



# **TOWN OF BRENTWOOD, NEW HAMPSHIRE**

## **BOARD OF SELECTMEN**

### **OPERATIONAL GUIDELINES & HANDBOOK**



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#### OPERATIONAL GUIDELINES & HANDBOOK

KNOW ALL PERSONS BY THESE PRESENTS, the Brentwood Board of Selectmen hereby ordains to adopt these operational guidelines pertaining to the functions of the Board and the conduct of its members.

#### I. GENERAL INFORMATION

A. The Board of Selectmen for the Town of Brentwood consists of five equal members who shall operate by majority vote to manage the prudential affairs of the Town and perform the duties prescribed by law in accordance with the Right to Know Law (RSA 91-A), attached hereto and incorporated herein as Appendix A.

B. Individual Selectmen have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon a majority vote of the Board or as otherwise allowed by law. This does not prohibit a Selectman from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman.

C. The Board of Selectmen derives its authority from New Hampshire State Law as specifically set forth in the Revised Statutes Annotated and as further established under common law (court decisions). A general rule of thumb is the Board of Selectmen does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when Town Meeting has lawfully delegated such authority to the Selectmen.

#### II. GETTING ORGANIZED

A. The first meeting of the Board of Selectmen following the Oath of Office being administered to any of the members shall include

- (1) Voting on the Election of Officers
  - Chair
  - Vice-Chair

[NOTE: No selectperson shall serve more than 2 consecutive years as Chair or Vice-Chair.]

- (2) Voting on Selectmen's Liaison Assignments
  - Planning Board Representative
  - Budget Committee Representative
  - Conservation Commission Representative
  - School Board Representative
  - Library Representative
  - Ad-Hoc Representatives as may be deemed necessary by the Board
- (3) Voting on the Establishment of a Meeting Schedule
- (4) Voting on the Establishment of Goals & Objectives

B. The Chair for the first meeting of any new Board shall be the person most recently chosen to serve as Chair or in the absence of a previously designated Chair, it shall be the previously designated Vice-Chair, otherwise it shall be the most senior person as determined by length of service; until such time as the new Chair is selected.

### **III. DUTIES OF SELECTMEN**

#### **A. Chair**

The Chair shall preside over all meetings and shall have the authority to:

- (1) Maintain order and control of the agenda. (See also Board of Selectmen Meeting Policy Adopted as Amended July 17, 2018, attached hereto and incorporated herein as Appendix B.)
- (2) Ensure that informal parliamentary procedures are followed.
- (3) Place limits on the length of time and the content of input provided by meeting participants.
- (4) Call for a special or emergency meeting.
- (5) Request the voluntary (or involuntary removal by a Police Officer) of persons who disrupt the business of Town government.
- (6) Represent the Town at ceremonial events and serve as the Town's Chief Executive Official.
- (7) Serve as the Board spokesperson by presenting the official viewpoint of the Board of Selectmen to the media, citizens, government agencies, civic groups and others based upon a majority vote.
- (8) Shall sign official documents on behalf of the Board of Selectmen in instances where only one signature is required

[NOTE: nothing herein is intended to prohibit the remaining members of the Board of Selectmen from attending ceremonial events or voting to override a ruling of the Chair, nor is anything intended to prevent the Chair from delegating his/her authority as may be deemed necessary.]

B. Vice-Chair

The Vice-Chair shall have all of the duties and responsibilities of the Chair in the event of a vacancy, disqualification or absence.

C. Partial List of Selectmen's Duties & Responsibilities

The following is a partial list of the Selectmen's duties and responsibilities, as compiled from New Hampshire Practice, Local Government Law by Peter J. Loughlin, Knowing the Territory by the New Hampshire Local Government Center and the Town of Brentwood Annual Town Meeting records. [NOTE: Further clarification of the obligations of the Board of Selectmen with regards to implementation of its authority can be found in the Town of Brentwood Personnel Policies, and the compilation of Town of Brentwood Ordinances and Regulations.]

- (1) Serve as Local Governing Body (RSA 672:6)
- (2) Serve as Election Officials (RSA 658:9 & 659:95)
- (3) Call Special Town Meetings (RSA 39:1)
- (4) Approve Town Expenditures (RSA 41:9)
- (5) Adopt Purchasing Policies (RSA 41:9)
- (6) Accept Donations & Approve Gift Expenditures (RSA 31:19)
- (7) Act as Agents to Expend Capital Reserve Funds (RSA 35:15)
- (8) Approve Expenditures from Revolving Funds (RSA 31:95-h)
- (9) Approve Budget Line Item Transfers (RSA 32:10)
- (10) Encumber Unexpended Funds (RSA 32:7)
- (11) Apply For, Accept & Expend Unanticipated Money (RSA 31:95-b)
- (12) Prepare Budget Recommendations (RSA 32)
- (13) Prepare the Annual Town Report (RSA 41:13-14)
- (14) Prepare Town Meeting Warrants (RSA 39:2)

- (15) Submit Reports to NH Department of Revenue Administration (RSA 21-J:34)
- (16) Negotiate Inter-Municipal Agreements (RSA 53-A:1 & 162-G)
- (17) Negotiate a Payment Schedule for Library Appropriations (RSA 202-A:11)
- (18) Establish Fees (RSA 41:9-a)
- (19) Adopt an Administrative Code (RSA 41:8)
- (20) Adopt Personnel Rules (RSA 41:8)
- (21) Adopt Police Policies (RSA 105:2-a)
- (22) Establish & Maintain Internal Control Procedures (RSA 41:9)
- (23) Establish Boards & Committees (RSA 41:8)
- (24) Appoint & Remove Officials to Boards & Committees (RSA 669:75)
- (25) Fill Vacancies in Elective Offices (RSA 669:61-75)
- (26) Approve Appointments of Deputy Town Clerk-Tax Collector & Deputy Treasurer (RSA 41:29-a, 45-c)
- (27) Issue an Extent Against a Tax Collector (RSA 85:5)
- (28) Appoint, Direct & Control an Emergency Management Director (RSA 21-P:39)
- (29) Appoint Election Inspectors (RSA 658)
- (30) Appoint Town Counsel & Manage Litigation (New Hampshire Practice §486)
- (31) Sit on Board of Health & Adopt Health Regulations (RSA 147)
- (32) Nominate the Appointment of a Health Officer (RSA 128:1) & Approve Appointment of Deputy Health Officer (RSA 128:5-b)
- (33) Employ and Dismiss a Town Physician (RSA 41:10)
- (34) Regulate Hazardous & Dilapidated Buildings (RSA 155-B)
- (35) Appoint a Welfare Director (RSA 41:2 & 669:75)
- (36) Adopt Welfare Guidelines (RSA 165:1)
- (37) Request a Special Election to Fill a State Representative Vacancy (RSA 661:8)

