

**TOWN OF STRATHAM,
NEW HAMPSHIRE
BOARD OF SELECTMEN POLICY:
RULES OF PROCEDURE**



*Adopted February 5, 2007
Revised November 17, 2008*

**TOWN OF STRATHAM
NEW HAMPSHIRE**

Board of Selectmen Rules of Procedure

The following Rules of Procedure were adopted by a majority vote of the Stratham Board of Selectmen on February 5, 2007. They were further revised by majority vote of the Board of Selectmen on November 17, 2008.

Stratham Board of Selectmen



David Canada, Chairman

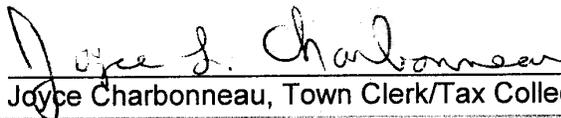


Bruno Federico, Selectman



Timothy Copeland, Selectman

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**SECTION I
GENERAL PROVISIONS**

Rule 1. Board of Selectmen Meeting – Location and Posting

All meetings of the Town of Stratham Board of Selectmen (the Board) shall be held at the Stratham Municipal Center, unless the Board adjourns to another location or the meeting is scheduled for another location and is properly noticed. In general, meetings of the Board must have at least 24-hour notice (not counting Saturdays and Holidays) prior to the meeting (RSA 91-2). Notice must be either published in a newspaper or posted in two prominent public places. Other statutes may require longer periods for and/or different types of notice, such as public hearings, depending on the action being considered.

Rule 2. Board of Selectmen Meeting – Day and Time

Meetings of the Town of Stratham Board of Selectmen shall begin each Monday at 7:30 p.m., unless otherwise noticed, and/or continued to a specific time and date.

Rule 3. Board of Selectmen Meetings - Open to the Public

All meetings of the Town of Stratham Board of Selectmen and Committees thereof shall be open to the public, except as provided for by RSA 91-A.

Rule 4. Election of Officers

Procedures for electing officers are as follows:

(A) Annually, at the first meeting of the new Board of Selectmen, 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, he/she shall continue to have all the rights, privileges, and immunities of a member of the Board of Selectmen.

(B) The above election shall be by a majority vote of the Board of Selectmen present at the first meeting after the close of the Annual Town Meeting.

Rule 5. Presiding Officer

(A) The Chair of the Board of Selectmen shall preside at all meetings of the Board of Selectmen, and be recognized as the head of the Town for all ceremonial purposes. The Chair 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. In case of the absence or temporary disability of both the Chair and the Vice Chair, an

acting Vice Chair of the Board of Selectmen selected by members of the Board of Selectmen shall act as the Chair during the continuance of the absences or disabilities. The Chair of the Board of Selectmen or the Vice Chair is referred to as "Presiding Officer" from time to time in these Rules of Procedure.

(B) The Presiding Officer shall preserve order and decorum, may participate in the discussion of any issue before the Board of Selectmen, may submit reports and legislation to the Board of Selectmen for its consideration, which shall require both motion and second by other members of the Board of Selectmen, may speak to points of order in preference to other members of the Board of Selectmen, and shall decide all questions of order or procedure, subject to appeal to the full Board of Selectmen as provided for in Appendix A. The Presiding Officer is allowed to vote on any matter before the Board with the exception of a vote concerning the Officer's ethical conduct.

Rule 6. Duties and Privileges of Board of Selectmen

The duties of the Board of Selectmen shall be those defined within the town charter, local ordinance, and the state law. Members of the Board of Selectmen shall address the Board upon recognition by the Presiding Officer. Selectmen may submit reports and legislation upon their own motion for discussion by the Board of Selectmen as a whole. 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 or correction of a mistake of fact.

Rule 7. Quorum

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

Rule 8. Board of Selectmen Meeting Agenda

The Town Administrator or any member of the Board of Selectmen may place a matter upon the agenda. The Town Administrator shall arrange a list of such matters according to the order of business and prepare an agenda for review by the Chair of the Board of Selectmen. Upon approval, a copy of the agenda and supporting materials shall be prepared for all Selectmen. These materials shall be available at the Selectmen's Office on the Friday preceding a scheduled meeting of the Board of Selectmen.

Matters submitted by members of the public must be received at the Selectmen's office by 4:00 PM on the Wednesday prior to a scheduled meeting in order to be considered for placement on the agenda. Due to scheduling and time constraints, an item submitted by the public is not guaranteed to be placed on the next meeting's agenda.

