

# **TOWN OF MILFORD, NEW HAMPSHIRE**

## **BOARD OF SELECTMEN**



## **RULES OF PROCEDURE**

**Adopted January 22, 2018**

## TABLE OF CONTENTS

Board of Selectmen Meeting, Location	Page 3
Board of Selectmen Meeting, Time	Page 3
Board of Selectmen Meeting, Open to Public	Page 3
Responsibilities of Members of the Board	Page 3
Election of Officers	Page 4
Presiding Officer	Page 4
Quorum	Page 4
Board of Selectmen's Meeting Agenda	Page 4
Order of Business	Page 5
Town Administrator	Page 6
Clerk of Board of Selectmen	Page 6
Meetings of the Board of Selectmen	Page 6
Appointments to Boards and Commissions	Page 7
Procedure for Nominating and Appointing Citizens to Town Boards, Commissions and Committees.	Page 8
Placement of Selectmen's Recommendations on Warrants	Page 8
Forms of Address	Page 9
Ethics Policy and Conflict of Interest	Page 9
Rules of Order	Page 10
Motions	Page 10
Suspension of Rules	Page 10
Dissents and Protests	Page 10
Procedures for a public Hearing	Page 10
Voting	Page 11
Committees	Page 11
Enacted Ordinances, Resolutions and Motions – Defined	Page 12
Resolutions and Policies	Page 12
Procedures for Ordinances	Page 12
Public Complaints and Suggestions to Board	Page 13
Conduct with other Board Members and Staff	Page 14
Amendment Procedures	Page 15
Effective Date	Page 15
 Appendix A – Policy: Ethical Conduct	 Page 16

## **Section I General Provisions**

### **BOARD OF SELECTMEN MEETING – LOCATION**

#### **Rule 1. Board of Selectmen Meeting – Location and Posting**

All meetings of the Town of Milford Board of Selectmen shall be held at the Milford Town Hall, 1 Union Square unless the Board of Selectmen 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-A: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/Time**

Meetings of the Town of Milford Board of Selectmen shall begin at 5:30 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month, unless otherwise noticed, or continued to a specific time and date. Occasionally, meetings will be held at other times of the day as may be required. All Selectmen meetings are broadcasted except for 5<sup>th</sup> Monday Forums which are taped. 5<sup>th</sup> Monday forums are meetings held on months with a 5<sup>th</sup> Monday, starting at 7:00 p.m., and are open to anyone who wishes to attend. Selectmen meetings must be noticed in compliance with RSA 91-A:2 II which states in part: Except in an emergency, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate un-delayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.

#### **Rule 3. Board of Selectmen Meetings – Open to the Public**

All meetings of the Town of Milford Board of Selectmen and Committees shall be open to the public, except as provided for by RSA 91-A, and/or for discussions with Town Counsel.

#### **Rule 4. Responsibilities of Members of the Board**

- (a) All members shall make every effort to attend each scheduled meeting of the Board.
- (b) Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any action or statement of any individual Board member, except when such statement or action is pursuant to a decision of the Board.

## **Rule 5. 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 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 Town Election.

## **Rule 6. 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 of the Board of Selectmen 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 are 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. 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. No Selectmen 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.

In accordance with RSA 91-A:2, III, Selectmen may participate in all aspects of a meeting of the Board of Selectmen, including voting, by telephone conference call, provided that a quorum of Selectmen is present at the location of the meeting, and that any Selectmen participating by conference call can hear all other selectmen and can be heard by persons attending the meeting. The person calling in must identify other persons also present at his/her location and state why attendance at the meeting is not reasonably practical. The reason must be recorded in the minutes of the meeting. All votes taken with a telephonic participant must be a roll call vote.

Any exception to the quorum "present at the location of the meeting" requirement is permitted under the emergency conditions specified by RSA 91-A:2, III, (b).

Minutes must be kept for any meeting with a Board of Selectmen quorum and must be made available to the public.

#### **Rule 8. Board of Selectmen's Meeting Agenda**

Any Selectmen, the Town Administrator or the Executive Assistant 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 the 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 or any Town department head or official requesting an appointment with the Selectmen by the agenda deadline shall be included on the agenda and must be received at the Selectmen's office by 4:30 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**

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's meeting, rearrange items on the agenda to conduct the business before the Board of Selectmen more expeditiously.

