

# **TOWN OF NORTH HAMPTON**

## **SELECT BOARD RULES AND PROCEDURES**

### **SECTION 1. GENERAL PROVISIONS**

- a) **SELECT BOARD MEETING LOCATION**
  - i) All meetings of the Town of North Hampton Select 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.
- b) **SELECT BOARD MEETING TIME**
  - i) Meetings of the Town of North Hampton Select Board shall be held on the second and fourth Mondays of every month and begin at 7:00 p.m., unless otherwise noticed, or continued to a specific time and date.
- c) **SELECT BOARD MEETINGS OPEN TO THE PUBLIC**
  - i) All meetings of the Town of North Hampton Select Board and Committees thereof shall be open to the public, except as provided for by RSA 91-A,.
- d) **ELECTION OF OFFICERS**
  - i) Procedures for electing officers are as follows:
    - (1) Annually, at the first meeting of the Select Board after Town elections, the members thereof shall choose, from among their number, a Chair and a Vice Chair.
    - (2) In addition to the powers conferred upon the Chair and the Vice Chair, he/she shall continue to have all the rights, privileges and immunities of a Board Member.
    - (3) The above election shall be by a majority vote of the Select Board.
- e) **PRESIDING OFFICER**
  - i) The Chair of the Select Board shall preside at all meetings of the Select Board, and be recognized as the head of the Town for all ceremonial purposes.
  - ii) The Chair of the Select Board has no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice Chair shall act as Chair during the continuance of the absence.
  - iii) The Chair of the Select Board or the Vice Chair are referred to as "Presiding Officer" from time to time in these Rules of Procedure.
  - iv) 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 Select Board, may speak to points of order in preference to other Select Board, and shall decide all questions of order or procedure, subject to appeal to the full Select Board.

f) DUTIES AND PRIVILEGES OF SELECT BOARD

- i) Selectmen shall address the Board upon recognition of the Presiding Officer.
- ii) Comment and debate shall be confined to the subject matter of the question.
- iii) No Board Member shall be interrupted while speaking except for a point of order.

g) QUORUM AND VOTING

- i) Two Selectmen shall constitute a quorum for the conduct of town business.

h) SELECT BOARD MEETING AGENDA

- i) The Town Administrator shall arrange a list of such matters according to the order of business and prepare an agenda for the Select Board.
- ii) Information to be placed on the agenda must be in to the Town Administrator's Office by 12PM on the Thursday prior to the Meeting.
- iii) 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, they shall inform the Board of the decision and the reason why. The Board at their next meeting may vote to include the topic on a future agenda.
- iv) A copy of the agenda and supporting materials shall be prepared for all Selectmen by the Friday immediately preceding a scheduled meeting of the Select Board.
- v) The Town Administrator or any Board Member may place a matter upon the agenda.
- vi) Any comments by the public on topics on the agenda shall be limited to three (3) minutes
- vii) The Presiding Officer may reserve time upon the agenda for presentations to the Select Board by private individuals or organizations as he or she may deem appropriate.

i) ORDER OF BUSINESS

- i) The business of all meetings of the Select Board shall be transacted as follows; provided, however that the Presiding Officer may, during a Select

Board meeting, rearrange items on the agenda to conduct the business before the Select Board more expeditiously:

- (1) Call to order & Call of the Roll
- (2) Non-Public Session
- (3) Approval of Minutes of Previous Meetings
- (4) Consent Calendar
  - (a) These items are approved without discussion.
  - (b) The consent format is to expedite the business of the Board when adequate backup material has been provided.
  - (c) Should a member of the Board request to have an item removed, it shall be placed on the current agenda under new business.
- (5) Public Hearings
- (6) Communications to the Select Board
- (7) Report of the Town Administrator
- (8) New Business
- (9) Unfinished Business
- (10) Items Laid on the Table
  - (a) Items laid on the table shall remain on the table until a member of the Select Board makes a motion to remove such item from the table.
- (11) Closing Comments
  - (a) Closing Comments by Visitors
    - (i) This is the portion of the meeting when individual members of the public may address concerns to the Select Board.
    - (ii) Members of the public shall state their name and address prior to addressing the Board.
    - (iii) Public comments shall be limited to three (3) minutes.
    - (iv) Following such comments the Presiding Officer may place the matter on a future agenda, or refer the matter to the Town Administrator for investigation, report or to take such action as

may be appropriate.

