

Town of Epping SELECT BOARD RULES OF PROCEDURE



Effective as of April 1, 2024

SECTION 1. GENERAL PROVISIONS

a) SELECT BOARD MEETING LOCATION

Most regular meetings of the Town of Epping Select Board shall be held at the Epping Town Hall, 157 Main Street, Epping, NH unless the Select Board adjourns to another location or the meeting is scheduled for another location and is properly noticed.

b) SELECT BOARD MEETING DATE AND TIME

Meetings of the Town of Epping Select Board shall be held on every other Monday and begin at 7:00 p.m., unless otherwise noticed or continued to a specific time and date.

A special meeting may be called at the chair's discretion to address urgent matters that cannot wait until the next regular meeting. This meeting shall be posted within the regular requirements of RSA 91-A.

As permitted by RSA 91-A:2, II, an emergency meeting can be held with less than 24 hours' notice when the chair determines that immediate, un-delayed action is imperative. Notice of an emergency meeting shall be provided as soon as practicable, and the Board shall employ other means that are reasonably available to inform the public that a meeting is to be held. The minutes of the emergency meeting shall clearly spell out the need for the emergency meeting.

c) SELECT BOARD MEETINGS OPEN TO THE PUBLIC

All meetings of the Town of Epping Select Board and Committees thereof shall be open to the public, except as provided for by RSA 91-A.

d) ELECTION OF OFFICERS

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. During the year, the Board may change the officers by majority vote.

e) PRESIDING OFFICER

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 unless another member is designated ahead of time.

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. If the Chair and Vice Chair are absent, the remaining members shall appoint a temporary Chair to fill in for the meeting.

The Chair of the Select Board or the Vice Chair is referred to as "Presiding Officer" from time to time in these Rules of Procedure.

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 Members, may speak to points of order in preference to other Select Board Members, and shall decide all questions of order or procedure, subject to appeal to the full Select Board.

f) DUTIES AND PRIVILEGES OF SELECT BOARD

Select Board Members shall address the Board upon recognition of the Presiding Officer.

Comment and debate shall be confined to the subject matter of the question.

No Board Member shall be interrupted while speaking except for a point of order.

g) QUORUM AND VOTING

Three Select Board Members shall constitute a quorum for holding a meeting. Every effort should be made to carry out town business if a quorum is present. Matters should not be tabled because the entire Board is not present.

h) SELECT BOARD MEETING AGENDA

The Town Administrator or any Board Member may place a matter on the agenda by contacting the Executive Assistant by noon on the Thursday prior to the meeting.

The Town Administrator shall arrange a list of such matters according to the order of business, and the Executive Assistant shall prepare an agenda for the Select Board. The Chair has the right to delay placing a requested item on the agenda until the board votes at the next meeting.

Information to be placed on the agenda must be submitted to the Town Office by 12PM on the Thursday prior to the Meeting to the attention of the Town Administrator and the Executive Assistant.

A copy of the agenda and supporting materials shall be prepared for all Select Board Members by the Friday immediately preceding a scheduled meeting of the Select Board.

The Presiding Officer may reserve time on the agenda for presentations to the Select Board by private individuals or organizations as he or she may deem appropriate and limit the length of time for the presentation.

The Board has a right to extend that amount of time for the public or planned presentations if it desires to overrule the Presiding Officer's decision limiting the length of discussion.

i) ORDER OF BUSINESS

The business of all meetings of the Select Board shall be transacted as follows; provided, however, that the Presiding Officer may rearrange items on the agenda to conduct the business before the Select Board more expeditiously:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

PUBLIC COMMENT REQUESTS

APPOINTMENT(S)

OLD BUSINESS

NEW BUSINESS

CORRESPONDENCE AND REPORTS

PUBLIC COMMENTS

ADJOURN

j) TOWN ADMINISTRATOR

The Town Administrator and the Executive Assistant or designee shall normally attend the Select Board meetings.

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.

In the event that the Town Administrator and the Executive Assistant are unable to attend a Select Board meeting, the Town Administrator shall appoint another qualified person to attend the meeting.

k) CLERK OF THE SELECT BOARD

The Executive Assistant shall be the Clerk of the Select Board, taking minutes and performing such other and further duties as may be required by the Select Board, Presiding Officer, or Town Administrator.

l) VALIDITY

These are guidelines, and failure to follow these procedures shall not invalidate any action taken by the Board, provided the action taken is legally done.

