



## **Town of Chester Selectboard Rules of Procedures**

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

#### **SELECTBOARD MEETING LOCATION**

- Most regular meetings of the Town of Chester Selectboard shall be held in Meeting Room #4 at Town Hall, 84 Chester Street, Chester, NH 03036 unless the Selectboard adjourns to another location, or the meeting is scheduled for another location and is properly noticed. Online web conferencing and audio platforms such as Zoom may be utilized in exigent circumstances.

#### **SELECTBOARD MEETING TIME**

- Meetings of the Town of Chester Selectboard shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month and begin at 6:00pm, unless otherwise noticed, or unless continued to a specific time and date. 5<sup>th</sup> Thursdays may serve as work sessions, when deemed necessary.

#### **SELECTBOARD MEETINGS OPEN TO THE PUBLIC**

- All meetings of the Town of Chester Selectboard shall be open to the public, except as provided for by RSA 91-A, the NH Right to Know Law.

#### **ELECTION OF OFFICERS**

- Procedures for electing officers are as follows:
  - Annually, at the first meeting of the Selectboard after Town elections, the members thereof shall choose from among their number a Chair and a Vice Chair.
  - In addition to the powers conferred upon the Chair and the Vice Chair, s/he shall continue to have all the rights, privileges, and immunities of a Selectman.
  - The above election shall be by a majority vote of the Selectboard. During the year the Board, by majority vote, may change the officers.



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### **PRESIDING OFFICER**

- 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.
- 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 absence.
- The Chair of the Selectboard 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 Selectboard, may submit reports and legislation to the Selectboard for its consideration which shall require both motion and second by other Selectmen, may speak to points of order in preference to other Selectmen, and shall decide all questions of order or procedure, subject to appeal to the full Selectboard.

### **DUTIES AND PRIVILEGES OF SELECTBOARD**

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

### **QUORUM AND VOTING**

- Three Selectmen shall constitute a quorum for the conduct of Town business.

### **SELECTBOARD MEETING AGENDA**

- The Town Administrator or any Selectman may place a matter on the agenda by contacting the Selectboard's Administrative Assistant by 12:00pm on the Thursday prior to the next week's meeting. Deviations from this deadline must be approved by the Chair of 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.



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- The Town Administrator shall arrange a list of such matters according to the order of business and the Selectboard's Administrative Assistant shall prepare an agenda for the Selectboard. This agenda shall be posted by close of business on the Wednesday before the meeting in the following four locations: on the bulletin board inside of Town Hall, in the glass case outside of Town Hall, on the bulletin board in the Post Office, and on the Selectboard's page on the Town website.
- Supporting documentation for matters placed on the agenda must be submitted to the Town Office by 8:00am on the Friday before the next week's meeting, to the attention of the Selectboard's Administrative Assistant. The agenda and all supporting documentation will be emailed to the Selectmen, and posted to the Selectboard's page on the Town website, by the Administrative Assistant by close of business on Friday afternoon.
- Folders containing a copy of the annotated agenda and supporting documentation shall be prepared for all Selectmen by the Administrative Assistant on the Thursday of a scheduled meeting of the Selectboard.
- Any comments by the public on topics on the agenda shall be limited to three (3) minutes per speaker. The Presiding Officer may extend that time at his/her discretion subject to an override by a majority of the Board. The Presiding Officer may also limit the number of speakers on a topic if in his/her opinion there is repetition, or a lack of additional relevant information being presented.
- The Presiding Officer may reserve time on the agenda for presentations to the Selectboard by private individuals or organizations as s/he 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.

### **ORDER OF BUSINESS**

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



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- CALL TO ORDER
- PUBLIC COMMENT
- APPOINTMENT(S)
- BUSINESS
- CONSENT AGENDA
- ANNOUNCEMENTS
- ROUNDTABLE
- POTENTIAL NON-PUBLIC SESSIONS
- ADJOURNMENT

### TOWN ADMINISTRATOR

- The Town Administrator shall normally attend meetings of the Selectboard.
- The Town Administrator may take part in the Selectboard'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 is unable to attend a Selectboard meeting, the Selectboard's Administrative Assistant shall attend the meeting.

