NHMA
NEW HAMPSHIRE MUNICIPAL ASSOCIATION
EST. 1941

VIRTUAL

WORKSHOP

# 2020 Local Officials Workshop

**Presented by:**

- **Stephen Buckley, Legal Services Counsel**
- **Natch Greyes, Municipal Services Counsel**

**April 7, 2020**

# Today's Presenters

*Stephen Buckley*
***Legal Services Counsel***

*Natch Greyes*
***Municipal Services Counsel***

nhmainfo@nhmunicipal.org / 800.852.3358 / www.nhmunicipal.org

# NHMA Local Officials *VIRTUAL* Workshop 2020

## AGENDA

9:00 am - Introduction – Steve Buckley, Tim Fortier

9:10 am - HealthTrust – David Salois

9:15 am - Covid-19 Issues

- Emergency Orders – Steve
- Town Meeting & Election Postponement - Steve
- Key Elements of EO#23 - Steve
- Health Officer Guidance - Natch
- Virtual Meetings and 91-A - Natch

10:30 am - Governance & Select Board Authority - Steve

11:45 am - Right-to-Know Law Meetings/Nonpublic Sessions – Natch

12:45 pm - Governmental Records – Steve

1:45 pm - Ethics - Natch

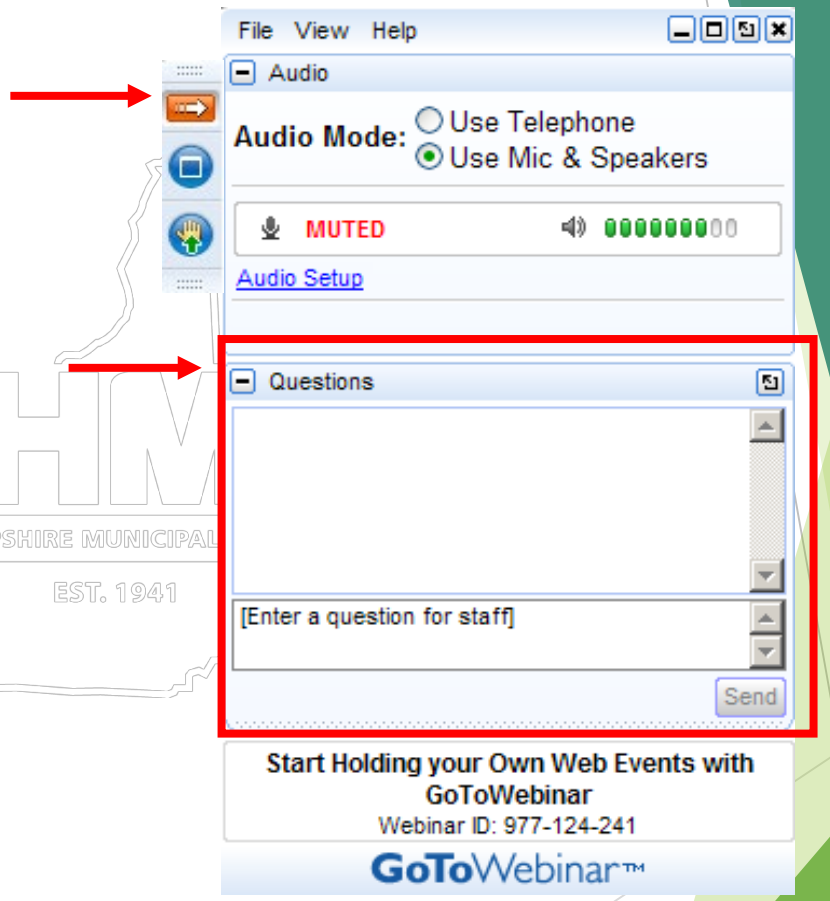
2:45 pm - Effective Meetings – Steve

3:45 pm – Final Questions, Upcoming Workshop Info

4:00 pm – Finish.

# How to Participate Today

- Open and close your panel
- Submit text questions
- Q&A addressed during the webinar session

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## *Thank You to Our Sponsors!*

HealthTrust

FREEDOM
energy logistics

HealthTrust

CELEBRATING 35 Years of providing employee benefits to New Hampshire public sector employees, retirees and their families

## Benefits You Can Trust

# Who is HealthTrust?

A nonprofit, public risk pool dedicated to serving our Members – the people who work in and govern New Hampshire's schools, towns, cities, counties and other public entities.

- *Exceptional service with a personal touch*
- *More than 70,000 NH public sector workers and their family members choose HealthTrust for their coverage*

## Our Board of Directors Represents You

*Chair:* **Cathy Ann Stacey**, Register of Deeds, Rockingham County

*Vice Chair:* **Daniel Rossner**, Business Administrator, SAU #48

**K. Jeanne Beaudin**, Town Administrator, Belmont

**Russell Dean**, Town Manager, Exeter

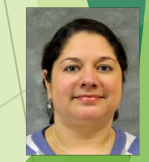
**James Fenn**, Chief Financial Officer, SAU #60

**Susan Hilchey**, Director of Human Resources, SAU #25 - Bedford Schools

**Brian Rapp**, Lieutenant, Claremont Fire Department

**Jill Sheing**, HR Payroll Coordinator, Strafford County

**Adam Steel**, Superintendent, SAU #39

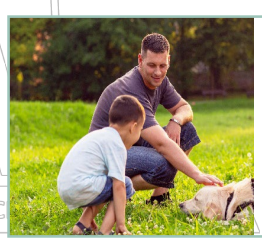


**Sarah Trahan**, Social Studies Teacher, Winnacunnet High School

# Why HealthTrust?

- Medical, Dental, Life, Long & Short Term Disability
- Quality, cost-effective, comprehensive benefit pl
- Benefit Advantage – HRA & FSA Administration
- Innovative programs – including *Grand Rounds*
- Enrollee Services Center
- Slice of Life Wellness Program
- Secure Enrollee & Member Portal
- HealthTrust Mobile
- Transition Care & Survivor Care

**53,247**
TOTAL MEDICAL COVERED LIVES



**25,883** TOTAL MEDICAL ENROLLEES

**17,993** ACTIVE
*5,684 SINGLE; 4,628 TWO-PERSON; 7,585 FAMILY*

**7,890** RETIREES *(Early Retirees + MC3)*

*As of January 1, 2020*

Anthem BlueCross BlueShield
CVS caremark
DELTA DENTAL
Onlife HEALTH
ConvenientMD URGENT CARE
GRAND ROUNDS
LifeResources EMPLOYEE ASSISTANCE PROGRAM
SmartShopper
NATIONAL INSURANCE SERVICES