Rule 9. Order of Business

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

- Call to Order
- Secretary's Report
- Chair's Report
- Park Permits/Municipal Center Rentals
- Treasurer's Report
- Department Reports (Projects, Issues, Reports Involving Town Staff)
- Public Hearings (if necessary)
- Old Business (Appointments and Continued Business)
- New Business
- Public Comment
- Other Business (Board Reports and/or Issues)
- Incoming & Outgoing Correspondence, Pending Items, Signing of Documents
- Media Questions
- Non-public Sessions (if necessary)
- Adjourn

~~Adjournment: No meeting should be permitted to continue beyond 10:00 PM without approval of a majority of the Board of Selectmen members who are present and eligible to vote. A new date and time must be established before taking a Board of Selectmen vote to extend the meeting. In the event that a meeting has not been closed or continued by Board of Selectmen vote prior to 10:00 P.M., the items not acted on will be deferred to the next Board of Selectmen meeting, unless the Board of Selectmen, by a majority vote of members present, determines otherwise. (Deleted 11/17/08)~~

Rule 10. Town Administrator

The Town Administrator, as the chief executive officer, shall attend all meetings of the Board of Selectmen, unless excused by the Presiding Officer of the Board of Selectmen. The Town Administrator may take part in all Board of Selectmen's discussions on all matters on the agenda, and otherwise concerning the welfare of the Town. In the event that the Town Administrator is unable to attend a Board of Selectmen meeting, the Town Administrator may appoint another qualified staff member to attend the meeting on behalf of the Town Administrator.

Rule 11. Clerk of the Board of Selectmen

The Town Administrator shall be the Clerk of the Board of Selectmen and shall keep

minutes and perform such other and further duties in the meeting as may be required. The Town Administrator may delegate any of these functions to a member of his/her staff.

SECTION II DUTIES AND PRIVILEGES OF MEMBERS

Rule 12. Forms of Address

The Chair of the Board of Selectmen shall be addressed as "Mr./ Madame Chair or as "Chairman (surname)." The Vice Chair of the Board of Selectmen, when acting for the Chair, shall be addressed in the same manner. Members of the Board of Selectmen shall be addressed as "Selectman (surname)." This is an optional Rule that may be adopted at the annual organizational meeting.

Rule 13. Seating Arrangement

Board of Selectmen members shall occupy the respective seats in the Public Hearing Room as assigned to them by the Chair.

Rule 14. Ethics Policy and Its Application.

(A) Prior to any vote, each Board of Selectmen member should give consideration whether a potential violation of the Town Ethics Policy exists (See Appendix A). If the Board of Selectmen member believes a potential violation may exist, no matter however remote, the Board of Selectmen member should disclose such facts to the Presiding Officer.

(B) Whenever a Board of Selectmen member discloses there is a potential violation of the Ethics Policy, the Presiding Officer shall review the facts and rule whether the Board of Selectmen member shall vote in this instance. The Presiding Officer's ruling shall be binding unless overruled by a vote of the majority of the Board of Selectmen.

(C) Any member of the Board of Selectmen seeking to disqualify a Board of Selectmen member from participating in a decision on the basis of a potential violation of the Ethics Policy must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Ethics Policy may not be relied upon to invalidate the decision. The party seeking to disqualify the Board of Selectmen member shall state, with specificity, the basis for disqualification. Should such challenge be made prior to the hearing or vote, the Presiding Officer shall review the facts and rule whether the Board of Selectmen member shall participate and/or vote in

this instance. The Presiding Officer's ruling shall be binding unless overruled by a vote of the majority of the Board of Selectmen.

(D) The Presiding Officer shall have sole authority to postpone any matter or vote if and when a potential for a violation of the Ethics Policy exists in order for the Town Attorney to review the matter and render an opinion to the Board of Selectmen whether the Board of Selectmen member's participation would/would not violate the Town's Ethics Policy.

(E) After receiving the Town Attorney's opinion that a violation of the Ethics Policy exists, the Presiding Officer shall rule that the Selectman shall not participate and/or vote in the matter subject to the opinion. The Board of Selectmen, by a two-thirds vote, may override the Presiding Officer's ruling and the Selectman shall be permitted to participate and vote in the matter before the Board of Selectmen.

Rule 15. Dissents and Protests

Any Board of Selectmen member shall have the right to express dissent from or protest against any decision of the Board of Selectmen and have the reason therefore entered in the minutes.

Rule 16. Rules of Order

To the extent these rules and orders are not comprehensive, all questions of order shall be resolved by reference to Robert's Rules of Order, if need be. The Presiding Officer shall rule on all matters raised by this rule. At the annual organizational meeting, the Board shall adopt Robert's Rules of Order or such other written rules it deems appropriate and publish in Appendix B.

RULE 17. Motions

(A) 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. Motions to take from the table or to take up a question previously postponed may not be debated, amended, or reconsidered.

(B) Subsidiary Motions. When a question is under debate, the following motions shall be in order according to the following priority:

- (1) To adjourn (may not be debated, amended, or reconsidered) rendering the main motion moot if adopted.