- (38) Remove Elected Officials from Office for insanity or incapacitation (RSA 41:12) or for cause [RSA 41:16-c (Town Clerk) 41:26-d (Treasurer) and 41:40 (Tax Collector)].
- (39) Appraise Taxable Property & Issue Abatements & Approve Exemptions (RSA 72, 74-76)
- (40) Assess & Payment of Educational Taxes (RSA 194:7, & 198)
- (41) Assess Betterments (RSA 231:29)
- (42) Assess Current Use Change Taxes (RSA 79-A)
- (43) Assess Timber Taxes (RSA 79)
- (44) Issue & Negotiate Tax Anticipation Notes (RSA 33:7)
- (45) Accept, Refuse to Accept & Convey Tax Deeds (RSA 80)
- (46) Convey Town Land (RSA 41:14-a)
- (47) Approve the Acquisition of Real Property Interests in the Name of the Town by the Conservation Commission (RSA 36-A:4)
- (48) Perambulation of Town Boundaries (RSA 51:2)
- (49) Regulate Town Property (RSA 41:11-a)
- (50) Propose Amendments to the Zoning Ordinance, Historic District Ordinance or Building Code (RSA 675:3)
- (51) Enforcement of Zoning Ordinances (New Hampshire Practice §483)
- (52) Layout Town Highways (RSA 231)
- (53) Regulate Town Highways, Sidewalks & Commons (RSA 41:11)
- (54) Accept Town Streets (RSA 674:40-a)
- (55) Assign Names to Town Streets (RSA 231:133)
- (56) Authorize the Use of Sidewalks and Local Highways for OHRV's (RSA 215-A:6)
- (57) Issue Licenses for Use of Streets (RSA 31:99,100,102-a, 286:2)
- (58) Order the Cutting or Removal of Trees within a Designated Scenic Highway (RSA 231:158)
- (59) Order Reconstruction of Railroad Crossings over Local Highways (RSA 373:2)

- (60) Appeal Wetlands Permit Decisions of the NH Department of Environmental Services (RSA 482-A:10)
- (61) Notify the Public, Hold Public Hearings & Issue Orders on the Operation of Dams & Flumes (RSA 482)
- (62) Regulate the Town Landfill & Recycle Center (RSA 149-M:17)
- (63) Regulate Trash Collection & Transportation (RSA 149-M:17)
- (64) Regulate Voluntary Recycling (RSA 149-M:17)
- (65) Enforce Remedies & Penalties for Injuries Done by Dogs (RSA 466:22)
- (66) Issue Permits for Charity Raffles (RSA 287-A:7)
- (67) Regulate Fireworks (RSA 160-B)
- (68) Regulate Junk Dealers (RSA 322:1)
- (69) Regulate Junkyards (RSA 236:115)
- (70) Regulate Noise (RSA 31:39)
- (71) Regulate the Operation of Snowmobiles (RSA 215-C:31)
- (72) Revise School District Boundaries (RSA 194:52)
- (73) Sit on the Municipal Records Disposition Committee (RSA 33-A:3)

D. Delegation of Selectmen's Duties

- (1) Although the Board of Selectmen has historically delegated many of its responsibilities to staff members with enhanced levels of expertise, qualifications and specific competencies, it is important to note that nothing herein is intended to imply the Board of Selectmen cannot assume control over the day-to-day, hands-on tasks associated with its obligations; and it should also be understood that the Board of Selectmen retains the final decision-making authority for all of its responsibilities.
- (2) It shall be the responsibility of the Town Administrator to keep the Board of Selectmen informed of their duties in a timely manner and to ensure, to the greatest extent practical, that the Board acts in compliance with all applicable laws, including, but not limited to posting notices, meeting deadlines, producing minutes and reports, advertising, scheduling hearings, etc.

F. Limitations on Selectmen's Duties

- (1) The duties and responsibilities of the Board of Selectmen as set forth in these guidelines and as otherwise enumerated under law are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board's authority as it pertains to each specific set of circumstances.
- (2) The Board of Selectmen has no direct authority over the personnel or operations of the Fire Department (RSA 154:2) or Library (RSA 202-A:6), however, the Selectmen shall retain jurisdiction over the finances, respective budgets and any other subject matters required by law, as otherwise set forth in RSA 32, 41:8, 41:9 and 41:9-a and any other applicable laws.

**IV. BUSINESS PROTOCOLS**

A. Public Sessions

The Board of Selectmen can only act in a duly posted public session unless a subject matter is specifically exempt by law from such requirement. Notice of all meetings shall be posted at least 24 hours in advance of the meeting (except in the event of an emergency as noted herein) on the Town's website and the Town Office lobby. There is no legal requirement to post an agenda with a notice of meeting.

B. Non-Public Sessions

The Board of Selectmen may meet in non-public session only to discuss the subject matters referenced in RSA 91-A:3, II (see Appendix A), provided that such action is preceded by a motion, second and roll call vote that indicates the precise reasons for entering a non-public session, including a reference to the applicable statutory citation; and furthermore provided that such action can only take place during a duly posted public meeting. Upon the close of non-public session business, the Board of Selectmen may, by 2/3 vote, seal the minutes until such time as divulgence is otherwise permitted under law (RSA 91-A:3, III, see Appendix A); otherwise a draft of the non-public session minutes shall be made available for public inspection in the Office of the Town Administrator within 72 hours.

C. Minutes

An original document of all minutes from all meetings of Board of Selectmen following a majority vote to approve such minutes; shall be transferred to the custody of the Office of the Town Clerk-Tax Collector as soon as practical. The minimum content of the minutes shall be as set forth in RSA 91-A:2 & 4 (see Appendix A), but nothing herein is intended to prohibit the Selectmen from including such additional information as they may deem necessary. Sealed minutes shall be held in the custody of the Office of the Town Administrator. Draft minutes shall be noted as such and posted on the website prior to the next duly posted meeting.

D. Non-Meetings

There are a few specific situations where the Board of Selectmen is permitted under law to conduct official business without posting notice of a meeting or taking minutes as set forth in RSA 91-A:2, I (see

Appendix A). These non-meetings may be held during the course of a non-public session or upon the conclusion of a public session meeting or at any other time that is convenient to the participants.

E. Emergency Meetings

(1) RSA 91-A:2, II (see Appendix A) defines the circumstances and explains the procedures for the Board of Selectmen to have a meeting with less than 24 hour notice. Such meetings require an emergency where immediate undelayed action is deemed to be imperative by the Chair and must be posted as soon as practical on the Town's website and the Town Office lobby. Notice shall employ whatever further means are reasonably available to inform the public that a meeting is being held.

(2) There is locked key box in the Town Administrator's office consisting of master keys to all town owned buildings. Access to that box shall be limited to a quorum (minimum 3 out of 5 on the board) being physically present or a single member with consent of a majority of the members at a duly noticed meeting.