# For additional information

David Salois
Member Relations Representative,
HealthTrust

Telephone 603.230.3382
or
Email Dsalois@HealthTrustnh.org

# Thank you!

# Today's Agenda

## COVID-19: What You Need to Know

- Emergency Orders & Covid -19
- Town Meeting Postponement
- Local Health Officer Authority
- Virtual Meetings

## General Governance & Select Board Authority

## Right-to-Know Law

- Meetings & Nonpublic Sessions
- Governmental Records

## Ethics

## Running Effective Meetings

# COVID-19 Effects on Gov't

- Governor declared State of Emergency on March 13, 2020.
- Governor prohibited gatherings of 10 or more people on March 23, 2020.
- Governor issued closure of non-essential business and stay at home order on March 26, 2020.
- Governor issued Emergency Order #23 on April 1, 2020, impacting municipal operations.
- CDC & Department of Health & Human Services (DHHS) guidance encourages "social distancing."
  - "[r]emaining out of crowded public places where close contact with others may occur, such as shopping centers, movie theaters, stadiums, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible."
- CDC & DHHS also recommending that those 60 years or older stay home and avoid exposure to public locations as much as possible.

# COVID-19 Effects Cont.

- Events rapidly unfolding on an international, national, and state scale.
- We anticipate that there may be future Executive Orders which will impact the functioning of municipal government.
- We anticipate that the legislature may be addressing some issues which have arisen as municipalities have worked to ensure the safety of their officers, employees, and citizens.
- NHMA providing updates at: https://www.nhmunicipal.org/covid-19-resources
- Check the State of NH Emergency Order Page: https://www.governor.nh.gov/news-media/emergency-orders/index.htm

# Emergency Orders & Covid-19

- EO 2020-04, Governor Sununu invoked his powers under RSA 4:45 and 4:47, including additional temporary orders, directives, rules, and regulations.
- The Governor has the power to make, amend, suspend, and rescind necessary orders, rules and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control. RSA 4:47, III.
- RSA 21-P:45 expressly authorizes the governor to enforce emergency orders, while RSA 21-P:47 sets forth the penalty for failure to comply with emergency orders issued pursuant to RSA 4:45.
- Superior Court ruled on 3/25/20 in *Binford et al v. Sununu*, Merrimack Superior Court, Docket # 217-2020-CV-00152 that the prohibitions on gatherings of 50 or more people contained within Emergency Order #2 are constitutional.

# Emergency Orders of Immediate Concern to Municipalities

- EO#2 Prohibiting Gatherings of 50 or more people: https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-2.pdf
- EO#12 Temporary Modification of Public Access to Meetings Under RSA 91-A: https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-12.pdf
- EO#16 Temporary Prohibition on Scheduled Gatherings of 10 or More Attendees: https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-16.pdf
- EO#23 Temporary Modification of Municipal & Local government Statutory Requirements: https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-23.pdf
- EO#26 Extension of Emergency Orders 2, 6 and 16: https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-26.pdf

# Emergency Order #23 and You – Remote Operations

***Electronic Transactions:***

- Use non-contemporaneous public body signature procedures mirroring RSA 41:29, I (a)
- Use electronic signature, such as facilitated in Adobe Acrobat DC

***Transition to Phone, Online or Limited Appointment Delivery of Service:***

- Transition to allowing for applicants for vital records, welfare and other municipal services to apply online, via email, phone or other accessible manner, and, provide notice of how to apply at conspicuous place at town hall if town hall is closed.
- Allow reasonable flexibility when seeking documentation from welfare applicants.
- Administration of Oaths of Offices can be handled remotely, See, EO#23, ¶ 9 (a-f)

# Emergency Order #23 and You – Procedures

***Mandated Meetings & Deadlines, Extension:***

- Any mandated meetings for public bodies under statute, local ordinance or charter are deemed waived, such as the monthly meetings required by the planning board under RSA 673:10, II
- Municipalities are relieved from statutory deadlines, including but not limited to:
  - Timely planning board and ZBA action under RSA 676:4 and RSA 676:7 respectively.
  - Deadlines for conducting inspections for permits and building code and fire code compliance.
- Construction in the absence of building permits & inspections
  - For municipalities with state building & fire code enforcement under 674:51 that have stopped issuing build permits, contractors in those communities may continue construction operations with client permission without permits or inspections provided completed work is documented by photo and video. See EO#2, ¶6.
- Either by custom and practice, or as provided in the Board's rules of procedure, the chair of a public body can cancel a meeting due to exigent circumstances, as is the case with the Covid-19.

# Emergency Order #23 and You – Budget Issues

- If the business meeting or official ballot voting day was postponed, towns are not required to repeat statutory hearings, including those for bonds in excess of $100,000 pursuant to RSA 33:8-a.
- Emergency expenditure procedures under RSA 32:11 modified:
  - The public hearing requirement under RSA 32:11, I is waived.
  - DRA must review and notify municipality on whether over expenditure authority is granted within 2 business days.
- Although no direct relief to NH municipalities will be delivered by the Coronavirus Aid, Relief, and Economic Security Act, in the event resources in that act are made available to local government through the State of NH, municipalities must track their Covid-19 related expenses.
- Local government is eligible for reimbursement from FEMA for eligible costs incurred during the response to and recovery from the COVID-19 Pandemic. More details are available at https://www.nhmunicipal.org/sites/default/files/uploads/documents/fema-3445-em-nh_covid-19_-_public_assistance_qa.pdf

# Town Meeting – Postponement

- Based upon statements from the Attorney General and Secretary of State moderators are justified postponing the business meeting of a traditional town meeting, and postponing the second or voting session of an SB 2 town meeting, because the COVID -19 pandemic is an “emergency” that renders the use of the meeting location unsafe.

- A scheduled SB 2 deliberative session or business session of a traditional town meeting can be postponed at anytime after consultation with local officials and arranging a new date and time for the postponed meeting

# SB 2 Town Meeting Postponement Issues

- Under RSA 40:4, II (c) when an SB 2 deliberative session is postponeed this shall not delay the deliberative session more than 72 hours.
- Due to the continuing limitation of gatherings greater than 10 people, the moderator would plan on a series of 72 hour postponements until at least May 4th when at the earliest Emergency Order #16 is scheduled to expire.
- When the moderator first postponed the deliberative session s/he would also announce that the official ballot voting day, or the second session of the SB 2 town meeting, would also be postponed.

# Official Ballot Voting Day Postponement

- When the moderator first postponed the deliberative session s/he would also announce that the official ballot voting day, or the second session of the SB 2 town meeting, would also be postponed.
- However, the official postponement action by the moderator could not be undertaken until the day before the scheduled official ballot voting day in order to comply with RSA 669:1, V(c).
- Thus, for a May SB 2 town meeting the moderator's postponement of the official ballot voting day would be declared on May 11, 2020, after consultation with local officials, with required notification of the Secretary of State within two hours of the decision.

