

TOWN OF NEW BOSTON
SELECT BOARD RULES AND PROCEDURES

SECTION 1. GENERAL PROVISIONS

A) MEETING LOCATION and SCHEDULE

All meetings of the Town of New Boston Select Board (e.g., Board) shall be held at the Town Hall, unless the Select Board adjourns to another location or the meeting is scheduled for another location and is properly noticed. The annual meeting schedule shall be developed in December and posted on the Town Website under Select Board heading.

B) MEETING TIME

Meetings of the Town of New Boston Select Board shall be held on alternate Mondays of every and begin at 6:00 p.m., unless otherwise noticed, or continued to a specific time and date. Any member of the Board expecting to be absent or late shall notify another member of the Board.

C) MEETINGS OPEN TO THE PUBLIC

1. All meetings of the Town of New Boston Select Board and Committees thereof shall be open to the public, except as provided for by RSA 91-A.
2. Regularly scheduled meetings of the Select Board are considered business meetings of the Board to manage the prudential affairs of the town including, but not limited to, policy adoption, budget and financial decisions, receiving and reviewing reports or discussion of other items requiring discussion and/or action.
3. Special meetings may be called by the Chair, or in the chair's absence, another Board member, by a majority request of the Board at any time with 48 hours minimum notice, except in emergencies. An agenda may be limited by a majority vote of the Board.
4. Emergency meetings may be called by the Chair (RSA 91-A:2) or in the Chair's absence, another Board member by a majority request of the board with public posting as soon as practicable for situations where immediate, underlying action is deemed to be imperative.
5. Any meeting may be postponed providing all available members of the Board are polled by telephone or otherwise personally contacted and a majority indicates agreement.

D) ELECTION OF OFFICERS

1. Procedures for electing officers are as follows:

Annually, at the first meeting of the Select Board after Town elections, the members shall choose a Chair, Vice Chair and Secretary from among their number. The Vice Chair shall serve as Chair during the absence of the Chair, the Secretary serves as recording secretary during non-public sessions and conducts and records the Roll Call vote at Select Board meetings

2. In addition to the powers conferred upon the Chair he/she shall continue to have all the rights, privileges, and immunities of a Board Member.
3. The above elections shall be by a majority vote of the Select Board

E) PRESIDING OFFICER

1. The Chair of the Select Board shall preside at all meetings of the Board.
2. The Chair of the Select Board has no regular administrative or executive duties. In case of the Chair's absence or temporary disability, a Chair will be named for the duration of the absence.
3. The Chair of the Select Board is referred to as "Presiding Officer" from time to time in these Rules of Procedure.
4. The Presiding officer shall preserve Order and decorum, may participate in the discussion of any issue before the Select Board, may submit reports and legislation to the Select Board for its consideration which shall require both motion and second by other members of the Select Board, may speak to points of order in preference to other members of the Select Board, and shall decide all questions of order or procedure, subject to appeal to the full Select Board.

F) DUTIES AND PRIVILEGES OF THE BOARD

1. Board Members shall address the Board upon recognition of the Presiding Officer.
2. Comment and debate shall be confined to the subject matter of the question.
3. No Board Member shall be interrupted while speaking except for a point of order.
4. It shall be the policy that while at the Conference table all officials, whether elected, appointed or acting as an invited guest shall not utilize mobile phones or other communication devices unless necessary for emergencies. If the mobile phone must be used for emergency purposes, the device must be out of sight and not on the conference table. Usage will be allowed outside of the conference area.

G) QUORUM AND VOTING

Two members of the Board shall constitute a quorum for conducting town business.

H) MEETING AGENDA

1. The Town Administrator and the Chair of the Select Board shall arrange a list of such matters according to the order of business and prepare a draft agenda for the Board. The draft agenda shall be circulated to the members of the Board for review.
2. Information to be placed on the agenda must be submitted to the Town Administrator's Office by

1:00 PM on the Thursday prior to the Meeting.