### 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 SELECTMEN

### DISSENTS AND PROTESTS

- Any Selectman shall have the right to express dissent from or protest against any ordinance or resolution of the Selectboard.
- After the Selectboard has taken a position on an issue, official correspondence should reflect this position.
- When Selectmen 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 Selectman 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



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venues, it is important that those in attendance gain an understanding of the Selectboard's position as well as that of an individual member.

### RULES OF ORDER

- The Presiding Officer shall resolve all issues of procedure for the Selectboard meetings.
- A motion, second and voice vote shall be required on actions by the Board.
- At times when a motion is not required, the Presiding Officer should ask if there is consensus on an issue and, if there is no dissent, may declare that to be the consensus of the Board.
- 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 Presiding Officer can allow discussion to help clarify the issue and decide what the form of the motion will be.
- By a majority vote, the Selectmen may overrule any procedural decision of the Presiding Officer.

### MOTIONS

- MAIN MOTIONS:
  - 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.
  - A main motion may be debated, amended, and reconsidered after it has been seconded by a Selectman.
  - A proposed 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 the action open to 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



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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:
    - To adjourn (may not be debated, amended, or reconsidered), although the Presiding Officer may 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.
    - 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.
    - To amend (may be debated and reconsidered, but not amended). There may be only one amendment at a time under consideration.

### RECONSIDERATION AND RECISION

- Following the final vote on a question, any Selectman 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 Selectboard 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 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.



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### **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.
- A motion to suspend shall require a two-thirds vote of those present and voting. A motion to change the order of the current meeting's agenda shall only require a majority vote.

### **PUBLIC COMMENT PERIOD(S)**

- 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. Each speaker shall be limited to three (3) minutes. The total time allotted for a public comment period shall be a maximum of 15 minutes.

### **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 Selectboard.
  - The Presiding Officer may call upon the Town Administrator or other person to describe the matter under consideration. This presentation shall not be under the three-minute limit but should be concise and to the point.
  - 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. The Presiding Officer has a right to forbid repetition among speakers and to require the speakers to speak to the matter.
  - 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.



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- 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.
- During the hearing any Selectman 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.
- The Public Hearing should remain open for one (1) hour; after that time, if there is no further comment from the Selectmen or the Public, the Presiding Officer closes the Public Hearing.
- The Presiding Officer shall then inquire if there is a motion by any Selectman. 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 Selectmen. The Presiding Officer may call on an individual Selectman in the discussion. The Board may also delay a decision until a future meeting.

### AUDIENCE PARTICIPATION DURING DISCUSSION OTHER THAN PUBLIC COMMENT AND PUBLIC HEARINGS

- The Presiding Officer may, but is not required to, allow public participation during discussion of the Selectmen at times other than Public Hearings and Public Comment. This will be limited to comments on the motion under consideration.

### VOTING

- The votes during all meetings of the Selectboard shall be transacted as follows:
  - 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.
  - Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice vote.
  - Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire.





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- At the beginning of the discussion of any topic, a Selectman 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. A Selectman shall vote to abstain if s/he recuses him/herself from the discussion due to a conflict of interest.
- Every Selectman who is present at the meeting, other than those who have abstained, shall vote on the question before the Selectboard.

### EX OFFICIO MEMBER/LIAISONS

- The Chairman of the Board shall assign Selectmen 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 Selectmen sit as a liaison (nonvoting).

### COMMITTEES

- Working Groups:
  - Special study committees ("Working Groups") may be created by the Selectboard for a particular purpose.
  - Group members shall be appointed by the Board.
  - The Group shall appoint its own chair.
  - These Groups shall be established by a written document stating the specific purpose, mission, and goals/objectives that the Group is to achieve or attain and declaring that the Group is dissolved when these have been attained or by a date certain.
  - No request to the Town Administrator shall be made without a majority vote of the members of the Group. Requests for staff support shall be made to the Town Administrator. If there is a disagreement between the Group and the Town Administrator on use of Town resources, the Selectboard shall resolve the matter.
  - One Selectman, appointed by the Presiding Officer, may be appointed as a member and liaison of a Working Group.