SECTION 2. DUTIES AND PRIVILEGES OF MEMBERS

a) DISSENTS AND PROTESTS

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

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

When Select Board 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 Select Board 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

The Presiding Officer shall resolve all issues of procedure for the Select Board meetings.

A motion, second, and roll call vote shall be required on actions by the Board.

At times when a motion is not required, the chairman can ask if there is consensus on an issue and, if there is no dissent, may declare that to be the consensus of the Board. The Executive Assistant shall record all declarations of consensus in the meeting minutes.

Motions, including proposed amendments, may be withdrawn by the mover and the person who made the second.

While the preference is normally to have a motion on the floor for action to be contemplated, the Chairman can allow discussion to help clarify the issue and decide what the form of the motion will be.

By a majority vote, the Select Board Members may overrule any procedural decision of the Presiding Officer.

c) MOTIONS

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 motion may be debated, amended and reconsidered after it has been seconded by a Board Member.
- (3) Action may be tabled by a motion, second, and vote. It may be either indefinitely tabled or tabled to a time certain. Either type of vote leaves open it being considered at a future meeting, at which time, ideally, the subject should be

removed from the table by a motion and vote for further consideration. However, the lack of a formal motion to remove from the table shall not invalidate the action taken. The action to act upon the subject will be considered approval for removal from the table.

Subsidiary motions:

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

- (1) To adjourn (may not be debated, amended or reconsidered), although the Presiding Officer can reject the motion as premature, state the reason for his or her rejection and allow debate on his reasoning which is subject to override by a majority of the Board. The presiding officer must call to vote on a motion and second prior to adjourning a meeting.
- (2) To lay the question on the table (may not be debated, amended or reconsidered at that meeting). If the question is to postpone the question to a date certain, only the date and time may be debated.
- (3) To amend (may be debated and reconsidered, but not amended). There may be only one amendment at a time under consideration.

d) RECONSIDERATION AND RECISION

Following the final vote on a question, any Board Member who the record indicates has voted with the prevailing side, may move for reconsideration. There is no requirement that the one seconding that motion have been on the prevailing side.

No such reconsideration motion shall be in order unless it is made at the meeting at which the Select Board acted on the question.

A subject can be placed upon the agenda for a future meeting even if defeated at a prior meeting which has the effect of reconsideration of a vote from a prior meeting by any member or the Town Administrator following the procedure for agenda setting in these rules of procedure.

A motion to reconsider that is approved by the Board brings back the prior issue and does not in itself reverse the prior vote. A second motion is then needed to take any action on the issue.

e) SUSPENSION OF RULES

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.

f) ACTIONS FOR A PUBLIC HEARING

The procedures for a public hearing are as follows:

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.

The Presiding Officer may call upon the Town Administrator or other person to describe the matter under consideration. This presentation may not be under the three-minute limit but should be concise and to the point.

Each speaker, for or against the matter before the Select Board for a public hearing, shall identify themselves by name and address. Each speaker shall be limited to three (3) minutes. The Chairman may extend that time at their discretion, subject to an override by the Board. The Presiding Officer has a right to forbid repetition among speakers and to restrict discussion to the public hearing's topic alone. When every resident wanting to speak has had one opportunity to speak, the Presiding Officer shall call for any resident 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 Select Board Members.

Once all Town residents who want to speak for a second time have spoken, the Presiding Officer shall call for any non-residents who want to speak. These speakers shall be limited to three (3) minutes. The Chairman may extend that time at their discretion, subject to an override by the Board. Non-resident speakers shall identify themselves by name and reason for having a stake in the matter of discussion.

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.

The Presiding Officer closes the public hearing.