# Authority of Local Health Officers: *Generally*

DHHS is lead authority on health issues involving Covid-19. RSA 141-C:3-:4.

Local Health Officers act in a support role to DHHS.

Local Health Officers shall report individuals who they know or believe to be afflicted with a communicable disease, including Covid-19, to DHHS. RSA 141-C:7.

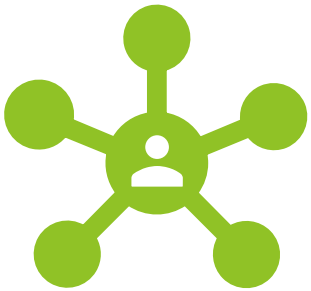
# Local Health Officers, Quarantines & Public Events

- Local Health Officers may **NOT** order isolation or quarantines independent of DHHS. RSA 141-C:11-:12.
  - However, Local Health Officers may be asked by DHHS to assist with isolation or quarantines. RSA 141-C:5.
  - DHHS will notify local health officers if DHHS feels it is appropriate to extend isolation or quarantine authority to local health officers. RSA 141-C:12.
- Local Health Officers may **NOT** order that public events be cancelled. RSA 141-C:16-b.
  - Only the Commissioner of DHHS via written order, with written approval of the Governor, may cancel public events. RSA 141-C:16-b.
  - However, municipalities may always cancel their own events.

# Local Health Officers, Closing Buildings & Health Codes

- Local Health Officers may **NOT** order that buildings be closed and/or decontaminated due to Covid-19. RSA 141-C:16-a.
  - Only the Commissioner of DHHS, via written order, with written approval of the Governor, may order the closure and decontamination of any building for purposes of communicable disease only. RSA 141-C:16-a.
- Local health officers **do** have a leadership role in certain State health laws and local codes relating to rental housing standards, health nuisances, and certain health inspections –
  - RSA 128:5 – Pertaining to sanitary investigations;
  - RSA 48-A:8, I – Pertaining to housing standards;
  - RSA 147:3 – Pertaining to health "nuisances."

# Virtual Meetings, Part I



- Emergency Order #12 waived the provision of RSA 91-A, III(b) requiring that a quorum of a public body be physically present unless immediate action is imperative.
  - In other words, meetings can be conducted entirely remotely now.
- Emergency Order #12 does require that any remote meeting have a telephonic connection for the public.
  - Other technological options are encouraged:
    - Conference call lines;
    - Streaming services;
    - Etc.
- Promote available technological options as well as access information in all notices of meeting.
- Chair should clearly and succinctly explain process at beginning of meeting –
  - E.g. Public comment period and how that will work.

# Virtual Meetings, Part II

- Boards participating remotely must still:
  - identify the reason why the in-person attendance of any remote board members is not reasonably practicable in the minutes of the meeting;
  - identify any persons present in the location where the board member is calling from; and
  - take all votes by roll call.
- In addition, there must be a mechanism for the public to alert the public body during the meeting if there are problems with access.
  - Intended to allow the body to know whether there is an issue with the conference call overall, not an issue with the public just hearing a particular speaker.
- The meeting must be adjourned if it is determined that the public is unable to access the meeting, e.g. the conference call software stops functioning.

# Governance & Select Board Authority Chapters 1 – 4

# Types of Governmental Entities

- Cities
- Towns
- Village Districts
- School Districts
- Counties
- Intergovernmental Agreements

# Authority of Towns & Cities

## Chapter 1

- No Home Rule
- RSAs
- Admin. Rules
- Case Law
- Preemption

# Separation of Powers

# Town Meeting is Legislative Body

Voters = Legislators

Traditional v. "SB2"

# Town Meeting Authority

- Elects town officials
- Adopts ordinances & budget
- Petitioned warrant articles

# Checklist for Adopting Ordinances

- Authority
- Preemption?
- Who votes/adopts?
- Procedure
- Enforcement

# Select Board is Governing Body

- Select Board must act as a Board
- May have a 5 - member Board

# Select Board Essential Authority

Executive, managerial, administrative body

Calls annual meeting and posts warrant, RSA Chapter 39

Manages prudential affairs, RSA 41:8

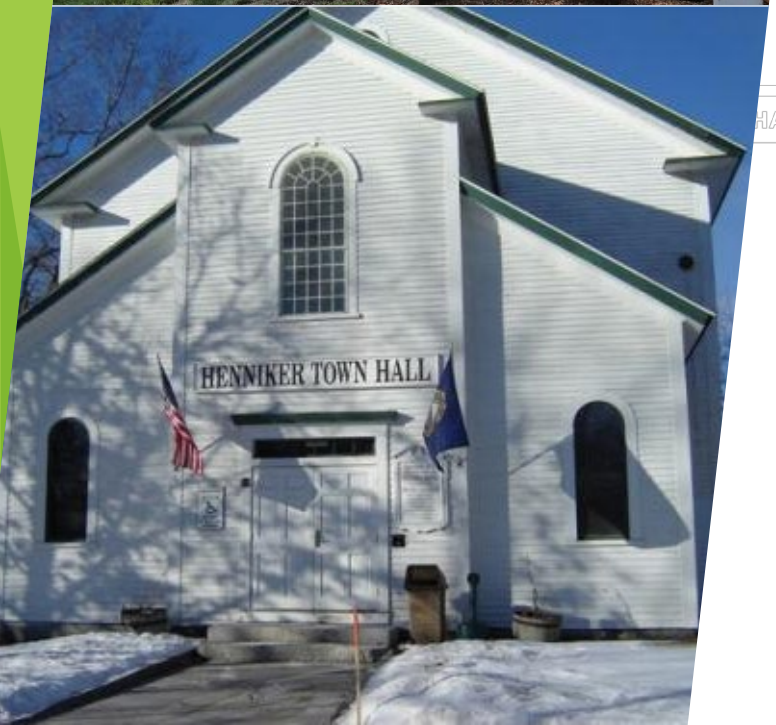
Has financial responsibilities/duties

- Presents budget
- Expenditures, RSA 41:9
- Financial duties, RSA 41:9

Manages public property, RSA 41:11-a/41:14-a

Regulates town highways, RSA 41:11

Manages employment




# Town Administrator

# v.

# Town Manager

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# Supervisory Authority Over Certain Key Officials