F. Public Hearings

- (1) Public hearings are generally held for the following reasons: (a) to solicit input on proposed regulations, ordinances, fees or special events with significant community impacts; (b) to resolve a personnel matter upon a request from an employee to hold such proceedings in public; (c) to settle an appeal of a decision made by a Town employee; (d) in response to a petition to layout or accept a public highway; (e) for the purpose of deciding any question affecting the conflicting rights or claims of different persons; or (f) to solicit bids or proposals to obtain goods or services for the Town. It should be noted the Board of Selectmen cannot legally preside over hearings when such responsibilities or decision-making authority has been delegated by statute or ordinance to some other party, (such as subdivision approvals, appeals of administrative decisions of the Building Inspector, removal of the Fire Chief or Library Director, etc.)
- (2) During such proceedings, the Board members should refrain from expressing any opinions unless specifically asked or until such time as all other speakers have had an opportunity to speak and the hearing is then closed by the Chair. Selectmen may, however, ask questions of speakers and respond to questions if they so choose. Typically a hearing should begin with some type of opening remark from the Chair and then a presentation or viewpoint from a supporter of the subject matter or the person requesting the hearing and thereafter alternate with opposing views. In the case of contested proceedings, each party should be given one opportunity to make closing remarks and a rebuttal. (See also RSA 43 for specific requirements under certain situations.)
- (3) Decisions of the Board following a public hearing should always be expressed in writing and/or under signatures of the Board members, however the drafting of a decision and circulation for signatures may be exempt from the open meeting requirement of NH law.

G. Personnel Hearings

- (1) Personnel hearings are to be conducted in non-public session unless otherwise requested by the affected employee, in which case they must be held in public session. If the hearing is held in non-public session then all proceedings and documents related thereto shall be exempt from public disclosure except as otherwise required by law. If the hearing is held in public session, then all records related thereto shall be subject to public disclosure.
- (2) The procedures used for a personnel hearing should be similar to the process used for any public hearing, except that a Selectman has no obligation to answer any questions posed by the participants. In addition, either party may call witnesses or submit evidence to support his/her viewpoint, but the Selectmen are not required to comply with or establish any formal set of evidentiary rules; and the provisions of RSA 43 are not applicable except for removal proceedings as set forth in RSA 41:16-c (Town Clerk) 41:26-d (Treasurer) and 41:40 (Tax Collector).

H. Consent Agenda

In order to facilitate the daily operations of Town government, the Selectmen may sign routine documents such as payroll changes, payment manifests, tax warrants, abatements and correspondence without the necessity of a public meeting; provided that such documents are thereafter approved by a vote of the Board. Furthermore, it should be noted that such documents must be made available for public inspection unless specifically exempt by law and any Selectman may require any such document to be acted upon and/or discussed by the Board at a meeting prior to the signatures of a majority taking effect.

I. Lack of a Quorum

In the event that two Selectmen are absent from a meeting, the remaining three members of the Board shall constitute a quorum and all decisions made shall have the same affect as any other decision of the entire Board, unless otherwise prescribed by law. In the event that three Selectmen are absent from a meeting, no official meeting can take place and therefore no decisions can be made.

J. Remote Participation in Meetings

The provisions of RSA 91-A:2, III shall apply to the remote participation of a Selectman at a public meeting of the Board by telephone or video conference, only upon the consent of the majority members of the Board physically present.

K. Voting Abstentions

In the event that a Selectman should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purposes of determining the majority viewpoint.

L. Illegal Votes

It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by e-mail or in such a way as to be contrary to the Right to Know Law.

M. Disqualifications

Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (to include voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectman should voluntarily disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome. In addition, a Selectman should disqualify himself/herself when acting in a quasi-judicial capacity based on a juror's standard of impartiality. [NOTE: There are no circumstances when a majority of the Board members can refuse to allow a Selectman to participate in the official proceedings of the Board, however, Selectmen are encouraged to publicly disclose any and all potential conflicts of interest and to thereafter defer to the will of the majority in determining whether or not to step down.]

N. Voting Procedures

Votes should be taken by the Board upon a motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the Town. In some instances, however, the Board may wish to convey its opinion or consent by a simple consensus process.

O. Role of the Town Administrator

The Town Administrator shall ensure that all meetings of the Board of Selectmen comply with the requirements of NH law, (public notice, postings, non-public sessions, public hearings, minutes, etc.) In addition, the Town Administrator shall be available during meetings to provide advice and recommendations to the Selectmen upon request. The Town Administrator shall also perform all of the duties and responsibilities as set forth in the attached job description (Appendix C) or as otherwise determined by the Board of Selectmen.

P. Correspondence

- (1) The Office of the Town Administrator shall open all mail addressed to Selectmen at the Town Offices unless marked confidential and/or personal. In-coming mail will be placed in the Selectmen's "mail" folder to be read at the following meeting.
- (2) In-coming correspondence addressed to the Board of Selectmen or an individual Selectman should be shared with all members of the Board and the Town Administrator. The Town Administrator (or designee) may respond on behalf of the Board to routine questions of an administrative nature (with copies provided to the Selectmen), but all other matters shall be placed on an upcoming Selectmen's agenda for a Board decision. The Town Administrator may thereafter respond on behalf of the Board unless otherwise directed.
- (3) Selectmen should not sign or use official Town letterhead as individuals without the consent of the majority of Board members.

Q. Political Issues

The Selectmen should refrain from endorsing (or giving the appearance of endorsing) any specific candidate for elected office (including themselves) while acting at a public meeting or in an official capacity. Selectmen are encouraged, however, to speak on any political issues that may affect the Town of Brentwood, to include expressions of specific viewpoints as may be applicable with the consent of the majority of Board Members.

R. Appointments of Town Officials

The Selectmen act as the Appointing Authority for many other Town Officials, including employees, members of boards and committees and to fill vacancies in some elected offices. Often times these appointment decisions have long-term implications in much the same way as the President may appoint a Justice to the Supreme Court, with an emphasis on local consequences. In making these decisions by majority vote, the Board should always discuss individual qualifications in a non-public session (except for positions that are subject to future elections in which case all discussions must be done in public and all application materials are subject to public disclosure). Ultimately decisions to appoint should be made based primarily on a candidate's qualifications, experience, track record and ideology, even when considering re-appointments.

**IV. SELECTMEN'S CODE OF CONDUCT**

A. Selectmen's Meetings

The following guidelines are presented as a list of suggestions for Selectmen to consider in order to facilitate the management of the Town:

- (1) Be prepared for all meetings by reading the materials in advance of the meeting.
- (2) Actively participate in all deliberations.
- (3) Be respectful of differences of opinion. Treat others with dignity and attentiveness.
- (4) Be fair and open-minded.
- (5) Attend all meetings to the greatest extent possible; otherwise notify the Town Administrator of an impending absence prior to the meeting.
- (6) Demonstrate the characteristics of honesty, integrity, and positive role-model leadership.
- (7) There should be no hesitation to express a viewpoint or present the opinions of concerned citizens.
- (8) Research and requests for additional information are strongly encouraged, but it is suggested that the Town Administrator be utilized to process all inquiries from staff.

- (9) Be attentive to the remarks of others during a meeting, including input received from members of the public, staff, and other Town Officials.

