

New Hampshire Right to Know Law, RSA 91-A

All meetings of any Rye public body are subject to the provisions of NH RSA 91-A. Committees are responsible for ensuring that proceedings are conducted in a manner consistent with the provisions of RSA 91-A.

**TOWN OF RYE, NH
POLICY ESTABLISHING THE GENERAL RULES OF PROCEDURE
FOR BOARDS, COMMITTEES, AND COMMISSIONS**

- A. POLICY:** The Rye Board of Selectmen recognizes that appointed and elected boards, committees and commissions can play an important role in providing governmental services to our citizens.
- B. PURPOSE:** This policy serves to outline procedures regarding appointment to Town boards, committees and commissions and the conduct and responsibilities of these public bodies and their members.
- C. APPLICABILITY:** This policy applies to all boards, commissions, committees and other Rye governmental public bodies. The Board of Selectmen has appointment authority for boards, committees and commissions as specified in NH Revised Statutes Annotated and Town Ordinances. In the event of a conflict between this policy and the statutory authorities of the Recreation Commission, Historic District Commission, Planning Board, Zoning Board of Adjustment, Heritage Commission, Library Board of Trustees and Conservation Commission, which are governed by state statute, the statutory provisions shall apply.

BOARDS, COMMITTEES, AND COMMISSIONS

D. TERM OF OFFICE/QUALIFICATIONS:

- 1. It is the intent of the Board of Selectmen to ensure that the widest variety of citizens participate in government by appointing members who represent the diversity of the community. Committee membership is specifically reserved to citizens of the Town of Rye, except as provided for below, or by specific ordinance or policy of the Board of Selectmen. The Town of Rye does not discriminate on the basis of gender, ethnicity or socio-economic background.

The following rules apply:

- a. A resident seeking new appointment or seeking re-appointment as a member or an alternate to the committee shall send a letter to the Board of Selectmen requesting consideration. The Board of Selectmen shall request a letter of recommendation from the full committee, board or commission stating that the request has been considered and recommended by a vote of the full body.
- b. All board openings or vacancies shall be posted 30 days in advance of the Board of Selectmen's meeting where the appointment is scheduled to be made.

- c. In the event that a committee member is unable to fulfill his/her term of office, it is required that a letter of resignation be sent to the Board of Selectmen. If a member is appointed to fill a seat because someone has resigned, then that member may sit for the remaining term of the vacated seat.
 - d. By law, all committee appointees and re-appointees must take the Oath of Office administered by the Town Clerk. Until the Oath of Office is signed and recorded in the Town Clerk's Office, appointees are not considered official and may not participate or vote at meetings.
 - e. Any current voting member of a board that is not a resident of the Town of Rye may serve out their term.
 - f. Non-residents of the Town of Rye may be appointed as ex-officio, or non-voting members of any board.
- E. **FUNDING:** The Town of Rye recognizes that citizens, non-profits and businesses may offer donations to the Commissions such as Conservation, Recreation, etc. to further the committee's goals and mission. The committees are authorized to accept donations, grants and other funds from outside sources with the requirement that all requests for donations be approved by the Board of Selectmen and that they conform to state and federal law, as well as the Town Finance Policy.

The following procedures shall be followed:

1. Any formal fundraising activities shall be approved by the Board of Selectmen before fundraising begins.
2. Donations that are not designated for a specific purpose shall be used to assist in the funding of the committee.
3. Any expenditure of funds from reserved accounts shall comply with the Town's Purchasing Policy.

SPECIFIC RULES FOR BOARD OF SELECTMEN APPOINTED COMMITTEES

- A. The initial term of any Committee established by the Board of Selectmen, shall be determined by their charge or charter. Members of the Committee shall be appointed by the Board of Selectmen for terms consistent with the committee's established term. The number of members and criteria for membership shall be prescribed by the Board of Selectmen at the time the Committee is established.
- B. **COMPENSATION:** Committee members will not be compensated for their time while serving on the committee.