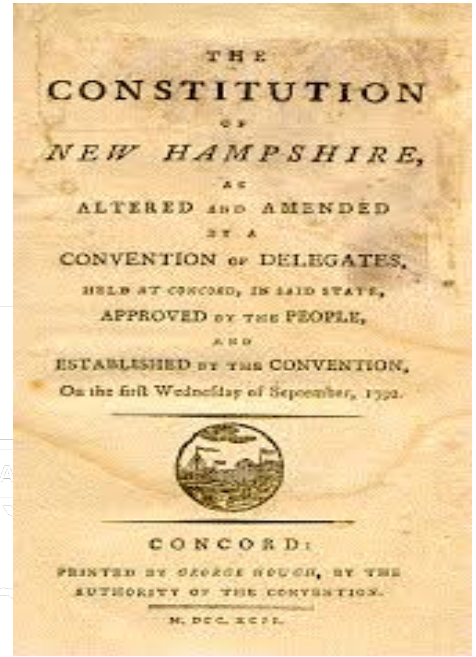
- Road Agent
- Appointed Police Chief
- Appointed Fire Chief

# Select Board Relationship with Other Elected Officials, Generally

- No Interference
- Cooperation
- Statutory Term and Duties

# The Right-to-Know Law
# RSA Chapter 91-A

PART I, ARTICLE 8 OF THE NH Constitution: Government … should be open, ….


THE
CONSTITUTION
OF
NEW HAMPSHIRE,
AS
ALTERED AND AMENDED
BY A
CONVENTION OF DELEGATES,
HELD AT CONCORD, IN SAID STATE,
APPROVED BY THE PEOPLE,
AND
ESTABLISHED BY THE CONVENTION,
On the first Wednesday of September, 1792.
CONCORD:
PRINTED BY GEORGE HOUGH, BY THE
AUTHORITY OF THE CONVENTION.
M, DCC, XCII.

SECTION 1 OF RSA 91-A:

The purpose of this chapter is to ensure both the greatest possible public access to the **actions**, **discussions** and **records** of all public bodies, and their accountability to the people.

# Governmental Meetings & The Right-to-Know Law

# What is a Public Meeting?

## RSA 91-A:2

- Quorum
- Public body
- Convenes so that they can communicate contemporaneously
- To discuss or act upon a something over which the public body has supervision, control, jurisdiction, or advisory power

# What is *not* a "Meeting"?

## (i.e. "non-meeting")

- Social or other encounter, no decisions
- Collective bargaining
- Consultation with legal counsel
- Circulation of draft documents
- ***Different than nonpublic session!***

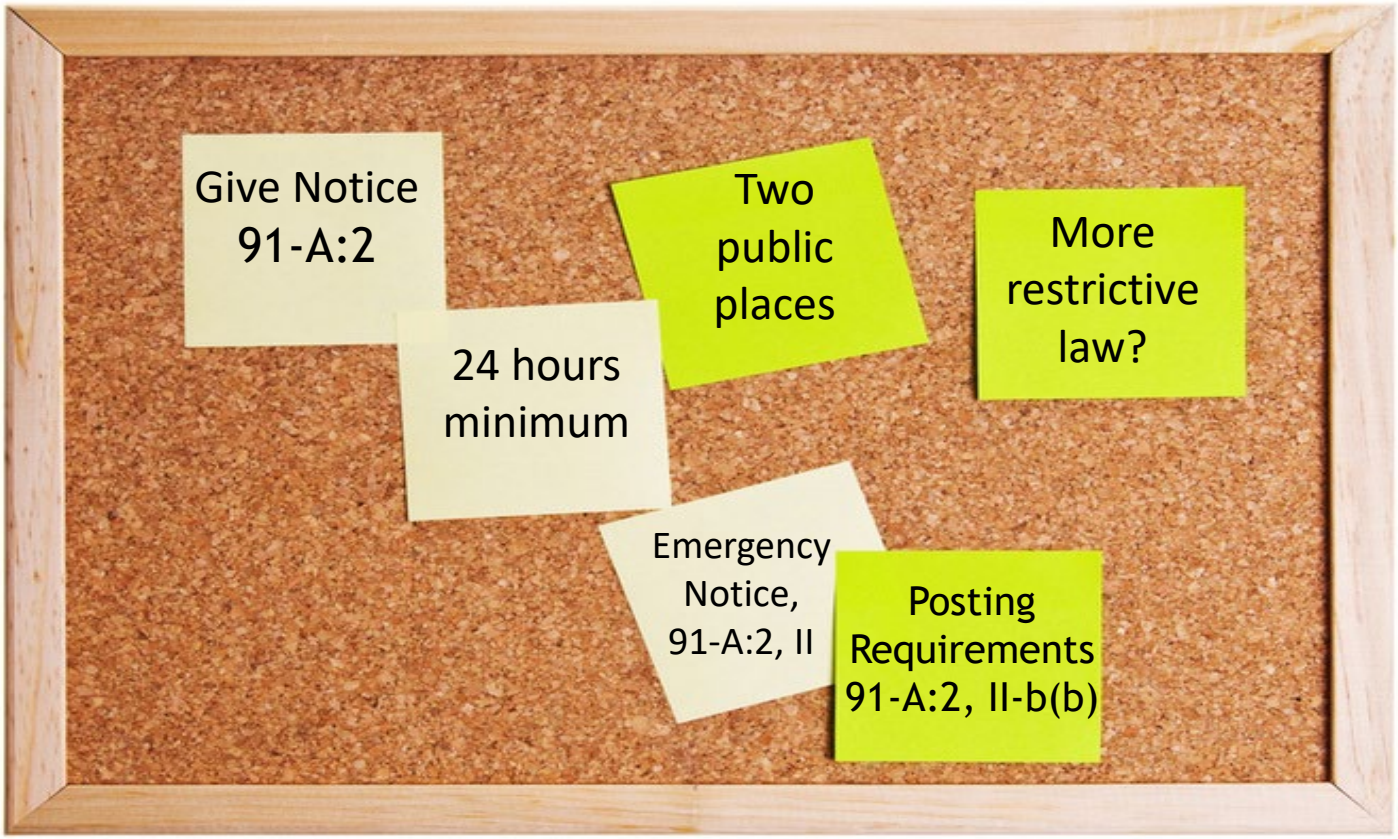
# What are the requirements of a public meeting?

Public notice

Open to the public

Meeting minutes

# "Posting Requirements"



# "Emergency" Notice Requirements

- "Emergency": a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body.
- That presiding officer shall post a notice of the time and place of such meeting as soon as practicable.
- Further, the presiding officer shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.
- "Emergency" meetings do not require 24-hour notice posted in 2 public places but should provide as much notice as practical.

# Ordinary Procedures: Meetings "Open to the Public"

- "All meetings . . . shall be open to the public." RSA 91-A:2, II.
- "Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting."
- Public's has right to record, etc.
- No secret ballot voting
- Public Comment?