B. General Rules

The following guidelines are intended to assist the Selectmen in the performance of their official duties:

- (1) Do not make unilateral promises, threats, or decisions on behalf of the Board.
- (2) Be very cautious about making promises with regards to a future vote or the treatment of any individual.
- (3) Do make yourself available to listen to (or read about) constituent concerns.
- (4) There is a fine line that is often impossible to identify between “acting in concert with personal beliefs and principles” vs. “acting in the best interests of the Town based on a specific set of circumstances”. Follow your conscience.
- (5) Do not cast blame for problems without having all the facts. In most instances it is better to steer conversations towards identification of problems and possible solutions rather than pointing fingers at individuals who may have made mistakes.
- (6) Do not be afraid to explain that you were not aware of a certain situation or that you may not know the answer to a specific question about Town government. There are many resources available for you to get the right answers in a short period of time. Also keep in mind that the right answer may not always be the answer desired, but this will always be better than giving misinformation or false hope.
- (7) Friendships and business relations should not be a deciding factor when making decisions in the best interests of the Town. A true friend will understand and respect the need for a Selectman to avoid the appearance of favoritism.
- (8) The business of running the Town often requires perseverance, patience, and long-term planning. The existence of phrases such as “Rome wasn’t built in a day” and “the wheels of government grind slowly” is indicative of a frustrating reality at times. However, Selectmen are encouraged to be mindful of their role in the posterity of future generations while dealing with current issues.
- (9) Keep in mind that the eyes of Brentwood are upon you. The things you say and do and the people you associate with are a reflection on your character as an official who is elected to represent the Brentwood community.
- (10) Try to avoid being a player on either end of the rumor mill. Work towards earning (and keeping) a reputation for having integrity.
- (11) Statements made by individual Selectmen that amount to personal attacks or public insults (regardless of the setting) will impede the ability of the Board of Selectmen to function in the best interests of the Town.

- (12) Privileged information should not be shared or discussed with anyone other than the parties directly involved. In some instances, the disclosure of privileged information can result in legal consequences (of a personal nature as well as creating Town liability) and/or removal from office.
- (13) In the event a Selectmen becomes aware of any wrong doing on the part of an elected or appointed Town Official, this knowledge must be shared with the remaining members of the Board during a non-public session meeting prior to any action being taken.
- (14) Selectmen are indemnified by a Town insurance policy from liability for official conduct that is taken within the confines of their duties and responsibilities. Selectmen are also covered under the Town's worker's compensation insurance policy as "employees", but they are not eligible for any other employee benefits.

C. Relationships with Other Elected Town Officials

- (1) Selectmen are encouraged to maintain open lines of communication and positive relations with other elected Town Officials for the sake of facilitating municipal operations. When discussing Town business, such communications should be prefaced as either being a personal viewpoint or the official position of the Board, as may be appropriate.
- (2) In the event that a Selectman is aggrieved by a decision or action that is taken by an elected Town Official, the issue should be shared with the remaining members of the Board during a public or non-public session meeting (as allowed by law) prior to any action being taken.
- (3) The role of the Board of Selectmen in any proceedings related to the removal from office of an elected Town Official is specifically set forth in law and must be followed in a precise manner.

D. Relationships with Other Town Boards & Committees

- (1) The Selectmen should be mindful of the statutory authority granted to certain Boards and Committees with a goal of assisting such agencies in the fulfillment of their mission to the greatest extent practical. This is especially relevant in dealing with the Town's Legislative Body (Town Meeting) as well as the Planning Board, ZBA, and Budget Committee.
- (2) Whenever the Board of Selectmen decides to establish a board or committee that is not prescribed by law or is otherwise under the Selectmen's jurisdiction, the Board shall adopt a resolution that specifies the name of the agency, the number of members and alternates if desired, the length of terms, the mission of the agency, (to include duties, responsibilities and authority), residency requirements, the date by which the agency shall cease to exist and any other information deemed relevant.

- (3) In some situations, the role of the Board of Selectmen in any proceedings related to the removal from office of members of Boards and Committees is specifically set forth in law and must be followed in a precise manner. However, there are also situations where the Board of Selectmen may have the authority to replace members with or without cause and with or without due process as may be allowed by law. Accordingly, it is important that the Oath of Office be carefully worded by the Selectmen to ensure the Board preserves its rights pertaining to the status of appointees.
- (4) Selectmen who serve as ex-officio members (or Liaisons) of other Boards and Committees are expected to vote and act in a manner that is consistent with the majority viewpoint of the Board, to the extent practical.
- (5) All Town Boards and Committees are subject to the Right to Know Law and must therefore comply with all provisions of RSA 91-A.

E. Relationships with Other Selectmen

- (1) It is recognized under NH law that a chance meeting or social event involving a quorum of the Board (three or more members) does not constitute a "meeting". However, individual Selectmen must not discuss any Town business during such situations.
- (2) Communications between Selectmen during meetings or public events should always take into account a level of decorum that is commensurate with the position of elected leaders of the Town. Accordingly, it is expected that Selectmen will conduct themselves in a professional manner at all times; and that members of the Board can ultimately agree to disagree in the event of differences of opinion regardless of the circumstances or the intensity of feelings.
- (3) All written communications between Selectmen may be considered public documents under the law. This includes emails and handwritten notes. Selectmen can be held personally (and financially) liable by a court for destruction of any such documents or willful violations of the Right to Know Law.

F. Relationships with Staff

- (1) It is requested that Selectmen respect the Chain of Command and deal with staff issues or requests for information through the Office of the Town Administrator at all times. This is not to imply, however, that Selectmen must do anything differently from ordinary residents with regards to routine government services (such as vehicle registrations, permit applications, etc.) in which case Selectmen should expect to be treated in the same manner as every other "customer". Any information that is maintained in the Town Administrator's custody shall be requested through the Office of the Town Administrator at all times. In the event of an emergency, the board must have a Quorum (minimum 3 of the 5 on the board) physically present to access these records.
- (2) In the event a Selectman observes an employee exhibiting inappropriate behavior, such conduct should be promptly referred to the Town Administrator and may also be

disclosed to the other members of the Board of Selectmen during a non-public session of a meeting.

- (3) Selectmen should be aware that staff meetings are not open to the public and these meetings are not subject to the Right to Know Law. Members of the Board of Selectman should only attend these types of meetings upon invitation or request of the Town Administrator.
- (4) Selectmen are encouraged to meet as individuals as needed with the Town Administrator to exchange information and share ideas. Such meetings are not subject to the Right to Know Law, however, any written documentation that is exchanged may be subject to public disclosure.
- (5) Selectmen should never solicit political favors, contributions or election support from Town employees who are expected to remain neutral in such matters at all times, but especially during work.
- (6) Disciplinary decisions made by Department Managers and/or the Town Administrator must be implemented without consulting the Board of Selectmen or individual Selectmen in order to preserve the juror status and impartiality that is required for the Board and its members to serve as an appeals body. Except in the case of serious misconduct when a Department Head and/or Town Administrator is recommending suspension or termination. Such cases require approval from the Selectmen.