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 the Board Members. The Presiding Officer may call on an individual Board Member in the discussion. The Board may also delay a decision until a future meeting.

g) PUBLIC COMMENT PERIOD(S) NOT DURING A PUBLIC HEARING

Each speaker must first be recognized by the Presiding Officer, shall identify himself or herself by name and address, and shall speak from the podium. Any comments by the public on topics on the agenda shall be limited to three (3) minutes per speaker. The Chairman may extend that time at their discretion, subject to an override by the Board. The Chairman may also limit the number of speakers on a topic if, in their opinion, there is repetition or a lack of additional relevant information being presented. If the Select Board allows public comment, they cannot impose limits based on the contents of the speech. They can impose content-neutral limits such as time limits and relation to an

agenda item. They cannot restrict speech to only favorable comments on the subject being discussed.

h) AUDIENCE PARTICIPATION DURING DISCUSSION OTHER THAN PUBLIC HEARING AND PUBLIC COMMENT

The Presiding Officer may allow but is not required to allow, public participation during discussion of the Board at times other than public hearings and public comment, subject to an override by the Board. This will be limited to comments on the motion under consideration.

i) VOTING

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 if it is complex, and shall state each question before the vote.
- (2) Unless otherwise provided for by statute, ordinance, or resolution, votes shall be taken by voice roll call vote or the Presiding Officer requesting all those in favor to say "yea" and all those opposed to say "nay."
- (3) The Presiding Officer shall determine the order of a roll call vote.
- (4) Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire. All "poll of the board" requests must be completed in a manner in which the public can identify the position of each individual board member.
- (5) Every Board Member who is present at the meeting, other than those who have abstained or recused themselves, shall vote on the question before the Select Board.
- (6) A motion that receives a tie vote fails.
- (7) A motion to reconsider may only be made by a member who voted on the prevailing side.
- (8) A vote to abstain shall go to the majority.

j) EX OFFICIO MEMBER/LIAISONS

The Chairman of the Board shall assign Board Members to the committees on which a Select Board Member sits as an official ex officio (voting) member and alternate ex officio member and those on which the Select Board Members sit as a liaison (nonvoting).

k) COMMITTEES

The Select Board may create special citizen study committees for a particular purpose.

The Board shall appoint committee members.

The committee shall appoint its own chair.

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.

No request of the Town Administrator shall be made without a majority vote of the members of the committee. Requests for staff support shall be made to the Town Administrator. If there is a disagreement between the committee and the Town Administrator on the use of town resources, the Select Board shall resolve the matter.

One Board Member, appointed by the Presiding Officer, may be appointed as a member and liaison of a citizen advisory committee.

Posting of meetings and minutes of citizen study committee meetings shall be recorded in accordance with RSA 91-A, (the NH Right to Know Law).

l) NOMINATIONS/APPOINTMENTS

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

The Board in need of an appointment shall post the vacancy in two public places for two weeks. Anyone who is interested in being appointed will submit a letter of interest to the Board that they wish to join. The Board will then vote to recommend or not recommend the person for the given Board. The Board Chairman will then submit a letter with the recommendation or non-recommendation to the Town Administrator.

The Town Administrator shall notify the Select Board of the recommendation.

If a recommendation cannot be reached for a vacancy, the Select Board shall post the vacancy for an additional two weeks and make the appointment without recommendation.

Single nomination:

- (1) When only one person is nominated to a particular position, the nomination shall be made by a Board Member and then seconded.
- (2) Once seconded, a vote is taken.
- (3) Should the person so nominated receive the majority of votes from those Select Board Members present, the nomination is confirmed.
- (4) If the majority of those Select Board Members present vote not to approve the nomination, the nomination shall be considered rejected and the name removed from further consideration.

Multiple nominations:

- (1) 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.

- (2) 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.
- (3) The name receiving a majority of the Board Members present and voting shall be deemed confirmed.
- (4) 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.
- (5) The Select Board shall then vote a second time on those nominations remaining.
- (6) 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.
- (7) 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.

m) ENACTED POLICIES AND RESOLUTIONS

An enacted policy is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Examples include Personnel Policy, Investment Policy, Fixed Asset Policy, Road Excavation, etc.

Select Board action shall be taken when required or permitted by law to prescribe permanent rules of conduct which continue in force until repealed.

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.

Each resolution may be voted and approved on the same day on which it was introduced. Examples include recognition of an Eagle Scout, declaration of Public Works Week, support for action by the state or federal government, etc.

n) CONFLICTS OF INTEREST

A conflict of interest arises when a local official has a direct personal or financial interest in the outcome. The interest must be immediate, definite, and capable of demonstration; not remote, uncertain, contingent, or speculative. Conflicts are generally not found regarding legislative or executive decisions. However, when the Board is acting in a quasi-judicial capacity, such as a hearing, extra precautions should be taken to avoid conflicts.