(b) Closing Comments by Selectmen

(12) Adjournment

(a) No meeting shall be permitted to continue beyond 10:00 PM without approval of a majority of the Select Board members who are present and eligible to vote.

(b) If the decision is to recess the meeting, a location, date and time for reconvening must be publicly agreed to before taking a vote to recess the meeting. In the event that a meeting has not been closed or recessed by the Selectmen prior to 9:00 P.M., thus bringing the meeting to an end, the items not acted on shall be deferred to the next Select Board meeting, unless the Select Board, by a majority vote of members present, determines otherwise.

J) TOWN ADMINISTRATOR

i) The Town Administrator or approved designee shall attend all meetings of the Select Board, unless excused by the Presiding Officer or Select Board.

ii) 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.

iii) In the event that the Town Administrator is unable to attend a Select Board meeting, he shall appoint another qualified staff member to attend the meeting.

k) CLERK OF THE SELECT BOARD

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

## **SECTION 2. DUTIES AND PRIVILEGES OF MEMBERS**

a) DISSENTS AND PROTESTS

i) Any Board Member shall have the right to express dissent from or protest against any ordinance or resolution of the Select Board.

ii) After the Select Board has taken a position on an issue, official correspondence should reflect this position.

iii) 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

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

c) MOTIONS

i) MAIN MOTIONS.

- (1) 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.
- (2) A main motion may be debated, amended and reconsidered after it has been seconded by a Board Member.
- (3) Motions to take from the table or to take up a question previously postponed may not be debated, amended or reconsidered.

ii) SUBSIDIARY MOTIONS.

- (1) When a question is under debate, the following motions shall be in order according to the following priority:
  - (a) To adjourn (may not be debated, amended or reconsidered).
  - (b) To lay the question on the table (may not be debated, amended or reconsidered).
  - (c) To call the question (may not be debated, amended or reconsidered).
  - (d) To postpone the question to a date certain (may be debated, amended and reconsidered).
  - (e) To postpone the question indefinitely (may be debated, and

reconsidered, but not amended).

(f) To commit or refer to committee (may be debated, amended and reconsidered).

(g) To amend (may be debated and reconsidered, but not amended).

d) RECONSIDERATION AND RECISION.

i) Following the final vote on a question, any Board Member who the record indicates has voted with the prevailing side, may move for reconsideration.

ii) 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.

iii) In the absence of such notice, no motion for reconsideration will be in order.

iv) A motion to reconsider is debatable provided the subject question was debatable.

v) A motion to reconsider cannot be amended or reconsidered.

e) SUSPENSION OF RULES.

i) 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.

ii) A motion to suspend shall require a two-thirds vote of those present and voting.

f) ACTIONS FOR A PUBLIC HEARING

i) The procedures for a public hearing are as follows:

(1) 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.

(2) The Presiding Officer may call upon the Town Administrator or other person to describe the matter under consideration.

(3) 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.

- (4) Once all Town residents wanting to speak for a second time have spoken, the Presiding Officer shall call for any non-residents wanting to speak. These speakers shall be limited to three minutes.
- (5) 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.
- (6) The Presiding Officer closes the public hearing.
- (7) 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 Member. The Presiding officer may call on an individual Board Member in the discussion.

g) VOTING

- i) The votes during all meetings of the Select Board shall be transacted as follows:
  - (1) The Presiding Officer may require any question to be submitted in writing before the vote, and shall state each question before the vote.
  - (2) 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 Clerk.
  - (3) The order of the roll call vote shall be determined by the Presiding Officer.
  - (4) In addition, the Presiding Officer may, at his/her sole discretion, require a show of hands to insure the proper resolution of the vote.
  - (5) Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire.
  - (6) Every Board Member who is in the Select Board chambers when the question is called shall vote on the question before the Select Board.
  - (7) A Board Member shall at the beginning of the discussion of any topic shall announce the intention to excuse himself/herself and shall take no part in the debate should they feel that to vote would constitute a conflict. A Board Member shall vote to abstain if they excuse himself/herself

from the discussion due to a conflict of interest. .

h) COMMITTEES/LIAISONS

i) Special Ad Hoc Citizen Advisory Committees.