# Avoid Temptation to Use Inaccessible Technological Options During Pandemic

Remember that fundamental principal of RSA 91-A is to allow the public access.

Text messages, emails, and other electronic means of communication which excludes the public should not take the place of publicly accessible meetings.

As much as possible, government should try to maintain normalcy during this abnormal time.

# Nonpublic Sessions
# RSA 91-A:3

It's a nonpublic session, not a nonpublic meeting

A nonpublic session is different from a "non-meeting"

Nonpublic session is the exception, not the rule

Nonpublic sessions are permitted, not required

Boards meeting remotely should consider technological options for holding nonpublic sessions: e.g. starting a separate call

# When May a Public Body Enter Nonpublic Session?* RSA 91-A:3, II

- Public employee (specific employee)
- Hiring
- Reputation
- Real or personal property
- Lawsuits
- Emergency preparation
- Discuss legal advice
- Discuss student tuition contract

*Most common, but not complete list

# Entering Nonpublic Session for COVID-19

- RSA 91-A:3, II(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
  - Conversation must focus on *deliberate act* that is being thwarted.
  - Basic conversation about Covid-19 does not qualify – Virus will not change its spread based on knowing what the government is planning.
  - However, news reports have indicated that known infected have purposefully evaded quarantine. Planning for that *may* qualify.

# How Does a Public Body Enter Nonpublic Session?

## RSA 91-A:3, I

Motion to enter nonpublic session must be made and seconded.

Motion must state on its face the specific exemption relied upon.

Vote must be by roll call; simple majority is sufficient. RSA 91-A:3, I(b).

# Disclose or Seal?

Minutes must be publicly disclosed within 72 hours unless board determines, by 2/3 vote taken in public session, that:

- Disclosure would have adverse effect on reputation;
- Disclosure would "render the proposed action ineffective"; or
- Discussion in nonpublic session pertained to terrorism.

# Governmental Records & The Right-to-Know Law

# GOVERNMENTAL RECORDS

STEP 1: Is it a *Governmental Record*?

STEP 2: Is the record exempt from disclosure?

STEP 3: Make available non-exempt records.

# Is it a Governmental Record?

## RSA 91-A:1-a

**Any information**

- created
- accepted, or
- obtained

**By, or on behalf of,**

- any public body, or a quorum or majority thereof or
- any public agency

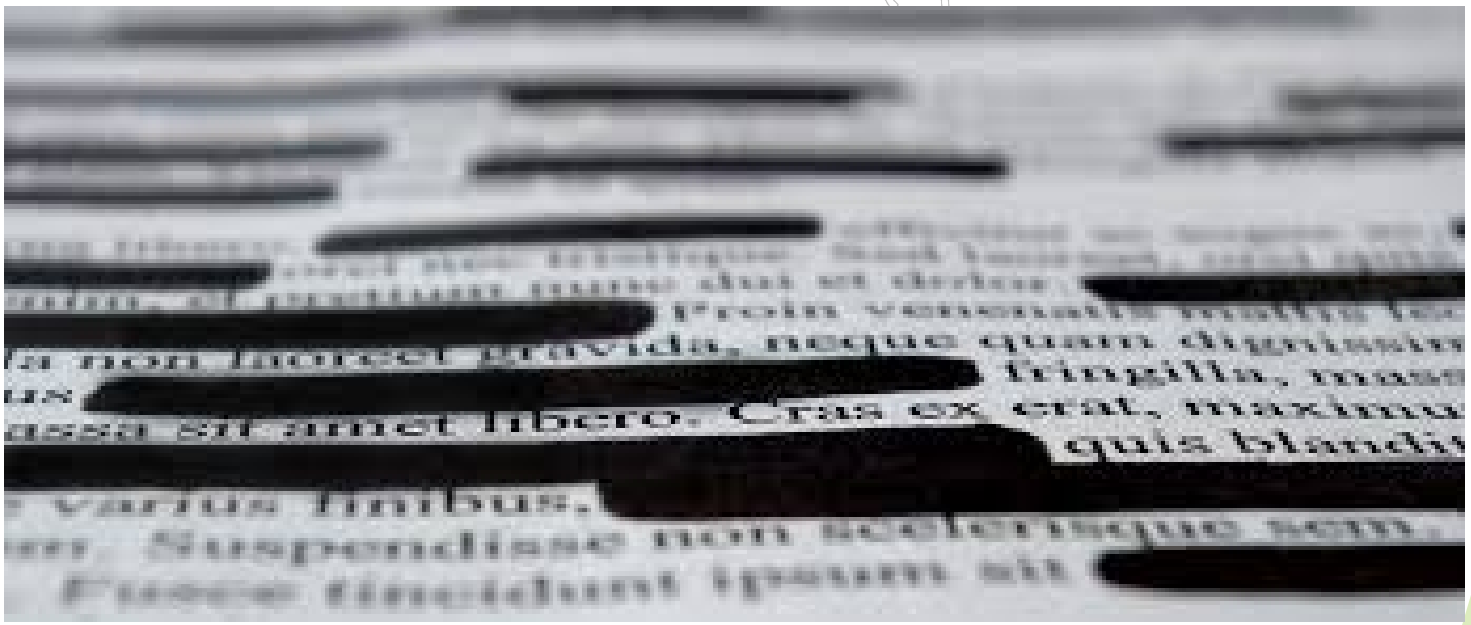
**in furtherance of its official function**

# Exemptions to Disclosure of Governmental Records

**General Standards Governing Exemptions – RSA 91-A:5**

- RSA 91-A:5 provides a list of records categorically exempt from disclosure; master jury list or teacher certification records.
- Some statutory exemptions require detailed analysis, such as records whose disclosure would constitute invasion of privacy.
- The Right-to-Know Law's purpose is to provide the utmost information to the public about what its government is up to. If disclosing the information does not serve this purpose, disclosure may not be required.
- When a public body or agency seeks to avoid disclosure of material under the Right-to-Know Law, that entity bears a heavy burden to avoid nondisclosure.

# REDACT EXEMPTED INFORMATION



# Drafts & Notes

## Preliminary Drafts – RSA 91-A:5, IX –

- "[N]ot in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body."

## Personal Notes – RSA 91-A:5, VIII –

- "Any notes or other materials made for personal use that do not have an official purpose are exempt from disclosure."

