the Selectboard despite difference of opinion.

ORGANIZATION OF THE BOARD:

The Chair shall be elected annually at the first Selectboard meeting following the Annual Town Election. The Selectboard may remove the Chair at any time. Nominations require no second. The immediate past Chair shall preside as Chairman pro-tem until the Chair is elected. If there is no immediate past Chair, the senior member in terms of current service shall serve as Chair pro-tem. In the case of members with the same amount of seniority, the member receiving more votes in the most recent election shall serve. If a vacancy occurs in the office of Chair, the Selectboard shall elect a successor. The Selectboard shall further appoint a Vice-Chair and Clerk under the same provisions as stated for the Chair.

RESPONSIBILITIES OF THE CHAIR:

The Chair of the Selectboard shall:

1. Preside at all meetings of the Selectboard and start all Selectboard meetings and hearings on time. In doing so, they shall maintain order in the meeting room, follow the posted agenda and preside over votes for agenda items and hearings.
2. Be circumspect in allowing each member to present their views while tactfully preventing any member from monopolizing the meeting and/or discussion.
3. Be thoroughly familiar with parliamentary procedure as it applies to the Selectboard operations.
4. Provide a regularly scheduled time to consult with the Town Administrator and the Vice Chair on the preparation of the agendas and meeting materials.
5. Provide leadership which brings individual Selectboard members together as an effective policy-making body.
6. Sign official documents that require the signature of the Chair.
7. Call special meetings in accordance with the Open Meeting Law.
9. Represent the Selectboard at meetings, conferences and other gatherings unless otherwise determined by the Selectboard .
10. Serve as spokesperson for the Selectboard and present the Selectboard position unless otherwise determined by the Selectboard.
11. Make liaison appointments for special projects, if warranted, with a deadline for expiration of the assignment.
12. The Chair shall have the same rights as other members to offer motions and resolutions, to discuss questions and to vote thereon.

RESPONSIBILITIES OF THE VICE-CHAIR:

The Vice-Chair of the Selectboard shall act in the place of the Chair during the Chair's absence. Should the Chair leave office, the Vice-Chair shall assume the duties of Chair until the Selectboard elects a new Chair.

The Vice Chair shall provide a regularly scheduled time to consult with the Town Administrator and Chair on the preparation of agendas and meeting materials.

RESPONSIBILITIES OF THE CLERK:

The Clerk of the Selectboard shall in the absence of the Executive Assistant to Administration, act as recording secretary.

REGULAR BOARD MEETINGS:

Regular Selectboard meetings are held the first and third Tuesdays of each month unless changed by the majority of the Selectboard. The Selectboard shall not meet on days designated as legal holidays or Election Days.

SPECIAL MEETINGS:

A meeting called for any time other than the regular meetings shall be known as a "Special Meeting." The same rules as those established for regular meetings will apply. Special Meetings may be called provided that a majority of the members agree to meet and all Selectboard members are notified.

MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Roberts Rules of Order is used as a guide in matters requiring clarification of definition.

A quorum shall consist of three members of the Selectboard. As a practical courtesy, action on critical or controversial matters or the adoption of policy or appointments shall be taken, whenever practicable, with the full Selectboard in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by ratio.

The Town Administrator is expected to be in attendance at all meetings of the Selectboard. The Town Administrator shall attend in order to keep the Selectboard informed and advised and recommend in all matters that fall within the jurisdiction of the office. The Town Administrator shall carry out the actions of the Selectboard as they relate to the conduct and administration of town affairs under the Town Administrator's jurisdiction.

CONSENT AGENDA:

When developing the agenda the Chair/Vice Chair may authorize items similar in nature to be presented as a consent agenda to be voted on as whole. If any Selectboard member requests to have any item withdrawn from the consent agenda each item will then be

voted on separate.

SECOND READING:

Any policies or series of policies accepted by the Selectboard must be accepted by two separate votes at two separate meetings unless a unanimous vote is taken by the SB to accept by a singular vote.

EXECUTIVE SESSION:

The reasons for holding an Executive Session and the procedure for entering Executive Session shall be as spelled out in M.G.L. Chapter 39A, Section 23B. Only items clearly allowed by the Open Meeting Law shall be included in the Executive Session. The mover must specify in the motion to enter Executive Session the reason the session is sought. A majority of the members present must vote to enter Executive Session by roll call vote. The Chair must state whether or not the Selectboard will reconvene in open session.

AGENDA PROCEDURES:

The responsibility for coordinating and planning the weekly agenda is that of the Town Administrator. Each of the Selectboard members and the Town Administrator may request to place items on the agenda, provided it is allowed by the Chair and/or Vice-Chair.

All items for the agenda must be submitted to the Town Administrator by 2:00 p.m. on the Wednesday preceding the Selectboard's Tuesday meeting. The agenda will be considered closed as of 5 p.m. Thursday preceding a regularly scheduled meeting. Items of emergency or strictly of a routine nature that may arise after closing of the agenda or for a special meeting called by the Chair may be considered under "other business" at the discretion of the Town Administrator or Selectboard Chair.