- (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 chair person.
- (6) No request of staff shall be made without a majority vote of the members of the committee
- (7) Citizen study committees shall cease to exist at the end of each fiscal year unless specifically continued by the Select Board thereafter for a specified time period. At such point of time as a committee shall cease to exist, all documents and materials shall be turned
- (8) One Board Member, appointed by the Presiding Officer, may be appointed as a member and liaison of a citizen advisory committee.
- (9) 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.
- (10) 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.
- (11) Town employees shall staff the various committees as directed by the Town Administrator, but no staff person shall serve as a member of a citizen study committee.
- (12) Minutes of citizen study committee meetings shall be recorded in accordance with RSA 91-A, (the NH Right to Know Law).

i) NOMINATIONS/APPOINTMENTS

i) 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

- i) An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality.
- ii) 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.
- iii) 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.
- iv) 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

- i) Each resolution may be voted and approved on the same day on which it was introduced.
- ii) Resolutions shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning July 1.

l) ORDINANCES

- i) The procedure for ordinances are as follows:
  - (1) An ordinance shall be introduced at a public meeting of the Select Board.
  - (2) At this meeting, the Select Board shall determine a future date for a public hearing and second reading of the proposed ordinance.
  - (3) At the second meeting, the Select Board shall hold a public hearing as previously described and act upon the ordinance.
  - (4) 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.

(5) Ordinance shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning July 1.

ii) Emergency Ordinances.

(1) The Town 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 North Hampton Ordinances.

iii) A Board Member may, in open session, request of the Presiding Officer that the Select Board study the wisdom of enacting a particular ordinance.

iv) By affirmative motion, the Select Board may assign the proposed ordinance to a specific committee or the committee of the whole for study and consideration.

v) The committee shall report its findings to the Select Board.

m) COMPLAINTS AND SUGGESTIONS TO SELECT BOARD

i) When citizen complaints or suggestions are brought before the Select Board, other than for items already on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, 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.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution, or interpretation of legislative policy, or administrative policy within the authority of the Town Administrator, the Presiding Officer should then refer the complaint directly to the Town Administrator for review and response to the citizen. The Select Board may direct that the Town Administrator brief or report to the Select Board when his/her response is made.

**SECTION 3. CONDUCT WITH OTHER SELECT BOARD MEMBERS AND STAFF**

a) 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.

b) The Select Board when dealing with the Town Administrator and Town Staff shall:

- i) Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration. (See Appendix A)
  - ii) Treat all staff as professionals and respect the abilities and integrity of each individual.
  - iii) Never publicly criticize an employee. Concerns of employee performance shall be handled with the Town Administrator under RSA 91-A
  - iv) Except for the purposes of inquires, deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator.
  - v) Not give orders to any such officers or employees either publicly or privately.
  - vi) Direct question of the staff to the Town Administrator, Administrative Assistant to the Town Administrator or Department Heads. The Town Administrator should be copied on requests and discussions.
  - vii) Limit the request for staff support and insure that all requests go through the Town Administrator's Office.
- c) The individual members of the Select Board in their relations with fellow members shall:
- i) Recognize that no member by their actions alone can bind the Select Board or the Town
  - ii) No member, including the chairperson or vice-chairperson, shall conduct any town business outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.
  - iii) Pursuant to RSA 91-A uphold the intent of non-public session and not release or discuss items raised in non-public session
  - iv) Refrain from communicating the position of the town or the Select Board to other entities (i.e. state and federal officials) unless the full board has previously agreed on both the position and the language of the statement
  - v) Treat with respect the rights of all members of the Board despite differences of opinion
- d) 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.
- e) Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.

- f) 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.
- g) 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)

**Adopted: October 12, 2010**