SELECTBOARD RULES OF PROCEDURE
TOWN OF LANCASTER, NEW HAMPSHIRE

Preamble:

The Citizens of the Town of Lancaster are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence for integrity. The Selectboard is the Executive and Administrative Body that has the only authority granted to it by State Law and carries out the votes of Town Meeting. In addition to specifically assigned roles and powers, the Selectboard has the broad duty to manage the prudential affairs of the Town. The Selectboard is to demonstrate the highest level of professionalism, leadership, and public service.

General Provision:

1. Residency Requirement

a. Every Selectboard Member shall be domiciled in the Town and shall cease to hold office immediately upon ceasing to be so domiciled.

2. Selectboard Meeting Location

a. Most regular meetings of the Town of Lancaster Selectboard shall be held at the Lancaster Town Hall, second floor, 25 Main Street, Lancaster, NH, unless the Selectboard adjourns to another location, or the meeting is scheduled for another location and is properly noticed.

3. Selectboard Meeting Time

a. Meetings of the Town of Lancaster Selectboard shall be held on the first and third Mondays of every month and begin at 6:30 p.m., unless otherwise noticed, or continued to a specific time and date.

4. Selectboard Meetings Open to the Public

a. All meetings of the Town of Lancaster Selectboard shall be open to the public, except as provided for by RSA 91-A.

5. Designation of Officers

a. Annually, at the first meeting of the Selectboard after Town elections, a Chair and Vice Chair shall be designated. The Chair shall be the Selectboard member who is beginning the third and final year of their term. The Vice Chair shall be the Selectboard Member beginning the second year of their term.

b. 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.

6. Presiding Officer

a. The Chair of the Selectboard shall preside at all meetings of the Selectboard, and be recognized as the head of the Town for all ceremonial purposes.

b. The Chair of the Selectboard 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.

c. The term "Presiding Officer", as referred to in these Rules of Procedure, shall mean the Chair or Vice Chair of the Selectboard, whomever is directing the responsibilities of the Board.

d. The Presiding officer shall preserve order and decorum, may participate in the discussion of any issue before the Selectboard, may submit reports and legislation to the Selectboard for its consideration which shall require both motion and second by Selectboard Members, may speak to points of order in preference to other Selectboard Members, and shall decide all questions of order or procedure, subject to appeal to the full Selectboard.

7. Duties and Privileges of Selectboard

a. Selectboard Members shall address the Board upon recognition of the Presiding Officer.

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

c. No Board Member shall be interrupted while speaking except by another Selectboard Member for a point of order.

8. Quorum and Voting

a. Two Selectboard Members shall constitute a quorum for the conduct of town business.

9. Selectboard Meeting Agenda

a. The Town Manager or any Board Member may place a matter on the agenda. All agenda items, including information, must be provided to the Town Manager or Selectboard Clerk by 12:00 PM on the Wednesday immediately preceding the Selectboard meeting for which it is to be presented.

b. The Town Manager shall arrange a list of such matters according to the order of business and the Selectboard Clerk shall prepare an agenda for the Selectboard. The Chair has a right to delay placing a requested item on the agenda until a vote of the board at the next meeting.

c. A copy of the agenda and supporting materials shall be prepared for all Selectboard

Members by 12:00 PM on the Friday immediately preceding a scheduled meeting of the Selectboard.

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

e. 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.

10. Order of Business

a. The business of all meetings of the Selectboard shall be transacted as follows; provided, however that the Presiding Officer may, during a Selectboard meeting and with the consent of the Board, rearrange items on the agenda to conduct the business before the Selectboard more expeditiously:

CALL TO ORDER
DEPARTMENT HEAD UPDATES
APPOINTMENT(S)
PUPLIC HEARING(S)
REVIEW OF MINUTES
NEW BUSINESS
OLD BUSINESS
SELECTBOARD MEMBERS'S REPORT
INFORMATION
PUBLIC COMMENTS
NON-PUBLIC SESSION
ADJOURNMENT

11. Town Manager

a. The Town Manager shall normally attend meetings of the Selectboard.

b. The Town Manager may take part in the Selectboard's discussion on all matters on the agenda, and all other matters concerning the welfare of the Town.

c. In the event the Town Manager is unable to attend a Selectboard meeting, the Town Manager may appoint another qualified person to attend the meeting.