- C. **DUTIES AND RESPONSIBILITIES:** Any appointed Board of Selectmen's committee will have specific duties and responsibilities established by the Board of Selectmen and shall be in writing in the form of a Committee Charter.
- D. **ORGANIZATION, RULES, RECORDS AND MEETINGS:**
1. A Committee Organizational Meeting shall be held as soon as possible after the committee is established by the Board of Selectmen and yearly thereafter until the Board of Selectmen sunsets the committee.
 2. All committee meetings shall be open to the general public and shall be held in an established public building, except as allowed by law.
 3. Each officer is elected to serve a one-year term which is renewable at the next annual Committee Organizational Meeting. If an officer cannot serve due to resignation or other reasons, the committee shall elect an interim officer to fill the position until the next organizational meeting.
 4. The committee shall have the following organizational structure. Chairperson, Vice-Chairperson, Secretary/Clerk and if needed, Treasurer. Each of these positions is described below.
 - a. **The Chairperson** is responsible for organizing and running meetings and activities of the committee and reporting to Board of Selectmen through oral or written reports.
 - b. **The Vice-Chairperson** is to fulfill the duties of the Chairperson if the Chairperson is unable or unavailable to fulfill their role.
 - c. **The Secretary/Clerk** is required to post notice of all meetings, take minutes of all meetings, and insuring that information about the committee and its activities is maintained and up to date on the town website. ***The Secretary/Clerk shall be required to post Notice of Committee Meetings at least 24 hours prior to the meeting and Committee Meeting Minutes within five (5) business days of the meeting date in order to be in compliance with the NH Right to Know law, RSA 91-A.*** If the Secretary/Clerk is not available for a meeting, it is the Chairperson's responsibility to delegate the role of Secretary/Clerk. Additionally, it is the role of the Secretary/Clerk to keep accurate attendance records and to notify the Town Clerk and Board of Selectmen of the election or appointment of new members and/or alternates.
 - d. **The Treasurer** is responsible for acting as a liaison to the Town's Finance Director for the purpose of ensuring that expenditures of the committee fall within budgeted amounts and procedures as established by the Town.
 5. **Conduct of the meeting:** The Committee will make every effort to conduct its business in a professional and timely manner, ensuring that all representatives have the

opportunity to contribute to the meeting and that all sides of an issue are investigated to the best of the committee's ability.

6. **Quorum:** Every effort will be made by all committee members to attend all meetings of the committee. Teleconferencing is allowed as long as the member not in attendance can hear and participate in the discussion and all other requirements of RSA 91-A: 2 are complied with. The minutes should reflect that they participated by teleconference.
 - a. If a committee member misses more than 25% of the regular meetings within any twelve month period, the chair will inform the Board of Selectmen.
 - b. Quorum shall be determined by dividing the total number of members minus any vacant positions in half (rounding down), then adding one.
 - *Example #1, No vacant seats, 12 members: $(12/2) + 1 = 6 + 1 = \text{Quorum of 7 members}$.*
 - *Example #2, One vacant seat, 12 member committee: $(12-1)/2 + 1 = 5 + 1 = \text{Quorum of 6 members}$*
 7. **Sub-Committees: Upon approval of the Board of Selectmen,** Committees may establish sub-committees of the membership to further the goals and mission of the committee. The function of any sub-committee must adhere to the overall Committee's Charter. Any subcommittee created must report to the committee at regular meetings. **Sub-committees shall follow all rules of the full committee. Sub-committees cannot take a "binding: vote". They shall make recommendations to the whole committee that in turn can vote on the necessary action or recommendation.**
- E. **Compliance with Right to Know Law:** Committees and sub-committees shall comply with all requirements of New Hampshire's Right to Know laws found at RSA Chapter 91-A, including but not limited to requirements for meeting postings, open meetings, timely minutes, availability of records and electronic participation of members in meetings. All meetings open to the public shall be held in public buildings or facilities, unless the nature of the meeting dictates that it be held elsewhere; e.g. a site walk. Electronic communications pertaining to committee business, by a quorum of the committee, are prohibited by law.
- F. **Use of Town Facilities:** Town policy, as adopted by the Board of Selectmen, prohibits the consumption of alcoholic beverages or smoking on any town property and/or during any Town meeting. This policy also serves as the written regulations pertaining to smoking on Town property, as otherwise required by RSA 155:68; whereby all forms of smoking are prohibited within the interior and/or within one hundred (100) feet of any Rye municipal building, except for specifically designated exterior areas.
- G. **ANNUAL REPORT:** The Committee shall prepare an annual report in January detailing accomplishments during the preceding year.
- H. **ETHICS AND CONFLICTS OF INTEREST:** Each committee member is expected to act in a manner to maintain their integrity and independence and at the same time, be responsive to the interests and needs of the Town and Board of Selectmen.

