

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 Select Board 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 (hereinafter referred to as a "Committee"), for which the Select Board has appointment authority 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 Select Board 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 Select Board. The Town of Rye does not discriminate on any basis, including gender, ethnicity, national origin, sexual orientation, marital status, socio-economic background, or any protected class status recognized under the law.

The following rules apply:

- a. At the expiry of its term, a seat on a Committee shall be considered to be "vacant".
- b. A resident seeking new appointment, seeking re-appointment, or seeking appointment as an alternate to the Committee shall send a letter to the Select Board requesting consideration. Such a letter shall identify the candidate's experience and qualifications to serve on said Committee. The Select Board may seek the recommendation of the Committee as to the candidates, and the Committee shall provide such a recommendation upon request. The consideration of any candidate by the Committee shall be conducted in a public session. A Committee shall, upon the request of any candidate who has submitted a letter to the Select Board and whose candidacy remains

outstanding, meet with a candidate to discuss that candidate's qualifications. Any recommendation provided by the Committee shall be non-binding on the Select Board. Both new and reappointment applications shall be considered by the Select Board, who will make the final determination of appointment.

- c. All Committee openings or vacancies shall be posted 30 days in advance of the Select Board's meeting at which the appointment is scheduled to be made. Said openings and vacancies shall be noticed on the Town of Rye's website.
- d. 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 Select Board. The Committee member's refusal to provide such a letter of resignation shall not preclude the Select Board from declaring the position vacant upon the member's failure to attend meetings as set forth in Section 6(a) of this Policy. 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.
- e. 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.
- f. If a voting member of a Committee leaves residence in the Town of Rye during their appointed term, they may serve out that term.
- g. Non-residents of the Town of Rye may be appointed as ex-officio, or non-voting members of any Committee.

E. FUNDING: The Town of Rye recognizes that citizens, non-profits and businesses may offer donations to the Committee, 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, grants, and other funds be approved by the Select Board 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 Select Board 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 SELECT BOARD APPOINTED COMMITTEES

- A. The initial term of any Committee established by the Select Board shall be determined by their charge or charter. Members of the Committee shall be appointed by the Select Board for terms consistent with the committee's established term. The number of members and criteria for membership shall be prescribed by the Select Board at the time the Committee is established.
- B. **COMPENSATION:** Committee members will not be compensated for their time while serving on the committee. Committee membership shall not be considered or construed as employment with the Town of Rye and shall be considered to be on a volunteer basis.
- C. **DUTIES AND RESPONSIBILITIES:** Any appointed Select Board's committee will have specific duties and responsibilities established by the Select Board 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 Select Board and yearly thereafter until the Select Board sunsets the Committee, if applicable. Annual Organizational Meetings shall take place at the first Committee meeting following the regular annual appointments to the Committee by the Select Board, provided that such meeting is at least ten days following the appointments by the Select Board.
 2. All committee meetings shall be open to the general public, shall be subject to RSA chapter 91-A and shall be held in an established public building, except as allowed by law.
 3. Each officer of a Committee shall be elected by the Committee to serve a one-year term which may be renewed by vote 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 the Select Board 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 ensure 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 in at least two public locations and the Town's website. The Secretary/Clerk shall be required to file and post Committee Meeting Minutes within five (5) business days of the meeting date on the Town's website and with the Town Clerk 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 Select Board 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 regular meetings of the Committee. Remote attendance (such as Zoom) is allowed as long as the member not in attendance can hear and participate in the discussion, a quorum of the Committee is physically in attendance at the meeting location, the member's physical attendance is not reasonably practicable, and all other requirements of RSA 91-A: 2 are complied with. The minutes should reflect that they participated remotely.

- a. If a committee member misses more than 25% of the regular meetings within any twelve-month period or 3 or more consecutive regular meetings, the Chair of that Committee shall inform the Select Board.

- 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: $(12/2) + 1 = 6 + 1 =$ Quorum of 7 members.*
- *Example #2, One vacant seat, 12-member committee: $(12-1)/2 + 1 = 5 + 1 =$ Quorum of 6 members*

7. **Sub-Committees: Upon approval of the Select Board,** 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, recording of

votes, 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. In order to facilitate compliance with RSA Chapter 91-A, each committee shall be provided with one Town of Rye email address to share, which shall be used for Committee communications. That Town-issued email address shall be accessible to all committee members; however, the Committee shall designate one individual that is authorized to send communications from said email address on behalf of the Committee. Only the designated Committee member may send communications from said Town-issued email address on behalf of the Committee. There shall be no expectation of privacy in any communications related to Committee business. Members shall not conduct Committee business using text message or social media messaging that are not readily capable of being saved or retrieved for the purposes of RSA 91-A. All communications, documents and information developed, provided or received by a Committee, including but not limited to contracts, drawings, letters, emails and financial information, shall be maintained at the Town offices and/or on the Town electronic servers, in common formats that are readily usable by the general public. Committees shall only meeting in a non-public session under those limited circumstances allowed under RSA 91-A:3.

- F. Use of Town Facilities:** Town policy, as adopted by the Select Board, 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 of each year 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 Select Board.
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 Select Board 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 in furtherance of the business of the Committee 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 or pecuniary interest, the committee or sub-committee member shall disqualify him/herself from participation in the matter under consideration. Should any Committee have a reasonable belief that a member of the Committee has a conflict of interest under this Section, that Committee may take a non-binding advisory vote on whether the Committee has a conflict of interest.
5. It is the responsibility of committee members to disclose any prior or present criminal judgments, or professional misconduct actions to the Select Board. 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 Select Board to deny the inherent Free Speech rights of community members serving on committees. However, the Select Board 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 Select Board. The Letter of Notice shall contain the reason(s) relied on by the Select Board for the Committee member's removal.
2. The Committee member shall be served with the Letter of Notice by hand or 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 Select Board 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 Select Board, the removal of said committee member will take place without further action by the Select Board 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. Violation of RSA chapter 91-A;
- e. Violation of any oath of office;
- f. Violations of any obligation or requirement of this Policy;
- g. Violations of the Ethics and Conflicts of Interest (Section I, above).
- h. 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 Select Board 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. Appointments of Select Board members to other committees or boards, governed by New Hampshire statute, will follow the rights and privileges outlined in the corresponding statutes for that particular committee or board.

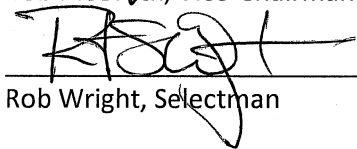
L. WAIVER: The Select Board may, within its discretion and for good cause, waive any of the procedural requirements set forth in this policy. Any such vote to waive the requirements of this policy shall be made in a public meeting.

Town of Rye Select Board

Bill Epperson, Chairman



Bob McGrath, Vice-Chairman



Rob Wright, Selectman

Approved by the Board of Selectmen at their meeting on June 12, 2017.
Amended by the Select Board at their meeting on April 2, 2024.