

Committee Handbook



Town of Lyme, NH

March 2020

**GENERAL PROCEDURES FOR ALL COMMISSION, BOARD AND
COMMITTEE MEMBERS**

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Commission, Board and Committee Policies:

This handbook is for the use of all Town Board, Committee, and Commission chairs and members. It sets out the basic requirements of how meetings and discussions between members may be conducted. It is not, in any way, intended to be an alternative to “Roberts Rules of Order” or any other protocol established by a specific committee or NH State law. Rather, it is to ensure that all town governmental committees comply with the basic requirements of State legislation. The main State law covering this is RSA 91-A, generally known as the ‘Right-to-Know’ law.

[<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm>.] This law was revised effective July 1, 2008. It now has specific requirements regarding electronic communications. Please refer directly to this law for resolution of any specific question. * These requirements are equally applicable to committees and sub-committees.

The Handbook also covers the Town’s requirements for publishing minutes.

In this handbook, ‘committee’ is used as an encompassing word to cover all the different groups of official town government organizations, i.e. committee, commission & boards, and ‘email’ is a similar encompassing word covering all forms of electronic communication including, but not limited to telephone, fax, email, instant messaging, text messaging, twitter, web pages and blogs.

****As a general rule the State’s RSA website lags behind the legislation and is generally not updated until October each year. If checking the website for a specific RSA please ensure that there have not been revisions in the current legislative session.***

Roles & responsibilities of committee members:

Being a committee member is not only about attending meetings but about working with the other members of the committee to reach a consensus about the business before it.

Committee members should make decisions as a collective group. Collective responsibility entails all members supporting a decision a committee has made even though the individual member may not have voted in favor of it, or may have been absent from the meeting. Members are responsible for ensuring that all decisions are taken in the best interests of the Town.

- ✓ Make sure you have signed your oath of office prior to taking part in any official committee actions.
- ✓ Endeavour to attend all meetings, or send apologies to the chair for absences.
- ✓ Prepare for the meeting by reading the agenda, papers and any emails before the meeting.
- ✓ Arrive on time. Stay to the end.
- ✓ Participate fully in the meeting, listening to what others have to say, contributing positively to the discussion, and providing concise comments.
- ✓ If you believe you have a conflict of interest that may arise from the topic the Committee is addressing please make this known to all committee members.
- ✓ Fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting.
- ✓ Maintain confidentiality where required.

Public Meetings:

With a few specific exceptions, every committee meeting must be held in public. The exceptions are covered in RSA 91-A:3. All meetings must also be properly warned in advance. In general, warning is done by posting on the two town notice boards (front entry hall at Town Office building, Lyme Post Office) and on the town web site <http://www.lymenh.gov> . Those committees that have regularly scheduled meetings are warned by virtue of standard notices posted on the two notice boards specifying the regular day, time and location. Committees that have irregular meetings MUST ensure that the date, time and location are given to Selectboard staff in sufficient time that the staff may properly warn the meeting. Unless this is an emergency, town staff needs to be given 5 working days to publish the notices.

Emergency meetings may be held with shorter notice, but the chair of the committee must ensure that it is a genuine emergency and must ensure that as much notice as possible of the emergency meeting is given. In such a circumstance, means other than the regular notice boards, such as the Lyme Listserv, may also be used to notify the public. Emergency meetings may be undertaken electronically, but the law is very emphatic that the need for the emergency meeting must be a true emergency to justify this procedure.

There is also a difference between public meetings and public hearings. Public hearings require more specific notices, and may include town or district-wide mailings.

At public hearings members of the public are permitted to speak, but at public meetings the public may only speak if specifically recognized.

At all public meetings or public hearings anyone may use any form of recording device. Protocol calls for notifying the committee or

board chairperson before recording. The chairperson is responsible for notifying all attendees that the meeting is being recorded.

If one or more members of a committee cannot be physically present, then providing a quorum of the committee members is physically present, the non-present member may participate electronically; provided that the non-present member is able to participate in the entire meeting, and provided that the non-present member is able to communicate with everyone physically present at the meeting.

Non-Public Session Meetings:

If you believe that you must have a non-public session, then specify under which section of RSA 91-A: 3 you are entering the Non-Public Session (NPS) and the applicable reason(s). There must be a motion and a second to enter a Non Public Session, with approval by a majority roll-call vote. Please contact the Select Board's Administrative Assistant for guidance on holding a non-public session.

The significant permissible reasons for entering a NPS are:

- **91-A:3 II(a)** Dismissal, promotion, compensation, disciplining, investigation or hiring of any public employee
- **91-A:3 II(b)** Hiring of any public employee
- **91-A:3 II(c)** Matters that would adversely affect the reputation of a non-board member
- **91-A:3 II(d)** Buying, selling or leasing property if public discussion would give someone an unfair advantage over the town
- **91-A: 3 II(e)** Lawsuits either filed or threatened in writing against the town.
- **91-A:3 II(g)** Preparation and carrying out of emergency functions

The minutes of Non-Public sessions have to be made available to the public within 72 hours of the meeting, unless the minutes were voted to be sealed. In most cases, any action taken during a NPS is to be included in the public session minutes.