1. Committee members shall understand their role as an advisory committee and respect the decisions made by the Selectmen.
2. Committee members will understand that the actions of their committee may interfere with, or be counter to, the actions of another committee of the Town. When this occurs, it is incumbent upon the committee members to properly discuss the issues arising from such conflict and be willing to accept the decisions made by other committees, and the Board of Selectmen as acting in the best interest of the citizens of Rye.
3. Committee members should conserve the resources of the Town in their charge. They should employ Town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
4. Committee and subcommittee members have an obligation to act solely in the interest of the Town. Where a potential exists for a committee or sub-committee member to influence the outcome of a matter in which he or she or his/her spouse, partner, child, sibling or parent has a direct personal and pecuniary interest, the committee or sub-committee member shall disqualify him/herself from participation in the matter under consideration.
5. It is the responsibility of committee members to disclose any prior or present criminal judgments, or professional misconduct actions to the Board of Selectmen. Failure to do so may result in removal of the person from the Committee.
6. All committee and sub-committee members shall sign the conflict of interest form as required by town vote on March 12, 2013

I. GROUNDS FOR REMOVAL OF A COMMITTEE MEMBER:

Serving on a committee is a privilege not a right. Committee members represent the Town in a variety of ways while serving their community. It is not the intent of the Board of Selectmen to deny the inherent Free Speech rights of community members serving on committees. However, the Board of Selectmen reserves the right to remove any individual from a committee at any time for any reason deemed by the Board to be in the best interest of the Town of Rye.

The process for removal of a Committee Member shall be as follows:

1. A Letter of Notice shall be sent to the committee member with a copy to the Committee, notifying of the intention for removal by the Board of Selectmen. The Letter of Notice shall contain the reason(s) relied on by the Board of Selectmen for the committee member's removal.
2. The committee member shall be served with the Letter of Notice by hand and by Certified Mail Return Receipt Requested.
3. The committee member shall have the right to request a hearing with the Board of Selectmen, in public or non-public session. The committee member's request for hearing must be received within fifteen (15) days of the delivery date of the Letter of Notice.

4. The Board of Selectmen shall vote accordingly at the hearing, after consideration of the findings. Should the committee member not request a hearing within the fifteen (15) days with the Board of Selectmen, the removal of said committee member will take place without further action by the Board of Selectmen on the sixteenth day after the date the Letter of Notice was served.

Examples that may lead to removal include, but are not limited to, the following:


- a. Excessive absences from committee meetings.
- b. Verbally or physically abusive behavior toward other committee members, the public or staff.
- c. Inability to work with others for the common good of the Committee and Town.
- d. Violations of the Ethics and Conflicts of Interest (Section I, above).
- e. Past or present criminal charges or judgments or professional misconduct actions.

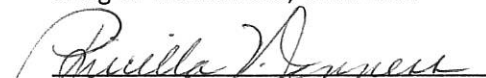
- J. **COMPLAINTS AGAINST COMMITTEE MEMBERS:** Committee members hold a position of trust and responsibility within the community. Complaints made regarding the actions or behavior of a committee member must be made in writing with as much detail as possible regarding the circumstances of the complaint. Complaints will be reviewed by the Town Administrator and reported to the Board of Selectmen for further action as necessary.

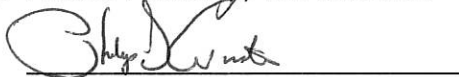
K. **DEFINITIONS:**

1. Ex-Officio: As defined under this Policy, an individual appointed to a committee, but not having the full rights and privileges to vote on matters of the committee.

Town of Rye Board of Selectmen


Craig N. Musselman, Chairman


Priscilla V. Jenness, Vice-Chairman


Philip D. Winslow, Selectman

Date 06/12/2017