G. Relationships with Legal Counsel

- (1) The Town Attorney works for the Town of Brentwood under such terms and conditions as may be determined solely by the Board of Selectmen. Consultations between the Selectmen and legal counsel are exempt from the Right to Know Law.
- (2) Members of the Board of Selectmen are encouraged to communicate with the Town Attorney through the Office of the Town Administrator. Often times the Town Administrator may be able to provide legal answers without incurring any legal expenses.
- (3) Selectmen who have a legal question about Town business that is not of an urgent or emergency nature who do not wish to involve the Town Administrator in such an inquiry, are expected to discuss this matter with the remaining members of the Board during a non-public session of a meeting prior to contacting the Town Attorney directly.
- (4) Selectmen who have a legal question about Town business of an urgent or emergency nature who do not wish to involve the Town Administrator are authorized to contact the Town Attorney directly, provided, however, that the nature of the communication shall be put into writing and shared with all Board members as soon as practical.
- (5) From time to time Selectmen are individually served with a lawsuit in the exercise of their duties. Because the timing of the Town's response can be a critical component in a lawsuit, Selectmen should immediately notify the Town Administrator if they have been

sued as a Town Official. The Town Administrator will then forward copies of the lawsuit to all of the Selectmen and the Town Attorney and the Town's insurance carrier. (Sometimes the Town's insurance carrier will provide and pay for legal counsel in which case the Town Attorney may not be involved in the proceedings.)

#### H. Relationships with the Media

- (1) It is recommended that Selectmen never go "off the record" when communicating with a reporter. And keep in mind that there may be times when it is in the Town's best interest for a Selectman to have no comment, but such remarks should be used very judiciously.
- (2) Selectmen should be very careful and cautious when choosing words during a conversation with a reporter (or in the presence of the media) to avoid being misquoted, or having words taken out of context, or disclosing information that should not be made public.
- (3) Although the Chair serves as the official spokesperson for the Board, there is nothing in these guidelines that is intended to prevent any other member of the Board of Selectmen from speaking with the media and offering a personal viewpoint that may differ from the Board.
- (4) Newspaper accounts of municipal events are not always an entirely accurate depiction of the factual circumstances. Accordingly, members of the Board of Selectmen should not make decisions based solely on reports in the newspaper or on television or other media outlets.

#### I. Relationships with Civic Organizations & Citizens

Selectmen are encouraged to visit with members of local civic organizations and concerned citizens to solicit feedback and input on government operations and/or discuss current issues, public events and personal viewpoints concerning Town affairs.

#### J. Ethics

- (1) Individual Selectmen should not seek to exert any undue influence or interference in the exercise of the official duties of other Town Officials or employees. In the event that a Selectman has legitimate personal interests in the outcome of a government function, and he/she acts as a private citizen in pursuit of that objective, than he/she should thereafter disqualify himself/herself as a Selectman in any matters related thereto.
- (2) The Selectmen shall uphold and exemplify the provisions of the Code of Ethics for Public Officials of the Town of Brentwood, as adopted by the Brentwood Legislative Body (Town Meeting) on March 16, 2013 attached hereto and incorporated herein as Appendix D.

K. Violations

- (1) There are no defined consequences under NH law for failure to comply with these guidelines. However, it should be noted that the remaining members of the Board of Selectmen may vote to publicly censure a Selectman for repeated or egregious failures to meet these obligations.
- (2) In the event that a quorum of the Board is of the opinion that one of the Selectmen has violated State Law, then they may vote in public session to initiate judicial removal proceedings and/or petition a court of competent jurisdiction for the imposition of such other penalties as may be allowed by law.

IN WITNESS WHEREOF, these Operational Guidelines for the Board of Selectmen are adopted and approved on the 18 day of May, 2021 by the Brentwood Board of Selectmen.

ATTEST:



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Brentwood Board of Selectmen

**TOWN OF BRENTWOOD, NEW HAMPSHIRE**

**BOARD OF SELECTMEN**

**OPERATIONAL GUIDELINES & HANDBOOK**

**APPENDIX A**

**RSA 91-A**

# TITLE VI

## PUBLIC OFFICERS AND EMPLOYEES

### CHAPTER 91-A

#### ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

##### Section 91-A:1

**91-A:1 Preamble.** – Openness in the conduct of public business is essential to a democratic society. 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.

**Source.** 1967, 251:1. 1971, 327:1. 1977, 540:1, eff. Sept. 13, 1977.

##### Section 91-A:1-a

###### **91-A:1-a Definitions.** –

In this chapter:

- I. "Advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.
- II. "Governmental proceedings" means the transaction of any functions affecting any or all citizens of the state by a public body.
- III. "Governmental records" means 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. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records."
- IV. "Information" means knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form.
- V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.
- VI. "Public body" means any of the following:
  - (a) The general court including executive sessions of committees; and including any advisory committee established by the general court.
  - (b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council.
  - (c) Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire and any committee, advisory or otherwise, established by such entities.
  - (d) Any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto.

(e) Any corporation that has as its sole member the state of New Hampshire, any county, town, municipal corporation, school district, school administrative unit, village district, or other political subdivision, and that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code.

**Source.** 1977, 540:2. 1986, 83:2. 1989, 274:1. 1995, 260:4. 2001, 223:1. 2008, 278:3, eff. July 1, 2008 at 12:01 a.m.; 303:3, eff. July 1, 2008; 303:8, eff. Sept. 5, 2008 at 12:01 a.m.; 354:1, eff. Sept. 5, 2008.

## Section 91-A:2

See 2020, 8:3, effective July 10, 2020; Executive Order 2020-04 (NH LEGIS E.O. 2020-04 (2020) [1001]) as extended by Executive Orders 2020-05 (NH LEGIS E.O. 2020-05 (2020, 1005:1.)); 2020-08 (NH LEGIS E.O. 2020-08 (2020, 1008:1.)); 2020-09 (NH LEGIS E.O. 2020-09 (2020, 1009:1.)); 2020-010 (NH LEGIS E.O. 2020-010 (2020, 1010:1.)); 2020-014 (NH LEGIS E.O. 2020-014 (2020, 1014:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)); 2020-016 (NH LEGIS E.O. 2020-016 (2020, 1016:1.)); 2020-017 (NH LEGIS E.O. 2020-017 (2020, 1017:1.)); 2020-018 (NH LEGIS E.O. 2020-018 (2020, 1018:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)); and Emergency Order #12 (NH LEGIS E.O. 2020-12-Emerg. (2020, 2012:1.)), related to the COVID-19 State of Emergency, for potential impact on the terms of this section.