- 1. Call to order, Board of Selectmen Introductions & Public speaking Instructions**
- 2. Appointments to Meet with the Board**
  - a. Public Hearings if needed
  - b. Citizens – Concerns, Complaints or Comments
  - c. Staff – Departmental Updates and/or any other items pertaining to each department.
- 3. Public Comments (regarding items that are not on the agenda)**
  - a. Any member of the public may request time to address the Board of Selectmen after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officers deems necessary, **generally five (5) minutes**. Following such comments the Presiding officer may place the matter on the current agenda or future agenda, or refer the matter to the Town Administrator or other official for investigation, report or to take such actions as may be appropriate.
  - b. Subjects on the current agenda. Any member of the public who wishes to address the Board of Selectmen on an item on the current agenda shall make such requests to the Presiding Officer at the time when comments from the public are requested. The Presiding officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may

change the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent land owner's, vested interests, etc.

- c. Any ruling by the Presiding Officer relative to the proceeding two subsections may be overruled by a vote of a majority of members present.

#### **4. Decisions**

- a. **Consent Calendar** - The Town Administrator shall place matters on the Consent Calendar which have been: (a) previously discussed by the Board of Selectmen, or (b) are based on the information previously delivered to the Selectmen that can be reviewed by a Selectman without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) as directed by the Town Board of Selectmen or Committee thereof. The motion on the Consent Calendar is as follows: "I move for adoption of the Consent Calendar". This motion shall be non-debatable and will have the effect of moving to adopt the recommendation of all items on the Consent Calendar. Since adoption of any item on the Consent calendar implies unanimous consent, any Selectman shall have the right to remove any item from the Consent calendar. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Selectman wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.
- b. **Other Decisions** – The Selectmen may include the final vote of an item discussed at a previous meeting. Some public hearing require two meetings prior to a decision being made.

#### **5. Town Status Report**

- a. Town Administrator updates the Board of Selectmen with ongoing projects.

#### **6. Discussions**

- a. Board of Selectmen use this time to talk about **requests** that they have received, ie: ordinances, traffic safety concerns, town budgets, warrants, schedules, etc.

#### **7. Public Comments**

#### **8. Selectmen's Reports/Discussions**

- a. **From Projects, Specials Boards, Commissions & Committees**
- b. **Other items (that are not on the agenda)**

#### **9. Approval of Final Minutes** – Selectmen approve Final minutes for previous meetings.

#### **10. Information Items Requiring No Decisions**

- a. Treasurer's Report and/or other updates from Finance

#### **11. Notices** – Future Board of Selectmen meetings, Town Wide Notices and/or Closings

#### **12. Non-Public Session** – Approval of non-public minutes and/or non-public sessions.

#### **13. Adjournment**

### **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's 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 the 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.

#### **Rule 12. Meetings of the Board of Selectmen**

- (a) **Organizational Meeting** – An organizational meeting to elect officers shall be held in accordance with Rule 5. The Board shall elect a Chair and Vice Chair for the ensuing year at this meeting, and shall designate the Selectmen ex-officio board and committee members. The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these Rules of Procedure. The Board shall establish a schedule of meetings for the upcoming year at its Organizational Meeting.
- (b) **Regular Meeting** – A more formal meeting of the Board generally conducted in accordance with the order of the "Agenda" contained in Rule 8.
- (c) **Workshop Meetings** – A less formalized meeting of the Board generally conducted for the purpose of providing Board members a more detailed understanding of a limited number of issues or to permit discussions of issues that require significant depth of discussion.
- (d) **Non-Public Sessions** – A meeting of the Board held in accordance with the provisions of NH RSA 91-A:3. A Non-Public Session would exclude the public from attendance at that specific session. The Board may also have in attendance for all or part of the non-public session, those individuals the Board deems necessary to fulfill the purpose of the non-public session. This may include, but is not limited to: the Board's Secretary or Assistant, the Town Administrator, Town Counsel, and/or an employee whose actions are the subject of the non-public session, or for whom a personnel decision is before the Board. The decision to include or exclude an individual from a non-public session is entirely within the discretion of the Board. Minutes of non-public must include attendees and decisions.
- (e) **Emergency Meetings** – May be called by the Chair in accordance with NH RSA 91-A: 2, II; upon demand of two (2) members of the Board; or at the request of the Town Administrator. The Town Administrator, or his/her designee, shall ensure Emergency Meetings are properly noticed in accordance with RSA 91-A: 2, II.
- (f) **Site Walk** – May be held by the Board if a walk or inspection of a specific property or properties is required in order for the Board to have a full and complete understanding of a pending issue in order to render a decision. A site walk is considered to be a meeting of the Board, which shall be noticed in accordance with RSA 91-A: 2, II and a record or minutes of the site walk will be maintained. The Board will not engage in any deliberation or decision making as part of a site walk. Such a session is for information gathering purposes only. Any deliberations or decision will be made at a Regular or Emergency Meeting of the Board.
- (g) **5<sup>th</sup> Monday Forum** – Meetings occur in a month that has 5 Mondays. The informal meeting allows the public to come in to speak to the Board of Selectmen without an appointment.