3. The Town Administrator shall determine if items will be included on the agenda. If the Town Administrator determines an item is not to be included, the Board shall be informed of the decision. The Board at their next meeting may vote to include the topic on a future agenda.
4. A copy of the agenda and supporting materials shall be prepared for all members of the Board by the Friday immediately preceding a scheduled meeting of the Board.
5. The agenda will be posted on the Town's Website, Dodge's Store, the Library, Post Office, and the Town Hall posting area by Friday preceding the Selectmen's meeting
6. The Town Administrator or any Board Member may place a matter upon the agenda.
7. Order of Business
 - Call to order
 - Consent Agenda
 - Public Comment (10 minutes)
 - Appointments/Requests to Appear
 - Review and Approval of Minutes
 - Old Business
 - New Business
 - Internal Reports
 - Other Business
 - Public Comment (10 minutes)
 - Notification of Non-public Session (if required)
 - Adjournment

8. Format of the meeting

a) *Public Comment*

- i) These segments of the Agenda which are limited in scope and time. Public Comment segments are designed for the public to address issues identified on the Agenda. Each speaker is allowed three (3) minutes to address the Board. The Public Comment segment may be extended in time by a vote of the Board.

Members of the audience wishing to make a comment on an agenda item will sign the "Public Comment Speaker List" located at the meeting room entrance.

The Presiding Officer will call upon those who signed the "Public Comment Speaker List". The party will approach the meeting table to speak and identify themselves and place of residence.

The party may decide not to speak after signing the "Public Comment Speaking List" when called upon by the Presiding Officer.

- ii) No person shall address a public meeting of the Board without leave of the Presiding Officer (NH RSA 91-A:2) at such meeting and all persons in the audience shall, at the request of the Presiding Officer, be silent.

- iii) If, after warning from the Presiding Officer, a person persists with disorderly behavior, said officer may order the person to withdraw from the meeting. If the person does not withdraw as requested said officer may order a police officer or other appropriate authority to remove and/or confine the person in some convenient place until the meeting is adjourned.

Disorderly behavior is defined by persistent refusal to abide by the ruling of the Chair.

Rude, personal, or slanderous remarks, political campaigning including signs and repetitive irrelevant remarks will be ruled out of order during the Public Comment segment.

b) *Appointments*

- i) This segment allows members of the public to address specific issues with the Select Board. Department Heads may also utilize this time to address the Board in coordination with the Town Administrator.
 - ii) Appointments requested must utilize the form “Request to Appear at Selectmen’s Meeting” and submitted to the Town Administrator. The Town Administer will attempt to resolve issues as soon as possible and report such resolution to the Select Board. Notice of an appointment will be provided no later than one week prior to the next regularly scheduled Board meeting. If the Administrator judges the issue as emergent, the Chair of the Board will be notified.
 - iii) In all cases, should parties fail to appear, the items will be referred to at the next regularly scheduled meeting.
- c) Internal Reports are monthly department manager reports and reports of the Select Board which may be oral or written. Reports submitted by Department Managers will be available for public review in a folder located in the Town Administrator's office prior to the Select Board meeting.
- d) *Other Business* is an opportunity that emerges after the agenda is closed, including announcements of upcoming events, meetings or other items that are of interest or benefit to the Select Board. This section may also include the Town Administrator’s Report, Selectman’s Reports, and Department Manager’s Reports.
- e) *Non-public Session* shall be conducted according to NH RSA 91-A:3.
- f) *Complaints and suggestions to the Select Board*
- i) When citizen complaints or suggestions are brought during a scheduled appointment before the Select Board, the Presiding Officer shall first determine whether the issue is legislative or administrative:

If legislative, and the complaint/suggestion is about the letter of or intent of legislative acts; or suggestions for changes to such acts are made and if the Select Board finds such complaint suggests a change to an ordinance or resolution of the

Town, the Select Board may refer the matter to a committee or to the Town Administrator for study and recommendation

If administrative, and a complaint is regarding administrative execution or interpretation of legislative policy or administrative policy and within the authority of the Town Administrator, the Presiding Officer should refer the complaint/suggestion directly to the Town Administrator for review and response to the citizen. The Select Board may direct the Town Administrator to report to said Board when the report is made to the citizen.