Agenda items *normally* include:

1. Call Meeting to Order
2. Acceptance of Minutes
3. Announcements/Open Forum
4. Scheduled Appointments
5. New/Other Business & Information
6. Appointments/Resignations
7. Town Administrator's Report/Goals Update
8. Adjournment

Members of the Selectboard, staff, Town Administrator, or others who prepare background material for the Selectboard's meeting must have such material submitted to the Selectboard's Office **by Thursday at 5:00 p.m.** If background information is insufficient, complicated, or if complex memorandum or motions are presented at the meeting which were not in the Selectboard's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public and the press at the Selectboard's Office and on the Town's website by noon of the Friday preceding the Selectboard's Tuesday meeting date and the agenda shall be available from the Selectboard office at the same time. Copies of the minutes of the previous meeting and all other important correspondence, reports and other pertinent background materials shall be included in the packet forwarded with the agenda to Selectboard members. The packet will be available in the Selectboard Office upon request.

Any matter considered to be "policy" in nature will be called for acceptance as a "first reading," and at a subsequent meeting be enacted after a "second reading" and an affirmative vote. If it fails by way of vote at either reading it should not be considered an established policy for the Town of South Hadley.

The Selectboard shall not begin discussion of or act on an agenda item after 10:00 p.m. of a regularly scheduled meeting.

MINUTES:

The Town Administrator shall record open meetings of the Selectboard in the event the Executive Assistant to Administration is not present. The Executive Assistant to Administration shall prepare draft minutes from the meeting.

Minutes circulated to members of the Selectboard on or before any Friday shall be in order for approval at the next regular meeting of the Selectboard. By unanimous consent, minor corrections, such as typographical errors, may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a statement of all actions taken by the Selectboard and of the disposition of all proposals for action. Approved minutes shall be maintained in accordance with MGL Minutes of Executive Sessions shall be handled in accordance with M.G.L. Chapter 30A, Section 22. Minutes, (other than Executive Session) are available for public inspection.

MEDIA RELATIONS:

Representatives of the press and other news media are welcome to attend all meetings of the Selectboard except Executive Sessions.

APPOINTMENTS:

The Selectboard makes numerous appointments each year. Appointments are generally made for one, two, or three years in length. In no case may appointments be made for more than three years unless specifically allowed under statute. Appointments will be made in February, effective March 1; June, effective July 1; and October, effective November 1.

Whenever possible the Selectboard will seek diversity in making all appointments to reflect the entire community. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable, with an effort to publicize no less than 30 days in advance. Vacancies may be advertised in the local paper as well as on the Town's web page. Appointments should be based on merit and qualifications rather than political merit.

The Executive Assistant to Administration will:

1. Provide by June 1 a list of the annual appointments to be filled by the Selectboard.
2. Notify the Chair of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies and request completion of the Selectboard's Reappointment Form.
3. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short electronic application with appropriate attachments (i.e. vitae, resume), if the applicant feels it necessary or appropriate for appointment to be considered. This application shall be included in the Selectboard agenda packet distributed in advance of the meeting. The Selectboard may consider reappointments to positions at its pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of a board. A copy of the application will be sent via electronic mail to Chair of the board of committee applicant has expressed interest whenever possible.

The Selectboard will interview candidates seeking an appointment for the first time to boards/commissions, positions with more than one candidate, and all elected positions being filled as a result of a vacancy. Other interviews will be conducted at the discretion of the Selectboard. If a candidate has been interviewed for an opening on a board (and not appointed) and an additional opening subsequently occurs within 90 days the board may appoint without a new interview.

Appointments will normally be made only when all members of the Selectboard are present. Appointments will be made by a majority vote of the Selectboard. A 4/5 vote of the Selectboard may suspend any portion of this section.

AD-HOC ADVISORY COMMITTEES OF THE SELECTBOARD:

The Selectboard may appoint standing or ad-hoc advisory committees to aid on matters under the Selectboard's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees will be in writing and shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectboard. Each committee must be re-appointed annually by the Selectboard. The Selectboard's Office requires that all boards/commissions post agendas and minutes timely on the website and file with the Town Clerk as required. The Selectboard will discharge committees upon the completion of their work.

The charges and membership of standing advisory committees will be reviewed annually to assess the necessity and desirability of continuing each committee. Reappointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement, and the changing needs of the committee and the town.

It is the policy of the Selectboard to appoint qualified citizens representing all sections of the Town to all such advisory committees. In order to attract qualified and interested persons, vacancies will be made public as far in advance of an appointment as practicable.

RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Selectboard is cognizant of their leadership role in promoting board/commission communication and fostering positive relationships. The Selectboard may from time to time invite or request to be on the agenda of a board/commission or, if warranted, multiple boards/commissions, particularly when there is a topic of mutual concern, or a matter that can reasonably be considered overlapping responsibility or jurisdiction.

The Town Administrator is responsible for Selectboard communication boards/commissions in the day-to-day operation of government.