### 91-A:2 Meetings Open to Public. –

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

- (a) Strategy or negotiations with respect to collective bargaining;
- (b) Consultation with legal counsel;
- (c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or
- (d) Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall be recorded in the minutes. Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, 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 undelayed 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. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

II-a. If a member of the public body believes that any discussion in a meeting of the body, including in a nonpublic session, violates this chapter, the member may object to the discussion. If the public body continues the discussion despite the objection, the objecting member may request that his or her objection be recorded in the minutes and may then continue to participate in the discussion without being subject to the penalties of RSA 91-A:8, IV or V. Upon such a request, the public body shall record the member's objection in its minutes of the meeting. If the objection is to a discussion in nonpublic session, the objection shall also be recorded in the public minutes, but the notation in the public minutes shall include only the member's name, a statement that he or she objected to the discussion in nonpublic session, and a reference to the provision of RSA 91-A:3, II, that was the basis for the discussion.

II-b. (a) If a public body maintains an Internet website or contracts with a third party to maintain an Internet website on its behalf, it shall either post its approved minutes in a consistent and reasonably accessible location on the website or post and maintain a notice on the website stating where the minutes may be reviewed and copies requested.

(b) If a public body chooses to post meeting notices on the body's Internet website, it shall do so in a consistent and reasonably accessible location on the website. If it does not post notices on the website, it shall post and maintain a notice on the website stating where meeting notices are posted.

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) 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. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

**Source.** 1967, 251:1. 1969, 482:1. 1971, 327:2. 1975, 383:1. 1977, 540:3. 1983, 279:1. 1986, 83:3. 1991, 217:2. 2003, 287:7. 2007, 59:2. 2008, 278:2, eff. July 1, 2008 at 12:01 a.m.; 303:4, eff. July 1, 2008. 2016, 29:1, eff. Jan. 1, 2017. 2017, 165:1, eff. Jan. 1, 2018; 234:1, eff. Jan. 1, 2018. 2018, 244:1, eff. Jan. 1, 2019.

## **Section 91-A:2-a**

### **91-A:2-a Communications Outside Meetings. –**

I. Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.

II. Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

**Source.** 2008, 303:4, eff. July 1, 2008.

## **Section 91-A:2-b**

### **91-A:2-b Repealed by 2012, 232:14, eff. Dec. 1, 2012. –**

## **Section 91-A:3**

### **91-A:3 Nonpublic Sessions. –**

I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

- (f) Consideration of applications by the adult parole board under RSA 651-A.
- (g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.
- (h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.
- (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.
- (j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.
- (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency 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. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

**Source.** 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1; 335:16. 2002, 222:2, 3. 2004, 42:1. 2008, 303:4. 2010, 206:1, eff. June 22, 2010. 2015, 19:1; 49:1; 105:1, eff. Jan. 1, 2016; 270:2, eff. Sept. 1, 2015. 2016, 30:1, eff. Jan. 1, 2017; 280:1, eff. June 21, 2016.

## Section 91-A:4

See 2020, 8:4, effective July 10, 2020 and Emergency Order #23 (NH LEGIS E.O. 2020-23-Emerg. (2020, 2023:1.)), issued pursuant to Executive Order 2020-04 (NH LEGIS E.O. 2020-04 (2020, 1004:1.)) as extended by Executive Orders 2020-05 (NH LEGIS E.O. 2020-05 (2020, 1005:1.)); 2020-08 (NH LEGIS E.O. 2020-08 (2020, 1008:1.)); 2020-09 (NH LEGIS E.O. 2020-09 (2020, 1009:1.)); 2020-010 (NH LEGIS E.O. 2020-010 (2020, 1010:1.)); 2020-014 (NH LEGIS E.O. 2020-014 (2020, 1014:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)); 2020-016 (NH LEGIS E.O. 2020-016 (2020, 1016:1.)); 2020-017

(NH LEGIS E.O. 2020-017 (2020, 1017:1.)); 2020-018 (NH LEGIS E.O. 2020-018 (2020, 1018:1.)), 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)), related to the COVID-19 State of Emergency, for potential impact on the terms of this section.

**91-A:4 Minutes and Records Available for Public Inspection. –**

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, VI(a)-(d), or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of a public body, every citizen, during the regular or business hours of such public body, and on the regular business premises of such public body, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or to copy such notes, materials, tapes, or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each public body or agency shall keep and maintain all governmental records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the governmental records pertaining to such public body or agency shall be kept in an office of the political subdivision in which such public body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

III-a. Governmental records created or maintained in electronic form shall be kept and maintained for the same retention or archival periods as their paper counterparts. Governmental records in electronic form kept and maintained beyond the applicable retention or archival period shall remain accessible and available in accordance with RSA 91-A:4, III. Methods that may be used to keep and maintain governmental records in electronic form may include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

III-b. A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the public body or agency itself. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

IV. (a) Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(b) If a public body or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request:

(1) Make such record available;

(2) Deny the request; or

(3) Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay.

(c) A public body or agency denying, in whole or part, inspection or copying of any record shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is

used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No cost or 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.

V. In the same manner as set forth in RSA 91-A:4, IV, any public body or agency which maintains governmental records in electronic format may, in lieu of providing original records, copy governmental records requested to electronic media using standard or common file formats in a manner that does not reveal information which is confidential under this chapter or any other law. If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method, the public body or agency may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

VII. Nothing in this chapter shall be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency.

**Source.** 1967, 251:1. 1983, 279:2. 1986, 83:5. 1997, 90:2. 2001, 223:2. 2004, 246:2. 2008, 303:4. 2009, 299:1, eff. Sept. 29, 2009. 2016, 283:1, eff. June 21, 2016. 2019, 107:1, eff. Jan. 1, 2020; 163:2, eff. Jan. 1, 2020 at 12:01 a.m.

## Section 91-A:5

### 91-A:5 Exemptions. –

The following governmental records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

I-a. The master jury list as defined in RSA 500-A:1, IV.

II. Records of parole and pardon boards.

III. Personal school records of pupils, including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all 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.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed,

circulated, or available to a quorum or a majority of the members of a public body.

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

XI. Records pertaining to information technology systems, including cyber security plans, vulnerability testing and assessments materials, detailed network diagrams, or other materials, the release of which would make public security details that would aid an attempted security breach or circumvention of law as to the items assessed.

**Source.** 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1. 2002, 222:4. 2004, 147:5; 246:3, 4. 2008, 303:4, eff. July 1, 2008. 2013, 261:9, eff. July 1, 2013. 2016, 322:3, eff. Jan. 1, 2017. 2018, 91:2, eff. July 24, 2018. 2019, 54:1, eff. Aug. 4, 2019.

### Section 91-A:5-a

**91-A:5-a Limited Purpose Release.** – Records from non-public sessions under RSA 91-A:3, II(i) or that are exempt under RSA 91-A:5, VI may be released to local or state safety officials. Records released under this section shall be marked "limited purpose release" and shall not be redisclosed by the recipient.

**Source.** 2002, 222:5, eff. Jan. 1, 2003.

### Section 91-A:6

**91-A:6 Employment Security.** – This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply; this provision shall be administered and construed in the spirit of that section, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-123 together with all records and data developed from RSA 282-A:117-123.