# Mandated Access to Certain Records

Employee separation payments if in addition to regular salary, or accrued vacation or sick time – 91-A:4, I-a

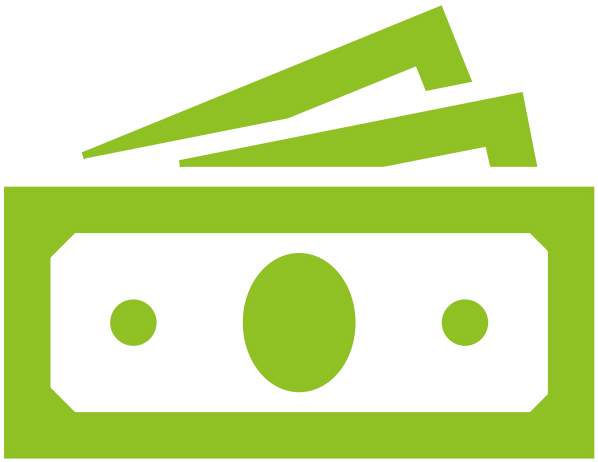
Meeting minute raw materials available after completion of public meeting – 91-A:4, II

All lawsuit settlements on file with town clerk and available for public inspection for 10 years – 91-A4, VI

# Basics of Record Production

- Records must be provided immediately ***only*** when they are immediately available for release. (But not under E.O. #23!)
- RTK ***does not*** give citizens the right to review records in any quantity and wherever kept immediately upon demand.
- Requiring appointment to review records is permitted.
- Explanation of why records are not immediately available is unnecessary (but must provide *something* within 5 days).
- RTK does not require document "compilation."

# No flat fees!



- **ONLY**
- **REASONABLE FEES ARE ALLOWED!**
- RSA 91-A:4, IV

# We have 5 days…

*…right?*

# "Something" w/in 5 Days

- As of Jan. 1, 2020, municipalities must:
  - Provide a written statement of time necessary to determine whether request granted or denied; AND
  - *Provide a reason for the delay*!
  - Amendment to RSA 91-A:4, IV – HB 396 – 2019 NH Laws Chapter 107
- NHMA Suggestion for Reason for Delay –
  - Need time to determine whether or not record exists;
  - Need time to determine whether it is disclosable;
  - If disclosable, need time to determine how much time it will take to make the requested records ready for review or copying.

# Production of Electronic Records

- Green v. SAU #55: Electronic Records Produced Electronically.

- 91-A:4, IV: . . . . No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

- Taylor v. SAU #55: School Administrative Unit's policy requiring use of a thumb drive to produce electronic records was valid under The Right-to-Know Law.

# How are violations of RSA Chapter 91-A enforced?

No enforcement agency

“Aggrieved person”

Lawsuit

RSA 91-A:7, :8

# Records Retention

*RSA 33-A:3-a* contains 156 categories of records to be retained.

Records retained for the prescribed period.

Once the retention period has expired records may be discarded, but if still available must be produced.

# Main Takeaways

Every citizen can request records. *

The record request must be “reasonably described.” RSA 91-A:4, IV.

Any search for records must be reasonably calculated to uncover relevant documents.

There is no obligation to compile, cross reference or assemble records.

Requiring a citizen make an appointment to review records is permitted.

When denying access provide written reasons.

Redact exempt information

Reasonable fees allowed

Is it really deleted? RSA 91-A:4, III-b

# Ethical Issues, Incompatibility of Offices & Conflicts of Interest

# What are "ethics"?

Conflicts of Interest

v.

Incompatibility

# Incompatibility of Offices

## RSA 669:7

# Legislative v. Quasi-Judicial

- Widely felt
- Policy decisions
- Must act in public's interest, but don't need to be "indifferent"
- Decision invalidated if deciding vote

- Affects rights of specific petitioner
- Notify & hear parties
- Weigh evidence
- Must be indifferent
- Decision invalidated

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# Avoiding Conflicts

- Recusal, not abstention
- Advisory Vote, RSA 673:14, II
- Alternates, RSA 673:14
- Proceeding without a full board
- Disclosure to parties

# Local Conflicts Ordinances: RSA 31:39-a

- Apply to officials and employees
- Require financial disclosures
- Stricter incompatibility of offices
- Adopted by town meeting
- Not exempt from 91-A
- Superior court removal for violation

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# Effective Meetings

# Preparation for Meeting

- Do you have rules of procedure? Chair's role
- Agenda
- Circulate materials in advance
- Read packet, think about comments and questions in advance
  - No discussions prior to/outside meeting!

# Rules of Procedure Basic Content

- Regular Meeting Day, Time & Location
- Annual Election of Officers
- Authority of Presiding Officer/Chair
- Duties & Privileges of Board Members
- Quorum & Voting
- Agenda for Board Meetings

# Rules of Procedure Basic Content (cont.)

- Order of Business at Board Meetings
- Meeting Procedure and Decorum
- Procedures for Public Hearing, Public Comment
- Right-to- Know Law
- Committees/Liaisons/Appointments
- Enactment of Ordinances, Resolutions & Motions

# Conducting the Meeting

BE AND START ON TIME

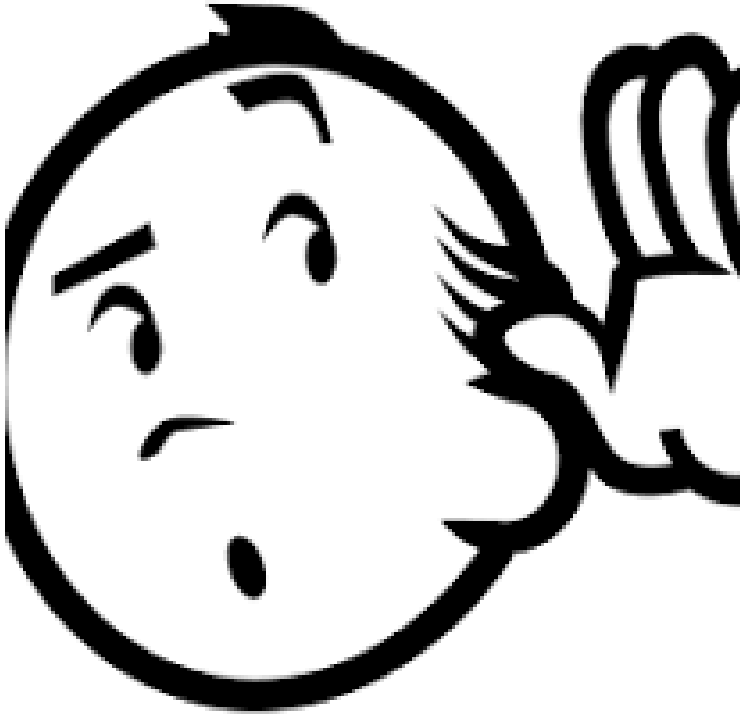
CHAIR'S RESPONSIBILITIES

APPLY RULES OF DECORUM EVENLY

ELECTRONIC MEDIA DURING MEETING

DON'T FORGET THE MINUTE-TAKER

- Paraphrase what the person says.
- “What I heard you says was . . .”
- Listening actively can be hard work.