12. Clerk of the Selectboard

a. The Selectboard's Clerk or designee shall attend all meetings of the Selectboard.

b. The Selectboard's Clerk shall take minutes and perform such other and further duties as

may be required by the Selectboard, Presiding Officer, or Town Manager.

c. In the event the Selectboard's Clerk is unable to attend a Selectboard meeting, the Town Manager shall appoint another qualified person to attend the meeting.

13. Validity

a. 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.

Duties and Privileges of Members:

1. Dissents and Protests

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

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

C. When Selectboard members are requested to speak to groups or are asked about the Board's position on an issue, the response should reflect the position of the Board as a whole. A Selectboard Member may clarify their vote on a matter by stating, "While I voted against X, the Selectboard 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 Selectboard's position as well as that of an individual member.

2. Rules of Order

A. The Presiding Officer shall resolve all issues of procedure for the Selectboard meetings.

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

C. At times when a motion is not required, the Presiding Officer 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.

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

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

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

3. Motions

A. Main Motions

i. 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.

ii. A main motion may be debated, amended and reconsidered after it has been seconded by a Board Member.

iii. Action may be tabled by a motion, second and vote. It may be either indefinitely tabled or tabled to a certain time. Either type of vote leaves it open to be 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.

B. **Subsidiary Motions**

i. 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), 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.

b. 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.

c. To amend (may be debated and reconsidered, but not amended). There may be only one amendment at a time under consideration.

4. Reconsideration and Recision

A. 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.

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

C. 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 Manager following the procedure for agenda setting in these rules

of procedure.

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

5. Suspension of Rules

A. 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.

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

6. Actions for a Public Hearing

A. The procedures for a public hearing are as follows:

i. 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 Selectboard.

ii. The Presiding Officer may call upon the Town Manager or other person(s) to describe the matter under consideration. This presentation shall not be under any time limit but should be concise and to the point.

iii. Each speaker, for or against the matter before the Selectboard for public hearing, shall identify himself or herself by name and address. Each speaker shall be limited to three (3) minutes and required to speak about the matter under consideration. The Presiding Officer has a right to forbid repetition among speakers. 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 Selectboard Members.

iv. 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 (3) minutes and required to speak about the matter under consideration.

v. During the hearing any Board Member shall be permitted to ask the speaker questions provided all questions are relevant to the matter before the Selectboard for Public Hearing. The Presiding Officer shall retain the right to determine the relevancy of any question.

vi. The Presiding Officer closes the public hearing.

vii. 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.

7. Public Comment Period(s)

A. Each speaker must first be recognized by the Presiding Officer, shall identify himself or herself by name and address, and shall stand and address the Board directly. Each speaker shall be limited to three (3) minutes. The total time allotted for a public comment period may be limited at the discretion of Presiding Officer.

B. Lancaster residents shall have priority during this period. Non-residents may be allowed to speak at the discretion of the Presiding Officer.

8. Audience Participation During Discussion Other Than Public Hearing and Public Comment

A. 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. This will be limited to comments on the motion under consideration.

9. Voting

A. The votes during all meetings of the Selectboard shall be transacted as follows:

i. 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.

ii. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice roll call vote.

iii. The order of the roll call vote shall be determined by the Presiding Officer.

iv. Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire.

v. At the beginning of the discussion of any topic, A Board Member shall announce the intention to recuse himself/herself and shall take no part in the debate should they feel that to participate, and vote would constitute a conflict. 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. The recused member shall not count for purposes of determining quorum.

vi. Every Board Member who is present at the meeting, other than those who have recused themselves under section v, may vote on the question before the Selectboard.

vii. A Board Member may abstain from voting on any question before them. Board Members who abstain are counted for purposes of determining quorum and the majority vote of the remaining members shall stand.