- ii) The Board will not permit complaints directed at staff or volunteers during a public session without notice. Such matters may be addressed at a scheduled session that will be public or non-public at the request of the person named in the complaint who has the right to be present, if desired (RSA 91-A:II(c)).
- iii) Complaints brought by writing of a letter shall be addressed by the Town Administrator and noticed to the Select Board.

I) TOWN ADMINISTRATOR

- 1.The Town Administrator or approved designee shall attend all meetings of the Select Board, unless excused by the Presiding Officer or Select Board.
- 2.The Town Administrator may take part in the Select Board's discussion on all matters on the agenda, and all other matters concerning the welfare of the Town.
- 3.If the Town Administrator is unable to attend a Select Board meeting, he/she may appoint another qualified staff member to attend the meeting.

J) CLERK OF THE SELECT BOARD

The Administrative Assistant to the Town Administrator, or designee, shall be the Clerk of the Select Board, take minutes, and perform such other duties as may be required by the Select Board, Presiding Officer, or Town Administrator.

K) MINUTES

Minutes to be kept by the Board shall report the names of all Board members present, the presence of the Town Administrator, the subject acted upon, and shall record in the notes the official action taken. The minutes shall not include a lengthy record of discussions of such meetings. Magnetic recordings of meetings taken by the Clerk shall be saved until the Board approves said minutes. The minutes of Non-Public Sessions shall be consistent with the requirements of NH RSA 91-A:3, III.

SECTION 2. DUTIES AND PRIVILEGES OF MEMBERS

A) DISSENTS AND PROTESTS

1. Any Board Member shall have the right to express dissent from or protest any ordinance or resolution of the Select Board.
2. After the Select Board has taken a position on an issue, official correspondence should reflect this position.
3. When members are requested to speak to groups or are asked the Board's position on an issue, the response should reflect the position of the Board as a whole. A member may clarify their vote on a matter by stating, "While I voted against X, the Select Board voted in support of it." When representing the Town at meetings or other venues, it is important that those in attendance gain an understanding of the Select Board's position as well as that of an individual member.

B) RULES OF ORDER

1. The Presiding Officer shall resolve all issues of procedure for the Select Board meetings.
2. If not inconsistent with these rules adopted by the Board, Robert's Rules of Order will be the parliamentary procedure for the Board.
3. By a majority vote, the Selectmen may overrule any procedural decision of the Presiding Officer.

C) MOTIONS

1. MAIN MOTIONS

- a) Main motions, motions to take from the table, and motions to take up a question previously postponed are in order only when no other question is under debate.
- b) A main motion may be debated, amended, and reconsidered after it has been seconded by a Board Member.
- c) Motions to take from the table or to take up a question previously postponed may not be debated, amended, or reconsidered.

2. SUBSIDIARY MOTIONS

When a question is under debate, the following motions shall be in order according to the following priority:

- i) To adjourn (may not be debated, amended, or reconsidered).
- ii) To lay the question on the table (may not be debated, amended, or reconsidered).
- iii) To call the question (may not be debated, amended, or reconsidered).

- iv) To postpone the question to a date certain (may be debated, amended, and reconsidered).
- v) To postpone the question indefinitely (may be debated, and reconsidered, but not amended).
- vi) To commit or refer to committee may be debated, amended, and reconsidered).
- vii) To amend (may be debated and reconsidered, but not amended).

D) RECONSIDERATION AND RECISSION

1. Following the final vote on a question, any Board Member who the record indicates has voted with the prevailing side, may move for reconsideration.
2. No such motion shall be in order unless it is made at the meeting at which the Select Board acted on the question, or at the next succeeding meeting, provided written notice is provided in sufficient time for the matter to be included as an item on the agenda of the next succeeding meeting.
3. In the absence of such notice, no motion for reconsideration will be in order.
 - a) A motion to reconsider is debatable provided the subject question was debatable.
 - b) A motion to reconsider cannot be amended or reconsidered.

E) SUSPENSION OF RULES

1. A motion to suspend these rules shall be in order at any time during a meeting of the Board or a public hearing, except during discussion of a pending motion.
2. A motion to suspend shall require a two-thirds vote of those present and voting.