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- Posting of meetings and minutes of Working Group meetings shall be recorded in accordance with RSA 91-A, the NH Right to Know Law.

### NOMINATIONS/APPOINTMENTS

- The procedure for nominating and appointing citizens to Town Committees (which shall include Boards and Commissions) shall be as follows:
  - The resident will show interest in the Committee by attending its meetings, the number of which is to be set by the Committee members. The Chairman of the Committee in question shall send a written request to the Selectboard's Administrative Assistant to meet with and appoint this person at the next regularly scheduled Selectboard's meeting.
  - Each Selectman shall have an opportunity to question the nominee regarding his or her qualifications.
  - The motion to appoint shall be made by a Selectman, and then seconded. Once seconded, a vote is taken.
  - Should the person so nominated receive the majority of votes from those Selectmen present, the appointment is confirmed.
  - 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.
  - A nominee receiving a majority of the Selectmen present and voting shall be deemed appointed and directed to meet with the Town Clerk to be sworn in.

### ENACTED ORDINANCES AND RESOLUTIONS

- 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.
- 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.



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- 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.

### RESOLUTIONS

- 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.

### ORDINANCES

- A Selectman may, in open session, request of the Presiding Officer that the Selectboard study the wisdom of enacting a particular ordinance.
- By affirmative motion, the Selectboard may assign the proposed ordinance to an existing or newly created committee. The committee shall report its findings to the Selectboard.
- The procedure for ordinance enactment is as follows:
  - An ordinance shall be introduced at a public meeting of the Selectboard.
  - At this meeting, the Selectboard shall determine a future date for a Public Hearing, if necessary.
  - At the second meeting, the Selectboard shall hold a Public Hearing as previously described and act upon the ordinance.
  - The title of each ordinance shall in all cases be read prior to its passage and the Town Administrator 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.
- Emergency Ordinances.
  - The Town Selectboard may, without notice or hearing, adopt an emergency ordinance citing the reason for the emergency.



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### COMPLAINTS AND SUGGESTIONS TO SELECTBOARD

- 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:
  - 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 Administrator for study and recommendation.
  - 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 Selectboard may direct that the Town Administrator brief or report to the Selectboard when his/her response is made.

### SECTION 3. CONDUCT WITH OTHER SELECTMEN AND STAFF

- 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.
- The Selectboard, 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. Concerns of employee performance shall be handled with the Town Administrator or under RSA 91-A at the Board level, usually in nonpublic session.



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- Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting.
  - Direct all questions of the staff to the Town Administrator. 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 Selectboard member may make reasonable requests for information to the Town Administrator. In such case, any information shall also be provided to the entire Selectboard.
- The individual members of the Selectboard:
  - Do not, cannot, and shall not bind the Selectboard or the Town.
  - Shall not conduct any Town business outside a regularly scheduled 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 session.
  - 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.
  - Shall treat with respect the rights of all members of the Board despite differences of opinion.
- 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.
- Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.



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- 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.
- 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).
- 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.
  - 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.
  - Each member will not interrupt, except to indicate that he/she cannot hear a speaker.
  - No one is required to speak but everyone has the right to speak.

*Adopted by vote of the Selectboard on the 23<sup>rd</sup> day of January, 2020, amended by vote of the Selectboard on this date, the 20<sup>th</sup> day of October, 2022, and amended by vote of the Selectboard on April 20<sup>th</sup>, 2023.*



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*Charles Myette*

*Charles F. Myette, Chairman*

*Steven M. Couture*

*Steven M. Couture, Vice Chairman*

*Stephen O. Landau, Selectman*

*Dana Theokas*

*Dana Theokas, Selectwoman*

*Richard S. Trask, Selectman*

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