**Source.** 1967, 251:1. 1981, 576:5, eff. July 1, 1981.

### Section 91-A:7

**91-A:7 Violation.** – Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

**Source.** 1967, 251:1. 1977, 540:5. 2008, 303:5, eff. July 1, 2008. 2018, 289:1, eff. Jan. 1, 2019.

## **Section 91-A:8**

### **91-A:8 Remedies. –**

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to address a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

III. The court may invalidate an action of a public body or public agency taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has violated any provision of this chapter in bad faith, the court shall impose against such person a civil penalty of not less than \$250 and not more than \$2,000. Upon such finding, such person or persons may also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I. If the person is an officer, employee, or official of the state or of an agency or body of the state, the penalty shall be deposited in the general fund. If the person is an officer, employee, or official of a political subdivision of the state or of an agency or body of a political subdivision of the state, the penalty shall be payable to the political subdivision.

V. The court may also enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training, at such person or person's expense.

**Source.** 1973, 113:1. 1977, 540:6. 1986, 83:7. 2001, 289:3. 2008, 303:6. 2012, 206:1, eff. Jan. 1, 2013.

## **Section 91-A:8-a**

**91-A:8-a Repealed by 2017, 126:2, eff. November 1, 2017. –**

## **Section 91-A:9**

**91-A:9 Destruction of Certain Information Prohibited. –** A person is guilty of a misdemeanor who knowingly destroys any information with the purpose to prevent such information from being inspected or disclosed in response to a request under this chapter. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending.

**Source.** 2002, 175:1, eff. Jan. 1, 2003.

## **Procedure for Release of Personal Information for Research Purposes**

## **Section 91-A:10**

**91-A:10 Release of Statistical Tables and Limited Data Sets for Research. –**

I. In this subdivision:

- (a) "Agency" means each state board, commission, department, institution, officer or other state official or group.
- (b) "Agency head" means the head of any governmental agency which is responsible for the collection and use of any data on persons or summary data.
- (c) "Cell size" means the count of individuals that share a set of characteristics contained in a statistical table.
- (d) "Data set" means a collection of personal information on one or more individuals, whether in electronic or manual files.
- (e) "Direct identifiers" means:
  - (1) Names.
  - (2) Postal address information other than town or city, state, and zip code.
  - (3) Telephone and fax numbers.
  - (4) Electronic mail addresses.
  - (5) Social security numbers.
  - (6) Certificate and license numbers.
  - (7) Vehicle identifiers and serial numbers, including license plate numbers.
  - (8) Personal Internet IP addresses and URLs.
  - (9) Biometric identifiers, including finger and voice prints.
  - (10) Personal photographic images.
- (f) "Individual" means a human being, alive or dead, who is the subject of personal information and includes the individual's legal or other authorized representative.
- (g) "Limited data set" means a data set from which all direct identifiers have been removed or blanked.
- (h) "Personal information" means information relating to an individual that is reported to the state or is derived from any interaction between the state and an individual and which:
  - (1) Contains direct identifiers.
  - (2) Is under the control of the state.
- (i) "Provided by law" means use and disclosure as permitted or required by New Hampshire state law governing programs or activities undertaken by the state or its agencies, or required by federal law.
- (j) "Public record" means records available to any person without restriction.
- (k) "State" means the state of New Hampshire, its agencies or instrumentalities.
- (l) "Statistical table" means single or multi-variate counts based on the personal information contained in a data set and which does not include any direct identifiers.

II. Except as otherwise provided by law, upon request an agency shall release limited data sets and statistical tables with any cell size more than 0 and less than 5 contained in agency files to requestors for the purposes of research under the following conditions:

- (a) The requestor submits a written application that contains:
  - (1) The following information about the principal investigator in charge of the research:
    - (A) name, address, and phone number;
    - (B) organizational affiliation;
    - (C) professional qualification; and
    - (D) name and phone number of principal investigator's contact person, if any.
  - (2) The names and qualifications of additional research staff, if any, who will have access to the data.
  - (3) A research protocol which shall contain:
    - (A) a summary of background, purposes, and origin of the research;
    - (B) a statement of the general problem or issue to be addressed by the research;
    - (C) the research design and methodology including either the topics of exploratory research or the specific research hypotheses to be tested;
    - (D) the procedures that will be followed to maintain the confidentiality of any data or copies of records provided to the investigator; and
    - (E) the intended research completion date.

(4) The following information about the data or statistical tables being requested:

- (A) general types of information;
- (B) time period of the data or statistical tables;
- (C) specific data items or fields of information required, if applicable;
- (D) medium in which the data or statistical tables are to be supplied; and
- (E) any special format or layout of data requested by the principal investigator.

(b) The requestor signs a "Data Use Agreement" signed by the principal investigator that contains the following:

(1) Agreement not to use or further disclose the information to any person or organization other than as described in the application and as permitted by the Data Use Agreement without the written consent of the agency.

(2) Agreement not to use or further disclose the information as otherwise required by law.

(3) Agreement not to seek to ascertain the identity of individuals revealed in the limited data set and/or statistical tables.

(4) Agreement not to publish or make public the content of cells in statistical tables in which the cell size is more than 0 and less than 5 unless:

(A) otherwise provided by law; or

(B) the information is a public record.

(5) Agreement to report to the agency any use or disclosure of the information contrary to the agreement of which the principal investigator becomes aware.

(6) A date on which the data set and/or statistical tables will be returned to the agency and/or all copies in the possession of the requestor will be destroyed.

III. The agency head shall release limited data sets and statistical tables and sign the Data Use Agreement on behalf of the state when:

(a) The application submitted is complete.

(b) Adequate measures to ensure the confidentiality of any person are documented.

(c) The investigator and research staff are qualified as indicated by:

(1) Documentation of training and previous research, including prior publications; and

(2) Affiliation with a university, private research organization, medical center, state agency, or other institution which will provide sufficient research resources.

(d) There is no other state law, federal law, or federal regulation prohibiting release of the requested information.

IV. Within 10 days of a receipt of written application, the agency head, or designee, shall respond to the request. Whenever the agency head denies release of requested information, the agency head shall send the requestor a letter identifying the specific criteria which are the basis of the denial. Should release be denied due to other law, the letter shall identify the specific state law, federal law, or federal regulation prohibiting the release. Otherwise the agency head shall provide the requested data or set a date on which the data shall be provided.

V. Any person violating any provision of a signed Data Use Agreement shall be guilty of a violation.

VI. Nothing in this section shall exempt any requestor from paying fees otherwise established by law for obtaining copies of limited data sets or statistical tables. Such fees shall be based on the cost of providing the copy in the format requested. The agency head shall provide the requestor with a written description of the basis for the fee.