(2) To lay the question on the table (may not be debated, amended or reconsidered) If adopted, this renders the main motion moot if not taken from the table before adjournment.

(3) To call the question (may not be debated, amended, or reconsidered).

(4) To postpone the question to a date certain (may be debated, amended, and reconsidered).

(5) To postpone the question indefinitely (may be debated, and reconsidered, but not amended) rendering the main motion moot if adopted.

(6) To commit or refer to committee (may be debated, amended, and reconsidered).

(7) To amend (may be debated and reconsidered, but not amended).

Rule 20. 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. No such motion shall be in order unless it is made at the meeting at which the Board of Selectmen acted on the question, or at the next succeeding meeting provided, written notice is provided in sufficient time for matter to be included as an item on the agenda of the next succeeding meeting. In the absence of such notice, no motion for reconsideration will be in order. A motion to reconsider is debatable provided the subject question was debatable. A motion to reconsider cannot be amended or reconsidered.

Rule 21. Suspension of Rules.

A motion to suspend these rules shall be in order at any time except during discussion. A motion to suspend shall require a two-thirds vote of those present and voting.

Rule 22. Actions for a Public Hearing

The procedures for a public hearing are as follows:

(A) 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 Board of Selectmen.

(B) The Presiding Officer may call upon the Town Administrator or other appropriate party to describe the matter under consideration and/or read the public notice for the hearing.

(C) Each speaker, for and against the matter before the Board of Selectmen for public hearing, shall identify himself or herself by name and address. The Presiding Officer may limit the length of time allowed for speakers to address the Board.

(D) During the hearing, any Board of Selectmen member shall be permitted to ask the speaker questions provided they are relevant to the matter before the Board of Selectmen for Public Hearing. The Presiding Officer shall retain the right to determine the relevancy of any question.

(E) The Presiding Officer closes the public hearing.

(F) The Presiding Officer shall then inquire if there is a motion by any Board of Selectmen 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 Board of Selectmen members. The Presiding Officer may call on individual Board of Selectmen members in the discussion.

Rule 23. Voting

The votes during all meetings of the Board of Selectmen shall be transacted as follows:

(A) The Presiding Officer may require any question to be submitted in writing before the vote, and shall state each question before the vote.

(B) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Board of Selectmen member, a roll call vote shall be taken. The Presiding Officer shall determine the order of the roll call vote. In addition, the Presiding Officer may, at his sole discretion, require a show of hands to insure the proper resolution of the vote. Secret ballot votes by Boards, Committees, and Commissions are illegal in New Hampshire.

(C) Every Board member who is in the hearing room when the question is called shall vote on the question before the Board. Board members may, for good cause, recuse from a vote should they feel that to vote would constitute a violation of the Town's Ethics Policy, or that their participation in debate or

voting would constitute a conflict of interest or other similar disqualifying circumstances. That Board of Selectmen member shall at the beginning of the debate on any such motion announce their intention to recuse himself/herself and shall take no part in the debate and shall not vote on the issue. The recused individual shall physically remove himself or herself from their assigned seat until the disqualifying matter is no longer before the Board.

Rule 24. Committees/Liaisons

(A) Selectmen study committees may be created by the Board of Selectmen for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Board of Selectmen or Committee of the Whole meeting. Board of Selectmen study committees shall consist of two Board of Selectmen members appointed by a vote of the Board. Special Board of Selectmen committees shall sunset at the end of their mission, but no later than the date of the first meeting of a new Board of Selectmen held after the close of the Annual Town Meeting unless renewed at that meeting.

(B) Board of Selectmen Representatives: Board of Selectmen members may serve as representatives and/or liaisons to various town organizations and committees. These representatives shall be nominated and approved by the Board of Selectmen on an annual basis (usually at the first meeting of the new Board).

(C) Special Ad Hoc citizen advisory committees may be created by the Board of Selectmen for a particular purpose. All such committee members shall be nominated and approved by the Board of Selectmen. Ad Hoc committees shall sunset at the end of their mission, but no later than the date of the first meeting of a new Board of Selectmen held after the close of the Annual Town Meeting, unless specifically continued by the Board of Selectmen thereafter for a specified time period. One Board of Selectmen member, appointed by the Board of Selectmen, may serve as a representative to a citizen advisory committee.

(D) Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before the Board of Selectmen takes action. The committee chair may present the recommendations of the committee during the discussion of the item of business during a meeting of the Town Board of Selectmen.

(E) With the concurrence of the Town Administrator, Town employees may staff the various committees as directed by the Town Administrator, but no

staff person shall serve as a voting member of a study committee. This rule does not apply to employees directly appointed by the Board of Selectmen to a committee.

(F) Minutes of committee meetings shall be recorded in accordance with RSA 91-A, the NH Right to Know Law.