### **Rule 13. Appointment to Boards and Commissions**

- (a) In making the appointment of Selectmen Representatives to various town Boards as noted in Rule 12, the terms of these ex-officio members of the Board on all Boards, Committees and Commissions shall be for one (1) year, or until the next Organizational Meeting of the Board following a Town Election, or until the appointed Board Member's term expires or the Member resigns.
- (b) As soon after the Board's Organizational Meeting as possible, the Board will consider the appointment or re-appointment of individuals to the various Town boards, committees and commissions whose terms of office are expiring. All appointments of these positions shall be for three year terms of offices, unless a vacancy exists due to a resignation or other such means. In those situations, the Board may make an appointment to fill the remaining time on the original term of office of the person who left the position.

### **Rule 14. Procedure for Nominating and Appointing citizens to Town Boards, Commissions and Committees.**

- (a) Single nomination. Whenever only one person is nominated to a particular position, the nomination 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 and voting, the nomination is confirmed. If the majority of those Selectmen present and voting do not approve the nomination, the nomination shall be considered rejected and the name removed from further consideration at this meeting.
- (b) Multiple nominations. Whenever there are multiple nominations for one position, each name will be placed in nomination with no requirements for a second, although a nomination may receive a second if a Board member wishes to do so. When all nominations are closed, each Selectman 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 Selectman present and voting shall be deemed confirmed. If the majority of those Selectmen present do not vote to approve a nomination, the nomination shall be considered rejected and the name(s) removed from further consideration at this meeting.

### **Rule 15. Placement of Selectmen Recommendations on Warrant**

The Board shall place a "Recommended" or a "not Recommended" notation on each warrant article submitted directly to the Board or submitted through petition to any Town Meeting as may be required by RSA 32:5 V(a) or RSA 40:13, V-a. The Board may choose to place such notation on any warrant article, regardless of whether such action is required, unless the Town has voted to prohibit such voluntary notations. The Board shall place their recommendations regarding each warrant article on the ballot for all articles that were placed on the ballot by the Board or by petition. Their position regarding each article shall be placed on the ballot substantially in this format: The Board of Selectmen recommends this article (x-x) (yes-no), or The Board of Selectmen does not recommend this article (x-x) (yes-no).

## **SECTION II**

### **DUTIES AND PRIVILEGES OF MEMBERS**

#### **Rule 16. 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 17. Conflict of Interest/Ethics Policy and Its Application**

- (a) Prior to any vote, each Board of Selectmen member should give consideration whether a conflict of interest or 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 how remote, the Board of Selectmen member should disclose such facts to the Presiding Officer. Example: If the Board of Selectmen is voting on a specific item that a Board Member may be personally involved in outside of Selectmen responsibilities, the Board Member should speak up and refrain from voting on said matter.
- (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 18. Rules of Order**

The Presiding Officer shall resolve all issues of procedure for the Board of Selectmen meetings. By a majority vote, the Selectmen may overrule any procedural decision of the Presiding Officer.