At the beginning of the discussion of any topic, if a Board Member feels as though they may have a conflict of interest, the Board Member shall 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 of interest. That member(s) shall step away from the Board and may participate as a member of the audience, subject to the rules of audience participation. A Board Member recusing themselves is removed for the purposes of calculating a quorum.

The Select Board cannot vote to remove a member due to a conflict of interest; the members must make that decision themselves. However, the Board may vote to recommend that the member recuse themselves.

If a Board Member feels that there is no conflict of interest but wishes not to vote on a particular matter, they can participate in discussion but abstain from voting. Abstaining alone does not guard a member from a conflict of interest by law. When a Board Member abstains, they are included for the purposes of calculating a quorum.

o) **COMPLAINTS AND SUGGESTIONS TO SELECT BOARD**

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 policy 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:

Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration.

Treat all staff as professionals and respect the abilities and integrity of each individual.

Never as individuals publicly criticize an employee, fellow board member, or other town officials. Concerns of employee performance shall be handled with the Town Administrator or under RSA 91-A at the Board level, usually in nonpublic session.

Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting and where a quorum of the board has agreed to the action to be taken.

Direct all questions of the staff to the Town Administrator, Police Chief, or Fire Chief. The Town Administrator should be copied on requests and discussions.

Limit the request for staff support and ensure that all requests go through the Town Administrator's Office.

Not act individually but only as a Board. For example, all directives or requests to the Town Administrator must come from the Board, not from any individual member, except that an individual Select Board member may make reasonable requests for information to the Town Administrator. In such case, any information shall also be provided to the entire Select Board.

c) The individual members of the Select Board:

Shall make every effort to attend scheduled meetings. The Chair should be notified by Board members of an impending absence prior to the meeting and informed of a reasonable excuse.

Do not, cannot, and shall not bind the Select Board or the Town to any agreement, contract, commitment, or action.

Shall not conduct any town business outside of a Select Board meeting without the prior knowledge and approval of the Board at a meeting.

Shall, pursuant to RSA 91-A, abide by the laws governing privacy, confidentiality, and non-public sessions and shall not release or discuss items raised in non-public sessions.

Shall 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.

Shall respect the rights of all members of the Board despite differences of opinion.

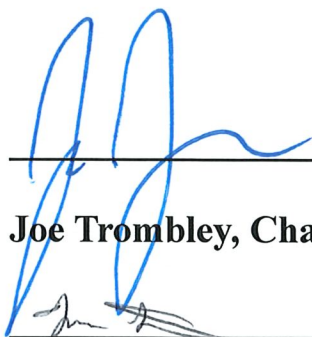
Shall only use their town-issued email for sending and receiving emails related to town business.

Shall not discuss town business on social media.

Shall not speak ill of town employees to the public.

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.

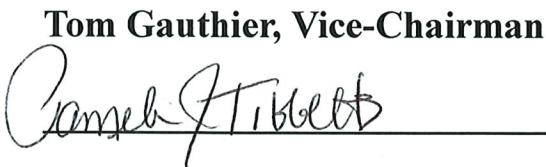
- e) Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.
- f) All actions taken under RSA 91-A are to be, if appropriate, disclosed before the close of the regular session in a brief statement of the facts. Any discussion held within the closed 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 be limited to, removal from committee assignments or chairmanships. Other punishments shall be handled by state law (RSA 42:1-a).
- h) Civil Communication is exemplified by the following guidelines:
 - Each member will listen with an open mind and with resilience.
 - Each member will assume good intentions and motives from fellow participants.
 - Each member will disagree about ideas, not about motives or personalities.
 - As individual participants and as a group, each member will conduct a conversation that is respectful, fair, and kind.
 - Each member will not interrupt except to indicate that he/she cannot hear a speaker.
 - Dialogue is most successful when conversation proceeds coherently from idea to idea or topic to topic. It is good to give full treatment to an idea before moving on to the next.



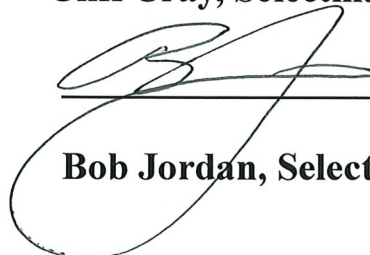
Joe Trombley, Chairman



Cliff Cray, Selectman



Pamela Tibbetts, Selectman



Bob Jordan, Selectman