RELATIONS WITH CITIZENS:

The Selectboard recognizes that it both represents and is accountable to all the citizens of the Town. It is the Selectboard's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions, and to keep citizens informed of all actions contemplated or taken by the Selectboard and/or Town Meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Selectboard by contacting the Town Administrator, stating precisely the reasons for the appearance and the action desired and naming a spokesperson for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesperson and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Selectboard's meeting packet.
2. To the reasonable extent possible, persons who will be directly affected by proposed Selectboard discussion and/or action will be notified by the Executive Assistant to Administration of the date and time of the meeting at which the matter will be discussed or acted upon by the Selectboard.
3. In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chair or upon request of any member of the Selectboard.
4. All other questions, and all complaints, are to be referred to the Town Administrator.
5. The Selectboard invites comment from residents of South Hadley as part of its regularly scheduled meetings. Therefore, there will be an agenda item titled "Open Forum" during which members of the public are invited to address the Selectboard. Open Forum will generally be allocated no more than 15 minutes, and each resident will be allowed to speak for no more than two minutes. However, time allocated at each meeting will be determined at the discretion of the Chair. The Selectboard will require that each resident speak in a civil and respectful manner. The Chair will interrupt and stop any resident who uses profanity or behaves in a similarly unacceptable manner. The Selectboard will not act on a matter introduced during Open Forum on the same night unless this rule is waived by unanimous vote of the board.

6. The South Hadley Selectboard fully supports the “Visitors' Code of Conduct” as expressed in section 478-6 of the Workplace Manual.

HEARINGS BEFORE THE BOARD:

Hearings before the Selectboard will be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog and utility hearings are hereinafter outlined:

1. Notice. The Executive Assistant to Administration will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Selectboard in compliance with the Open Meeting Law Massachusetts General Law Chapter 39 section 23B.
3. The Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chair will outline the procedure to be followed. All questions shall be addressed to the Chair.
4. The order of presentation will be:
 - a. Presentation by proposer
 - b. Receipt of recommendations from any town agency or officer
 - c. Statements by proponents
 - d. Statements by opponents
 - e. Rebuttal statements by proponents and opponents
 - f. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Selectboard. 5. The board will accept written statements in favor of or against a proposal or application. Written statements submitted to the Selectboard prior to or during the meeting will be read by individual Selectboard members and incorporated by reference into the record of the public hearing. All such statements will be taken into consideration by the Selectboard in rendering its decision.
6. The Chair of the Selectboard may impose reasonable time limitations. Any Selectboard member may motion to close the hearing if public input has been reasonably exhausted.

7. At the conclusion of the hearing, the Selectboard may render its decision or take the matter under advisement, announcing the intended date of decision.

PROCEDURE FOR CONDUCTING VICIOUS DOG HEARINGS:

Hearings will be conducted under Massachusetts General Law Chapter 140 , and any other applicable laws or by-laws.

A written complaint must be filed with the Selectboard. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Executive Assistant to Administration will notify the Dog Officer and all involved persons. Hearings will be held in open session and consistent with Massachusetts General Laws Chapter 140. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture if available, name dog/owner/address, veterinarian documentation, etc..
2. Swear in the complaint that all information and statements are the whole truth and nothing but the truth.
3. The dog shall not attend the hearing.
4. Hear report from the Animal Control Officer and/or Health Director.
5. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
6. Take testimony from owner and/or others speaking on the owner's behalf.
7. At the conclusion of the hearing the Selectboard may render its decision or take the matter under advisement, announcing the intended date of decision.
8. Upon rendering a decision the Selectboard will instruct the Town Administrator to take all appropriate actions to seek compliance with said order.

TOWN MEETINGS:

Town Meeting serves as the legislative branch for local government. The Selectboard is responsible for providing leadership by presenting requests to Town Meeting and making

presentations on those requests. It is the responsibility of each Selectboard member to assure prior to each presentation that the Selectboard has taken a position, by vote, on the intent of the article and promises that will be made. The Selectboard shall be in session during Town Meeting and will be consulted when an issue or question arises which dictates a response on the floor.

1) Annual Town Meetings

By statute, the Town Meeting warrant is the Selectboard's warrant. The Selectboard may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for the Annual Town Meeting. Per By-law of the Town of South Hadley, Annual Town Meeting is to be held on the second Wednesday of May.

2) Special Town Meetings

The Selectboard will call a Special Town Meeting when prompt consideration of the particular matter(s) proposed for inclusion on the warrant for the Special Town Meeting serves the interest of the Town. The Selectboard must call a Special Town Meeting if it receives a written request, signed by two hundred (200) registered voters. It is the practice of the Town of South Hadley to address major issues at the Annual -- versus a Special -- Town Meeting.

The Selectboard may insert any article in the warrant of its own initiative or by written petition signed by one hundred (100) registered voters for a Special Town Meeting. The Selectboard may, at its discretion, also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters, the Selectboard will strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectboard may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.

SUSPENSION OF POLICIES:

Any policies pertaining to the Selectboard may be suspended by the Selectboard for the good of the community, with the exception of those which are required by Federal, State or Town of South Hadley laws or by-laws, by a unanimous vote of elected members of the Selectboard. A motion to suspend will be considered out of order by the Chair if all elected members are not present. The motion should include the period of time or the particular issue the suspension would affect.