## **Rule 19. Motions**

In making decisions or determining a course of action, the Board shall generally operate under a process of one Board member making a motion and another Selectman offering a second, followed by a vote.

The Presiding Officer shall not allow more than one main motion and second, and one amending motion and second on the floor at a time.

## **Rule 20. Suspension of Rules**

A motion to suspend these rules shall be in order at any time during a meeting of the Board of Selectman 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.

## **Rule 21. Dissents and Protests**

Any Selectman shall have the right to express dissent from or protest against any ordinance, resolution or action of the Board of Selectmen and have the reason therefore recorded in the minutes.

## **Rule 22. Procedures for a Public Hearing**

- (a) Presiding Officer opens the public hearing at set time.
- (b) 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.
- (c) If the meeting includes a 31:95(b) for appropriations over \$10,000, the said hearing must be published in two locations, one of which may be the town web site.
- (d) The Presiding Officer may call upon the Town Administrator or other appropriate person to describe the matter under consideration.
- (e) Each speaker, for or against the matter before the Board of Selectmen for public hearing, shall identify himself or herself by name and address. Each speaker shall be limited to **five (5) minutes**. 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 Selectmen. Once all Town residents wanting to speak for a second time have spoken, the Presiding Officers shall call for any non-residents wanting to speak. These speakers shall be limited to the time allowed by the Presiding Officer, or as established by a majority vote of the Selectmen.
- (f) During the hearing any Selectman shall be permitted to ask the speaker questions provided all questions 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.

(g) The Presiding Officer closes the public hearing.

(h) The Presiding Officer shall then inquire if there is a motion by any of the Selectman. Following the motion and its second, discussion occurs among Selectman. The Presiding Officer may call on an individual Selectman 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 questions 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, such as RSA 91-A2, III, all votes shall be taken by voice, except that at the request of any Selectman, a roll call vote shall be taken by the Clerk. In addition, the Presiding Officer may, at his/her 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 Selectman who is in the Board of Selectmen chambers, including telephonically, when the question is called shall vote on the question before the Board of Selectmen. Selectmen may, for good cause, recuse from a vote should they feel that to vote would constitute a conflict of interest or other similar disqualifying circumstances. Such Selectman shall at the beginning of the debate on any such motion announce the intention to recuse himself/herself and shall take no part in the debate and the vote of the issue.

### **Rule 24. Committees**

The Board of Selectmen may establish committees of the Board with responsibility to review specific matters and report to the Board as a whole. All appointments to these committees shall be by majority vote of the Board of Selectmen.

- (a) Special Ad Hoc Advisory or 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 meeting. Board of Selectmen study committees may consist of a specific number of individuals and no more than two Selectmen, if any Selectman is to be included on the Committee. Special Board of Selectmen committees shall disband at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Board of Selectmen thereafter for a specified time period.
- (b) Special Ad Hoc Advisory or Study Committees shall:
  - 1) Be established by a written document stating the specific purpose, mission, and goals/objectives that the committee is to achieve or attain, and declaring that the committee is dissolved when these have been attained or by a date certain.
  - 2) Make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Board of Selectmen. The committee chair may present the recommendations of the committee during the discussion of the item of business during a meeting of the Board of Selectmen.

- 3) Town employees shall staff the various committees as directed by the Town Administrator, but no staff person shall serve as a member of a Special Ad Hoc Advisory or Study Committee unless specifically designated to do so by the Board of Selectmen.
- 4) Meetings of Special Ad Hoc Advisory or Study Committees shall be open to the public. Minutes of Special Ad Hoc Advisory or Study Committee meetings shall be recorded in accordance with RSA 91-A, (the NH Right to Know Law).

**Rule 25. Enacted Ordinances/Rules, Resolutions and Motions – Defined**

- (a) An enacted ordinance/rule 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 or permitted by law to prescribe permanent rules of conduct which continue in force until repealed.
- (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 26. Resolutions and Policies**

Each resolution and policy 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 Selectmen present request that the entire resolution or certain of its sections be read, such requests shall be granted.