# Effective Meeting: Respect and Decorum

- All eyes are on you
- Pay attention!
- Electronic media use during meetings

# Riggins Rules

- **Don't mingle with friends, acquaintances, unknown applicants** before the meeting.
- **Don't indicate how you intend to vote** during hearings & presentations.
- **Do rotate the seating** in some regular manner to prevent a "strong" member from gradually dominating a "weak" member.
- **Don't interrupt a presentation** until the question period.
- **Don't use first names** in addressing *anyone at all* during the course of the hearing.
- **Don't anyone appearing before you look like a fool** by the nature of your questions or remarks.

# Riggins Rules (Con't)

- **Do not permit people to leave the podium** and approach closer to the hearing body except in unusual circumstances.
- **Don't become involved in neighborhood quarrels.**
- **Do not take staff recommendations lightly.**
- **Don't try to ease your conscience and toss the applicant a bone**.
- **Don't show any displeasure or elation,** by word or action, over the outcome of a vote.
- **Do sit down and have a long soul searching session with yourself** if you find you are consistently "out in left field."

# Public Comment

- No right to speak in meeting, unless you give it to them (remember hearings are different)
- Establish & explain rules, apply consistently
- First Amendment: Many restrictions are not acceptable!
- Maintain control & order
  - Removal?

# Upcoming Virtual Workshop

**Hot Topics in Road Law - *A New & Improved Hard Road to Travel Virtual Workshop***

**9:00 am - 12:30 pm** (pre-registration is required)
**Friday, April 17, 2020**

**Cost: $65.00, does not including publication.**

*How Does the Select Board grant permission for use and repair of a Class VI Road?*

*What can we do about Postal Service Vehicles causing ruts in road shoulders?*

*What are the rules governing CDL licensing for municipal employees?*

Join NHMA Legal Services Counsel Stephen Buckley and Municipal Services Counsel Natch Greyes for the answers to these questions --- and many more! The attorneys will discuss the designation and management of Class VI roads, including how and when building permits can be issued under RSA 674:41, granting permission for use of Class VI roads by OHRV's and snowmobiles, and allowing abutting property owners to undertake private repairs. This virtual workshop will also cover management of local highway construction, repair and maintenance through the office of an elected or appointed road agent or expert agent, and the requirement of CDL licensing for municipal highway employees. This virtual workshop will also provide a review of the local regulation of highways by the select board including, parking, street numbers, street names, weight limits, mailbox location, as well as driveway regulation by the planning board.

**Online pre-registration required!**
**Questions? Call 800.852.3358, ext. 3350,**
**or email NHMAregistrations@nhmunicipal.org**

**REGISTER TODAY!**

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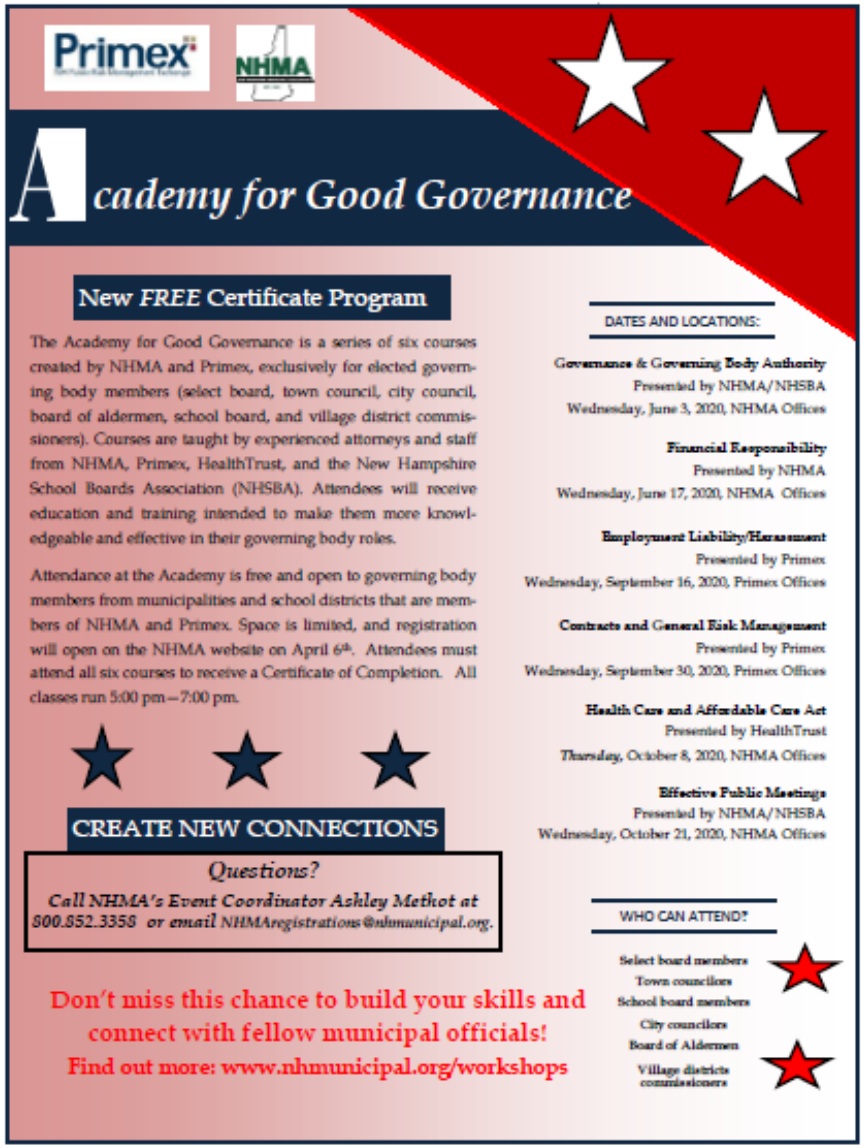
**REGISTER TODAY**

# Upcoming Virtual Workshop

**REGISTRATION TO OPEN SOON**

nhmainfo@nhmunicipal.org / 800.852.3358 / www.nhmunicipal.org

# Academy for Good Governance



Primex

NHMA

## Academy for Good Governance

### New *FREE* Certificate Program

The Academy for Good Governance is a series of six courses created by NHMA and Primex, exclusively for elected governing body members (select board, town council, city council, board of aldermen, school board, and village district commissioners). Courses are taught by experienced attorneys and staff from NHMA, Primex, HealthTrust, and the New Hampshire School Boards Association (NHSBA). Attendees will receive education and training intended to make them more knowledgeable and effective in their governing body roles.

Attendance at the Academy is free and open to governing body members from municipalities and school districts that are members of NHMA and Primex. Space is limited, and registration will open on the NHMA website on April 6th. Attendees must attend all six courses to receive a Certificate of Completion. All classes run 5:00 pm—7:00 pm.