10. Ex Officio Member/Liaisons

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

11. Committees

A. Special Advisory Committees

i. Special citizen study committees may be created by the Selectboard for a particular purpose.

ii. Committee members shall be appointed by the Board.

iii. The committee shall appoint its own chair.

iv. 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.

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

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

vii. 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).

12. Nominations/Appointments

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

i. The person will submit a letter of interest to the Board. The Selectboard shall receive

comment from the Board to which the person is requesting appointment.

ii. 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 Selectboard Members present, the nomination is confirmed.

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

iii. 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 the Board Members 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 Selectboard 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 Selectboard.

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.

13. Enacted Ordinances and Resolutions

A. An enacted ordinance 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.

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

C. An enacted resolution is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Selectboard 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.

14. Resolutions

A. 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.

15. Ordinances

A. The procedure for ordinances are as follows:

i. An ordinance shall be introduced at a public meeting of the Select Board.

ii. At this meeting, the Select Board shall determine a future date for a public hearing.

iii. At the second meeting, the Select Board shall hold a public hearing as previously described and act upon the ordinance.

iv. The title of each ordinance shall in all cases be read prior to its passage and the Town Manager or other appropriate individual asked to give a summary of the ordinance, any change from prior ordinances and why the ordinance is before the Selectboard Members.

B. Emergency Ordinances.

i. The Town Selectboard may, without notice or hearing, adopt an emergency ordinance citing the reason for the emergency.

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

D. By affirmative motion, the Selectboard may assign the proposed ordinance to an existing or newly created committee.

E. The committee shall report its findings to the Selectboard.

16. Complaints and Suggestions to the Selectboard

A. When citizen complaints or suggestions are brought before the Selectboard, 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:

i. If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Selectboard finds such complaint suggests a change to an ordinance or resolution of the Town, the Selectboard may refer the matter to a committee or to the Town Manager for study and recommendation.

ii. 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 Manager, the Presiding Officer should then refer the complaint directly to the Town Manager for review and response to the citizen. The Selectboard may direct that the Town Manager brief or report to the Selectboard when his/her response is made.

Conduct with Other Selectboard Members and Staff:

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

2. The Selectboard, when dealing with the Town Manager and Town Staff, shall:

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

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

C. Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled with the Town Manager or under RSA 91-A at the Board level, usually in nonpublic session.

D. Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting.

E. Direct all questions of the staff to the Town Manager. The Town Manager should be copied on requests and discussions.

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

G. Not act individually but only as a Board. For example, all directives or requests to the Town Manager must come from the Board, not from any individual member, except that

an individual Selectboard member may make reasonable requests for information to the Town Manager. In such case, any information shall also be provided to the entire Selectboard.

3. The individual members of the Select Board:

   A. Do not, cannot, and shall not bind the Selectboard or the Town.

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

   C. 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 session.

   D. Shall refrain from communicating the position of the Town or the Selectboard 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.

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

4. 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.

5. Any violation of these Rules of Procedure shall be reported to the Board within five (5) days of the occurrence.

6. 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.

7. 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).

8. Civil Communication is exemplified by the following guidelines:

   A. Each member will listen with an open mind and with resilience.

   B. Each member will assume good intentions and motives from fellow participants.

   C. Each member will disagree about ideas, not about motives or personalities.

   D. As individual participants and as a group, each member will conduct a conversation that

is respectful, fair, and kind.

E. Each member will not interrupt, except to indicate that he/she cannot hear a speaker.

F. No one is required to speak but everyone has the right to speak. When in doubt, W.A.I.T. (ask yourself, Why Am I Talking?).

G. 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.

Approved 12/18/2023

Léon Rideout, Selectboard Chair

Kathy Jean Lavoie, Selectboard Member

Shane Beattie, Selectboard Member

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