In some cases, the minutes of a NPS session may be sealed (not available to the public), but only with a two-thirds majority roll-call vote. There need to be very specific reasons for sealing the minutes.

Communication between Committee Members:

There is no prohibition on chance encounters or social gatherings. However, be very careful not to have any conversation that involves any committee, commission or board business.

An individual committee member may originate information and send it electronically to the committee chair, who may then forward it to individual members. Individual members may respond back to the chair. DO NOT 'REPLY ALL'. No follow-up communication is allowed.

Other than setting an agenda, arranging a meeting, and forwarding draft documents for review prior to a meeting, communication between members about business is not allowed to take place other than at a noticed public meeting.

The town cannot emphasize enough the risks involved in ignoring or circumventing this law.

Communication with Legal Counsel:

The Selectboard is ultimately responsible for any legal issues affecting the Town. As such, they are initially responsible for all contact with Town Counsel and the N.H. Municipal Association (NHMA) attorneys. Any Board or Committee needing to obtain legal advice must first obtain authorization from the Selectboard.

Only the Administrative Assistant, Zoning Administrator and Chair of the Selectboard are authorized by virtue of their positions to consult Town Counsel or NHMA attorneys at any time.

Communication from Boards and Committees:

Email announcements from officials, boards, and committees should be sent out with an official @lymenh.gov email address. The announcement should also include the standard email footnote referencing the inability of the town, official or committee to enter into an email discussion of the subject.

Send your message to assessing@lymenh.gov and it will be posted on the web and Lyme listserv.

This message is posted as a service to Lyme residents. Formal town information is posted on the town website www.lymenh.gov where residents may also sign up to receive direct email notification of postings.

The town has taken the position that, under the NH 'right-to-know' laws and the requirement to hold open, public meetings, town officials, committee members and employees may not discuss town business on this or any other electronic forums.

Meeting Minutes:

For regular meeting sessions, a draft version of the minutes must be available to the public within five business days. For non-public sessions, a draft version of the minutes must be available to the public within seventy-two hours, unless a two-thirds of the meeting members vote to seal the minutes.

Draft minutes need to be submitted as an electronic document to assessing@lymenh.gov within 5 business days. Draft minutes

should be circulated to the committee members prior to the fifth day so that any substantive changes can be noted.

After the minutes have been approved, the approved copy is to be submitted to assessing@lymenh.gov . Minutes will be posted to the Town web site after they are approved. A paper copy of both the public and non-public session minutes will also be kept on file in the Selectboard office.

All minute takers should sign the minutes electronically by using /s/ and your name at the end of the minutes.

Lyme ListServ:

Apart from the formal tools for noticing meetings and the use of mailings to provide additional information, there is an unofficial on-line email service/discussion group, the *Lyme Listserv*. The Lyme Listserv has approximately 600 subscribers and enables subscribers to post general community notices and have email conversations of general issues.

The town uses *Listserv* to disseminate information and provide notices as appropriate, but there are constraints on town use which are not necessarily apparent to the public.

Because of the issues regarding the 'Right-to-Know' law, officials, board and committee members are not to respond to any Listserv discussion of issues or comments made about their specific areas of responsibility on the Listserv, nor should they elaborate on published notices.

It is recognized that this can be very frustrating, when a subject relevant to a specific committee is discussed. The balance between free speech and openness to all is very hard to maintain

and in an environment where technology is continually ahead of the law, we all have to be aware of the inevitable constraints.

Town Website Email Notification:

Any one may subscribe to the Town's Email Subscriber option on the Town's home page, enabling receipt of notices and public agendas. This is a read-only option.

There are approximately 537 subscribers to the news and announcements town email service.

We encourage all committee members to subscribe to this service.

Because we also endeavor to send notices to the *Listserv*, it is likely that you will get duplicate copies of town notices; this is not an error, it is to ensure that information is disseminated as widely as possible. You should be aware that the Town Website notification is the official notice, the Listserv posting is a courtesy to residents.

Any and all communications sent out in e-mail form from Departments, Committees, Commissions and Boards must be made through an official town e-mail address. Please send your official message to assessing@lymenh.gov and it will be posted on the Town web site.

Notes:

Regular Board Meetings Schedule and Location, with effect from March 2020

Board	Day	Location
Selectboard	Thursdays 9:00am	Town Offices Meeting Room
Building Maintenance	2nd Tuesday 8:30 AM	Town Offices Meeting Room
Common Planning Committee	2 nd or 3 rd Tuesday 7:00PM	Town Office Meeting Room
Conservation Commission	1st Monday 7:30pm	Academy Building
Energy Committee	3rd Monday 7:30pm	Town Offices Meeting Room
Heritage Commission	4th Tuesday 7:00 pm	Academy Building
Library Trustees	1st Monday 7:00 pm September- June	Converse Free Library
Planning Board	2nd & 4th Thursday 7:00pm	Town Offices Meeting Room
Recreation Commission	4th Monday 6:00 pm	Town Offices Meeting Room
Trustees of the Trust Funds	3rd Thursday 4:30pm	Town Offices Meeting Room
Zoning Board of Adjustment	3rd Thursday 7:30pm	Town Offices Meeting Room

Other Boards and Committees are posted as necessary.