F) ACTIONS FOR A PUBLIC HEARING

1. Public Hearings shall be noticed by posting on the Town website, the Library, Dodge's Store, the Post Office, and Town Hall as soon as practicable but no later than 5 days prior to the meeting. Public Hearings on a specific topic may take place during the regularly scheduled Select Board's meeting.
2. At the outset of each Public Hearing the Presiding Officer will announce the purpose of the Public Hearing and ask the parties wanting to speak to limit their presentations to information within the scope of the matter before the Select Board.
3. The Presiding Officer may call upon the Town Administrator or other person to describe the matter under consideration.

4. Each speaker, for or against the matter before the Select Board for Public Hearing shall identify himself or herself by name and address. Each speaker shall be limited to three (3) minutes. When everyone wanting to speak has had one opportunity to speak, the Presiding officer shall call for anyone wanting to speak for a second time. Second time speakers shall be limited to the time allowed by the Presiding officer, or as established by a majority vote of the Selectmen.
5. Once all Town residents wanting to speak for a second time have spoken, the Presiding Officer may call for any non-residents wanting to speak. These speakers shall be limited to three minutes.
6. During the hearing, any Board Member shall be permitted to ask the speaker questions provided all questions are relevant to the matter before the Select Board for Public Hearing. The Presiding Officer shall retain the right to determine the relevancy of any question.
7. The Presiding Officer closes the Public Hearing.
8. The Presiding Officer shall then inquire if there is a motion by any Board Member. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Board Members. The Presiding Officer may call on an individual Board Members in the discussion.

G) VOTING

1. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Board Member, a roll call vote shall be taken by the Secretary.
2. The order of the roll call vote shall be determined by the Presiding Officer.
3. In addition, the Presiding Officer may, at his/her sole discretion, require a show of hands to insure the proper resolution of the vote.
4. Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire.
5. Every Board Member who is in the Select Board chambers when the question is called shall vote on the question before the Select Board.
6. A Board Member shall at the beginning of the discussion of any topic announce the intention to recuse himself/herself and shall take no part in the debate should they feel that to vote would constitute a conflict.
7. A Board Member shall vote to abstain if they recuse him/herself from the discussion due to a conflict of interest.

H) COMMITTEES/LIAISONS

1. Special ad hoc citizen study committees may be created by the Select Board for a particular

purpose.

2. All Committee members shall be appointed by the Select Board.
3. The committee shall appoint its own chair.
4. These committees shall be established by a written document stating the specific purpose, mission, and goals/objectives that the committee is to achieve or attain, and declaring that the committee is dissolved when these have been attained or by a date certain.
5. No business of any committee shall begin until such time as the committee has met and elected a chairperson.
6. Citizen study committees shall cease to exist 12 months from inception unless specifically continued by the Select Board thereafter for a specified time period. At such a point of time as a committee shall cease to exist, all documents and materials shall be turned over to the Select Board to ensure appropriate filing.
7. Board members may volunteer for a committee or be appointed by the Presiding Officer to serve as liaison or ex-officio member of a citizen advisory committee. A majority vote will be taken to approve representation.
8. Citizen study committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Select Board.
9. The committee chair may present the recommendations of the committee during the discussion of the item of business during a meeting of the Select Board.
10. Town employees may be assigned to participate in the various committees as directed by the Town Administrator to assure subject matter expertise is represented if deemed necessary.
11. Minutes of citizen study committee meetings shall be recorded in accordance with RSA 91-A (the NH Right to Know Law).

I) NOMINATIONS/APPOINTMENTS

The procedure for nominating and appointing citizens to Town boards, commissions and committees shall be as follows:

1. Single nomination.
 - a) Whenever only one person is nominated to a particular position, the nomination shall be made by a Board Member, and then seconded.
 - b) Once seconded, a vote is taken.
 - c) Should the person so nominated receive the majority of votes from those Selectmen

present, the nomination is confirmed.

- d) If the majority of those Selectmen present vote not to approve the nomination, the nomination shall be considered rejected and the name removed from further consideration.