### CREATE NEW CONNECTIONS

*Questions?*

*Call NHMA's Event Coordinator Ashley Methot at 800.852.3358 or email NHMAregistrations@nhmunicipal.org.*

Don't miss this chance to build your skills and connect with fellow municipal officials!
Find out more: www.nhmunicipal.org/workshops

DATES AND LOCATIONS:

**Governance & Governing Body Authority**
Presented by NHMA/NHSBA
Wednesday, June 3, 2020, NHMA Offices

**Financial Responsibility**
Presented by NHMA
Wednesday, June 17, 2020, NHMA Offices

**Employment Liability/Harassment**
Presented by Primex
Wednesday, September 16, 2020, Primex Offices

**Contracts and General Risk Management**
Presented by Primex
Wednesday, September 30, 2020, Primex Offices

**Health Care and Affordable Care Act**
Presented by HealthTrust
*Thursday*, October 8, 2020, NHMA Offices

**Effective Public Meetings**
Presented by NHMA/NHSBA
Wednesday, October 21, 2020, NHMA Offices

WHO CAN ATTEND?

Select board members
Town councilors
School board members
City councilors
Board of Aldermen
Village districts commissioners

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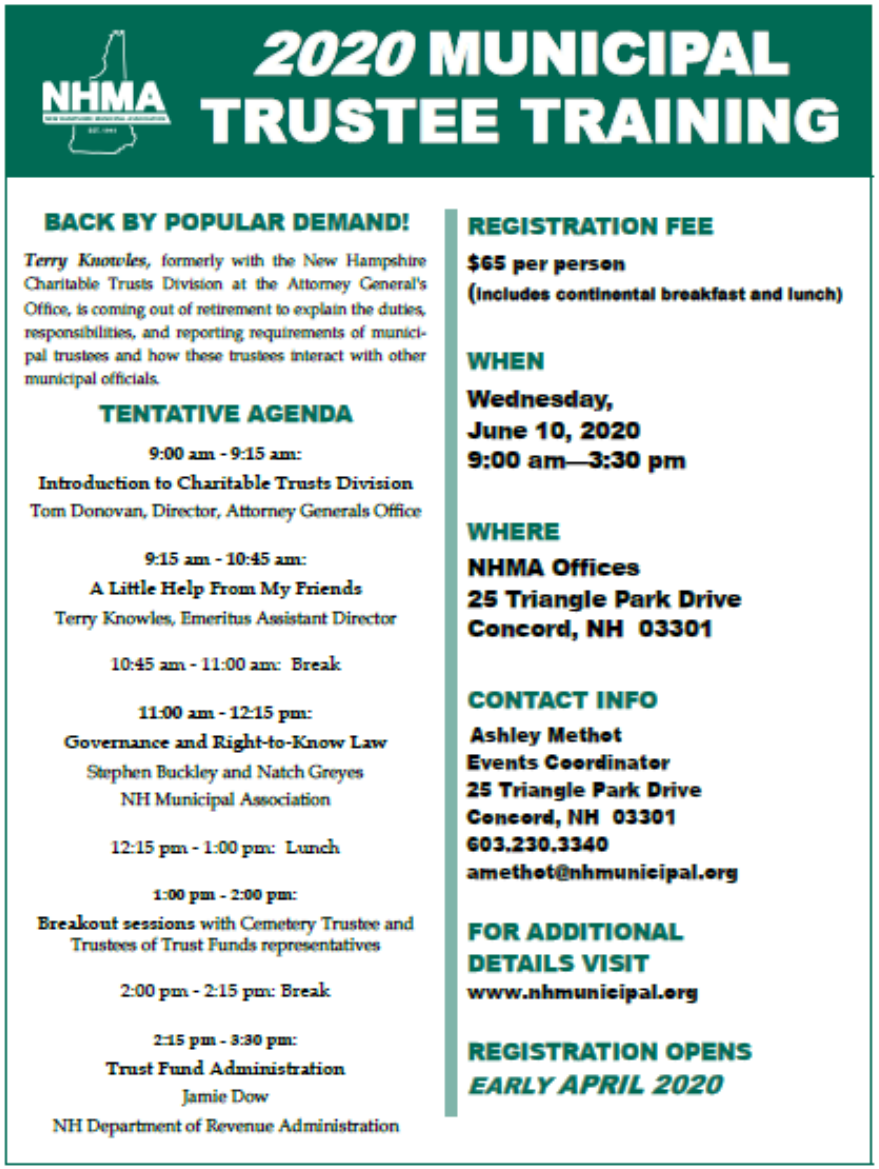
# Upcoming Trustee Training



## 2020 MUNICIPAL TRUSTEE TRAINING

### BACK BY POPULAR DEMAND!

*Terry Knowles*, formerly with the New Hampshire Charitable Trusts Division at the Attorney General's Office, is coming out of retirement to explain the duties, responsibilities, and reporting requirements of municipal trustees and how these trustees interact with other municipal officials.

### TENTATIVE AGENDA

**9:00 am - 9:15 am:**
**Introduction to Charitable Trusts Division**
Tom Donovan, Director, Attorney Generals Office

**9:15 am - 10:45 am:**
**A Little Help From My Friends**
Terry Knowles, Emeritus Assistant Director

10:45 am - 11:00 am: Break

**11:00 am - 12:15 pm:**
**Governance and Right-to-Know Law**
Stephen Buckley and Natch Greyes
NH Municipal Association

12:15 pm - 1:00 pm: Lunch

**1:00 pm - 2:00 pm:**
**Breakout sessions** with Cemetery Trustee and Trustees of Trust Funds representatives

2:00 pm - 2:15 pm: Break

**2:15 pm - 3:30 pm:**
**Trust Fund Administration**
Jamie Dow
NH Department of Revenue Administration

### REGISTRATION FEE

**$65 per person**
**(includes continental breakfast and lunch)**

### WHEN

**Wednesday,**
**June 10, 2020**
**9:00 am—3:30 pm**

### WHERE

**NHMA Offices**
**25 Triangle Park Drive**
**Concord, NH 03301**

### CONTACT INFO

**Ashley Methot**
**Events Coordinator**
**25 Triangle Park Drive**
**Concord, NH 03301**
**603.230.3340**
**amethot@nhmunicipal.org**

### FOR ADDITIONAL DETAILS VISIT

**www.nhmunicipal.org**

### REGISTRATION OPENS

***EARLY APRIL 2020***

**REGISTRATION TO OPEN SOON**

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# Complimentary Webinar

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*for attending*
*our **Local Officials***
***Virtual Workshop***
*today!*

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## NHMA'S MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

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