**Rule 27. Procedures for Ordinances**

- (a) An ordinance shall be discussed, considered and approved at a public hearing, but shall not 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 Selectmen present request that the entire ordinance or certain of its sections be read, such requests shall be granted.
- (b) Emergency Ordinances. The Town Board of Selectmen may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA 41:14-b, and the Town of Milford Purchasing Policy.
- (c) A Selectman may, in open session, request of the Presiding Officer that the Board of Selectmen study the wisdom of enacting a particular ordinance. By affirmative motion, the Board of Selectmen may assign the proposed ordinance to a specific department head or official, committee or the committee of the whole for the study and consideration. The department head, official or committee shall report its findings to the Board of Selectmen.

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

- 1) The Selectmen shall have the authority to establish, and amend town ordinances and codes after they hold 2 public hearings at least 10 but not more than 25 days apart on the establishment or amendment of the ordinance or code.
- 2) Prior to introducing 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.
- 3) If an ordinance or resolution is referred to committee, the committee shall report the item to the Board of Selectmen in due course and the item shall then be in order for further action. The reporting of an ordinance or resolution shall not require a motion or other Board of Selectmen action. The Board of Selectmen may, upon a motion made and seconded, call the ordinance or resolution out of committee. The item shall then be in order for further action before the Board of Selectmen.
- 4) At such time as further action is in order, any Selectmen may move that the ordinance or resolution be scheduled first for 2 public hearings at least 10 but not more than 25 days apart.
- 5) The selectmen's vote shall take place no sooner than 10 days nor later than 25 days after the second public hearing is held. The provisions of this section shall not apply to the establishment and amendment of a zoning ordinance, historic district ordinance, or building code under the provisions of RSA 675.

#### **Rule 28. Public Complaints and Suggestions to Board of Selectmen**

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 in nature and complaint pertains to legislative acts or suggestions for changes to such acts, and if the Board of Selectmen finds such complaint or suggestion warrants a change to an ordinance or resolution of the town, then the Board of Selectmen may refer the matter to a committee or to a Town Administrator for study and recommendation.
- (b) If administrative in nature, and it is a complaint regarding administrative staff performance, administrative execution, or interpretation of legislative policy, or administrative policy within the authority of the Town Administrator, then the Presiding Officer should refer the complaint directly to the Town Administrator for review and response to the citizen. The Board of Selectmen may direct that the Town Administrator brief or report to the Board of Selectmen when his/her response is made.

#### **Rule 29. Conduct with other Board of Selectmen Members and Staff**

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

- (a) The Board of Selectmen, when dealing with the Town Administrator and Town Staff, shall:
  - 1) Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration.
  - 2) Treat all staff and other elected officials as professionals and respect the abilities and integrity of each individual.
  - 3) Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled with the Town Administrator under RSA 91-A or at the Board level, usually in non-public session.
  - 4) Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting.
- (b) The individual members of the Board of Selectmen in their relations with fellow members shall:
  - 1) Recognize that no member by their actions alone can bind the Board of Selectmen or the Town.
  - 2) No member, including the chairperson or vice-chairperson, shall act on behalf of the Board outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.
  - 3) Pursuant to RSA 91-A uphold the intent of non-public session and not release or discuss items raised in non-public session.
  - 4) Refrain from communicating the position of the town or the Board of Selectmen with 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.
  - 5) Treat with respect the rights of all members of the Board despite differences of opinion.
- (c) 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.
- (d) 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.
- (e) 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).

### **Rule 30. Amendment Procedure**

An amendment to these Rules of Procedure may be moved and voted at a regularly scheduled Board meeting. A copy of any amendment shall be submitted at one meeting and discussed by the Board. The amendment shall not be voted upon until the next Board meeting, to ensure adequate time for the Board members to consider the proposal.

### **Rule 31. Effective Date**

These Rules of Procedure shall take effect immediately following a majority rule of the Board of Selectmen at a regularly scheduled Selectmen's meeting.

## **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 Milford 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.

## Board of Selectmen Rules of Procedure

Hampshire Board of Selectmen on June 22, 2022

Paul Dargie  
Vice-Chairman

Raham Budge  
Selectman

Selectman

Selectman

Received and recorded this 22 day of June, 2020.

  
Tina M. Philbrick, Executive Assistant Town Administration and Board of Selectmen