2. Multiple nominations

- a) Whenever there are multiple nominations for one position, each name will be placed in nomination with no requirement for a second, although a nomination may receive a second if a Board member wishes to do so.
- b) When all nominations are closed, each Board Member shall have an opportunity to speak regarding the qualifications of nominees, and then each Board Member shall cast a vote for no more than one name.
- c) The name receiving a majority of that Board Member present and voting shall be deemed confirmed.
- d) Should no one nomination receive a majority of the vote and there are more than two nominations for the one position, then the nomination with the least number of votes received shall be removed from the second round of voting.
- e) The Select Board shall then vote a second time on those nominations remaining.
- f) If the second vote fails to confirm an appointment, the Presiding Officer may order a third vote or declare the matter deadlocked and order the nomination be forwarded to the next meeting of the Select Board.
- g) In the case of only two nominations not receiving a majority vote, the Presiding Officer may order a second vote or order the nomination be forwarded to the next meeting of the Select Board.

J) ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS - DEFINED

1. An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality.
2. Select Board action shall be taken by ordinance when required or permitted by law to prescribe permanent rules of conduct which continue in force until repealed.
3. An enacted resolution is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Select Board action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

4. An enacted motion is a form of action taken by the Select Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

K) RESOLUTIONS

1. Each resolution may be voted for and approved on the same day on which it was introduced.
2. Resolutions shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning January 1.

L) ORDINANCES

1. The procedure for ordinances is as follows:
 - a) An ordinance shall be introduced at a Public meeting of the Select Board.
 - b) At this meeting, the Select Board shall determine a future date for a Public Hearing and second reading of the proposed ordinance
 - c) At the second meeting, the Select Board shall hold a Public Hearing as previously described and act upon the ordinance
 - d) The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the Selectmen present request that the entire ordinance or certain of its sections be read, such requests shall be granted.
 - e) Ordinance shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning January 1.
2. Emergency Ordinances.
 - a) The Select Board may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA Chapter 21-P:39, and the Town of New Boston Ordinances.

SECTION 3. CONDUCT WITH OTHER BOARD MEMBERS AND EMPLOYEES

The Select Board shall treat others with respect and respect the rights and opinions of the community despite differences of opinion. The Select Board expects to be treated the same.

1. The Select Board when dealing with the Town Administrator and Town Employees shall:
 - a) Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration. (See Appendix A - Organizational Chart)
 - b) Treat all employees as professionals and respect the abilities and integrity of each individual.

- c) Never publicly criticize an employee. Concerns of employee performance shall be handled with the Town Administrator under RSA 91-A.
 - d) Except for the purposes of inquiries, deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator.
 - e) Not give orders to any such officers or employees either publicly or privately.
 - f) Direct any question from the staff to the Town Administrator, through the Assistant to the Town Administrator or respective Department Head with written copies of the request to the Town Administrator and all members of the Select Board.
 - g) Limit the request for staff support and ensure that all requests go through the Town Administrator's Office.
2. The individual members of the Select Board in their relations with Board members shall:
 - a) Recognize that no member by their actions alone can bind the Select Board or the Town.
 - b) No member, including the chairperson, shall conduct any town business outside a regularly scheduled meeting without the prior knowledge and approval of the Board at a meeting.
 - c) Pursuant to RSA 91-A uphold the intent of non-public session and not release or discuss items raised in non-public session;
 - d) Refrain from communicating the position of the town or the Select Board to other entities (i.e., NH state and federal officials) unless the full Board has previously agreed on both the position, language, and release of the statement.
 - e) Treat with respect the rights of all members of the Board despite differences of opinion.
 - f) While serving in an ex-officio capacity, act as an individual and not on behalf of the Select Board unless directed to do so by a majority vote of the Board.
 3. As required by State law, all business of the town shall be handled in public session, with the exception of matters listed under RSA 91-A.
 4. Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.
 5. All actions taken under RSA 91-A are to be, if appropriate, disclosed before the close of the regular session in a brief statement of the facts. Any discussion held within the closed session shall be considered closed to the public. Any person who reveals details of the closed session to the public, is to be censured for their actions, and held in contempt of RSA 91-A.
 6. Punishment for any violation of this code of conduct shall include but not limited to, removal from committee assignments or chairmanships. Other punishments shall be handled by state law (RSA 42:1-a).

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