Rule 25. Nominations/Appointments

The procedure for nominating and appointing Board of Selectmen representatives and citizens to town boards, commissions and committees shall be as follows:

(A) Single nomination. Whenever only one person is nominated to a particular position, the nomination shall be made by a member of the Board of Selectmen, and then seconded. Once seconded, a vote is taken. Should the person so nominated receive the majority of votes from that Board of Selectmen present, the nomination is confirmed. If the majority of that Board of Selectmen present votes not to approve the nomination, the nomination shall be considered rejected and the name removed from further consideration.

B) Multiple nominations. 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. When all nominations are closed, each member of the Board of Selectmen shall have an opportunity to speak regarding the qualifications of nominees, and then each Selectman shall cast a vote for no more than one name. The name receiving a majority of those Board of Selectmen members present and voting shall be deemed confirmed. 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. The Board of Selectmen shall then vote a second time on those nominations remaining. 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 Town Board of Selectmen. 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 Town Board of Selectmen.

C) Opportunities to participate in newly formed committees and vacancies on existing boards and commissions under the appointment authority of the

Board of Selectmen shall be advertised by posting in at least two public places. Other means of advertising vacancies such as the town web page and publication in a local newspaper of general distribution may also be used.

Rule 26. Enacted Ordinances, Resolutions and Motions - Defined

(A) An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Board of Selectmen action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct, which continue in force until repealed, or where such conduct is enforced by penalty.

(B) An enacted resolution is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Board of Selectmen 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.

(C) An enacted motion is a form of action taken by the Board of Selectmen to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

Rule 27. Resolutions

Each resolution may be voted and approved on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a majority of the Board of Selectmen members present request that the entire resolution or certain of its sections be read, such requests shall be granted.

RULE 28. Ordinances

The procedure for ordinances is as follows:

(A) With the exception of Franchise Ordinances and any ordinance that imposes a financial penalty, an ordinance may be voted and approved on the same day on which it was introduced. The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the Board of Selectmen members present request that the entire ordinance or certain of its sections be read, such requests shall be granted.

(B) Any ordinance that imposes a financial penalty shall require two readings prior to adoption. The second reading shall not be made at the same meeting at which the ordinance is introduced and read for the first time.

(C) Franchises. All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading shall not be made at the same meeting at which the resolution or ordinance is introduced.

(D) Emergency Ordinances. The Board may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA Chapter 107-C.

(E) Action on all ordinances and resolutions shall be governed by the following rules:

(1) Prior to action on any ordinance or resolution, the proponent of the ordinance or resolution may seek a motion to introduce the ordinance or resolution by title only and to waive a reading of the entire ordinance or resolution. If there is a second, and after discussion, the Presiding Officer shall call for the question and the Board of Selectmen shall vote whether to read the ordinance or resolution by title only. Lacking such a motion or should this motion fail, the ordinance or resolution shall be read in its entirety.

(2) The proponent shall then move the ordinance be read for the first time. If there is a second, and after discussion, the presiding officer shall call the question and the Board shall vote on the first reading of the ordinance or resolution. An affirmative vote of the Board shall constitute the first reading.

(3) After an affirmative vote on the first reading, the Board may vote to further study the ordinance or vote to place the ordinance on the agenda of a subsequent meeting for final action.

(4) At such time as further action is in order, any Board member may move that the ordinance or resolution be read for a second time. This motion shall be in order whether or not the ordinance or resolution was amended during debate prior to the vote on the first reading or during committee deliberation.

(5) After an affirmative vote on the second reading, the ordinance or resolution shall be deemed effective and shall be signed by the Chair and dated with the date of the final Board action.

Rule 29. Public Complaints and Suggestions

When citizen complaints or suggestions are brought before the Board of Selectmen, 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:

(A) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Board of Selectmen finds such complaint suggests a change to an ordinance or resolution of the Town, the Board of Selectmen may refer the matter to a committee, Administration or the Board of Selectmen as a whole for study and recommendation.

(B) 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 Chair should then refer the complaint directly to the Town Administrator for his/her review if said complaint has not been so reviewed. The Board of Selectmen may direct that the Town Administrator brief or report to the Board of Selectmen when his/her response is made.

APPENDIX A
POLICY: ETHICAL CONDUCT

The ethical Town official and employee accept the responsibility that his or her mission is that of servant and steward to the public.

Accordingly, it shall be the policy of the Town of Stratham that public officials shall:

- Properly administer the affairs of Town government
- Promote decisions that only benefit the public interest.
- Actively promote public confidence in government.
- Keep safe all funds and other properties of the Town.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the Town.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the Town.
- Faithfully comply with all laws and regulations applicable to the Town and impartially apply them to everyone.

Officials shall not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source that is offered to influence his or her action as a public official.

APPENDIX B

Optional Rules of Order: None as of 2/5/07