**Source.** 2003, 292:2, eff. July 18, 2003.

## Right-to-Know Oversight Commission

### Section 91-A:11 to 91-A:15

**91-A:11 to 91-A:15 Repealed by 2005, 3:2, eff. Nov. 1, 2010. –**

**TOWN OF BRENTWOOD, NEW HAMPSHIRE**

**BOARD OF SELECTMEN**

**OPERATIONAL GUIDELINES & HANDBOOK**

**APPENDIX B**

**SELECTMEN'S BOARD MEETING POLICY**

## SELECTMEN'S BOARD MEETING POLICY

*THE PURPOSE OF THIS DOCUMENT IS TO SET FORTH THE POLICY OF THE SELECTMEN REGARDING THEIR SCHEDULED MEETINGS AND AGENDAS*

### I. OFFICERS

1. CHAIRPERSON: A chairperson shall be elected at the first regularly scheduled meeting following the swearing in of members elected at the Annual Town Meeting. Election shall be by a majority vote of those present.

Duties:

- a. To preside at all meetings of the Board and perform all duties required by law.
  - b. To open the session at the time at which the Board is to meet by calling the members to order.
  - c. To announce the business before the Board in the order in which it is to be acted upon.
  - d. To recognize members entitled to the floor. After a presentation, questions accepted from the public shall be addressed through the Chair after they identify themselves.
  - e. To state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings, and to announce the result of the vote.
  - f. To protect the Board from annoyance.
  - g. To assist in expediting all business in every way compatible with the rights of the members by:
    - Allowing remarks when non-debatable motions are pending.
    - Calling a recess to permit restoration of order or clarification of an obscure point if he/she thinks it is advisable.
    - Guiding the members when engaged in a debate to stay within the rules of order.
    - Ensuring on all occasions, the observance of order and decorum among the members.
    - Deciding all questions of order (subject to an appeal by any 3 members) unless he/she prefers to submit the question for the decision of the Board.
    - Informing the Board on a point of order or practice pertinent to pending business.
    - Recognizing Board member's requests for disqualification from issues where a conflict of interest may occur, as well as abstentions from voting.
  - h. To authenticate by his/her signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.
  - i. The Chairperson shall vote as a member of the Board and may offer a motion or second a motion when necessary and appropriate.
  - j. Discussions which are not addressing the business before the Board or which are conducted in a disorderly or disrespectful manner shall be ruled out of order. The Chairperson shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.
  - k. Correspondence shall be directed to the Chair of the Board; communications from the Board shall be signed by the Chair or designed.
2. VICE CHAIRPERSON: A vice chairman shall be elected at the first regularly scheduled meeting following the swearing in of members. Election shall be by a majority vote of those present.

Duties:

The vice chairman shall preside at all meetings that the chairman is unable to attend.

3. MEMBERS:

- a. All members shall make every effort to attend each scheduled meeting. The Town Administrator should be notified by Board members of an impending absence prior to the meeting.
- b. Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any actions or statement of any individual Board member, except when such statement or action is pursuant to instructions from the Board.
- c. Members are expected to sign paperwork and the weekly manifest in a timely manner.
- d. The Board, by vote, may delegate members of the Board to investigate Town matters, to serve on committees and to perform other duties. Members are expected to attend assigned committee and cross-over board meetings. When unable to attend, members should notify the Town Administrator in time to arrange alternate coverage if possible.

**II. REGULAR MEETINGS:**

Selectmen's meetings will be conducted in accordance with the order of the agenda, but generally the Selectmen have regularly scheduled meetings on Tuesday evenings commencing with a work session from 5:30 p.m. to 6:00 p.m. during which time the Board will conduct administrative paperwork. The public session will begin at 6:00 p.m. Public participation will be limited to the public session of the meeting. During the months of April through August the Selectmen will meet as a board only on the first (1st) and third (3rd) Tuesday of the month.

**III. SPECIAL MEETINGS:**

1. If there is a "situation where immediate and undelayed action is deemed to be imperative by the chairman or presiding officer of the public body," a meeting may be held with less than 24 hours' notice.
2. Notice of time and place of the meeting must be posted as soon as practicable and "shall employ whatever further means and reasonably available to inform the public that a meeting is to be held."
3. The nature of the emergency must be stated clearly in the minutes of the meeting.

**IV. NON-PUBLIC MEETINGS:**

1. A public body may hold a nonpublic session and may receive evidence and information, deliberate and decide in private only on the following matters (in accordance with RSA 91-A:3):
  - a. Employee Review
  - b. Hiring
  - c. Reputation
  - d. Real Estate or Personal Property
  - e. Lawsuits
  - f. Emergency Preparations

2. In order to go into non-public session, a body must first meet in a properly noticed public meeting.
3. During that public session, a motion to go into a non-public session must be made and seconded, stating which specific reason listed in RSA 91-A:3, II is relied upon as justification for a non-public session. A roll call vote must be taken to adopt the motion, and a majority of those present must vote "yes."
4. Only the matters specified in the motion can be discussed in the nonpublic session.
5. Unless a two-thirds vote is taken to seal the minutes of a nonpublic session, those minutes are public and must be released.

## V. AGENDA

Agendas, scheduled by the Town Administrator, will usually be established on a first come, first served basis. When requesting time on the agenda a person shall notify the Town Administrator by 12:00 noon on the Friday preceding the meeting and state the general nature of the meeting subject and the approximate amount of time required.

The public session shall normally start at 6:00 p.m. and continue until all desiring a hearing have been heard. The agenda will be posted on the bulletin board inside and outside the Town Hall and on the Town's website each Monday (prior to the meeting) by 5:00 p.m.

At each meeting the Selectmen will endeavor to follow the sequence of the agenda. Appointment times will be approximate. Anyone wishing to be heard but whose name does not appear on the posted agenda will be heard as time permits or at the end of the scheduled time period.

## VI. RULES OF ORDER

1. QUOROM: A quorum shall consist of three (3) members of the Board
2. CONDUCT OF MEETINGS: Meetings shall be conducted in accordance with generally accepted practices of order and decorum.
3. RECORDING OF VOTES: Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded.
4. REQUESTS FOR INFORMATION: Should it become apparent to the Chairperson in the interim between meetings that additional information relative to a specific item may be needed for use at the next regularly scheduled meeting, a request for this information may be submitted to the Town Administrator. Any information provided to any individual Selectman shall be provided to the rest of the Board.
5. MINUTES: The Town Administrator, or his/her designee, shall be responsible for recording the minutes of the Board's meetings and an official copy of the records is to be filed in the Town Clerk's Office and on the Town's website. The Town Administrator shall record the essentials, called "the minutes" of the proceedings as follows:
  - Time and place of meeting.
  - The presence/absence of Board Members.
  - Whether the minutes of the previous meeting were approved or amended.

- A brief, written report of the general topics discussed.
- All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- Record of any votes by the Board, including names of those Board members opposed if not unanimous.
- The hour of adjournment.

VII. PUBLIC

All meetings are open to the public. Selectmen, upon occasion at any meeting and under the proper circumstances, may vote to go into Executive Session.

Policy was adopted 5/21/85 and amended 9/1/98, 4/6/10, 9/14/10, 10/1/13, 3/31/15

Amended by the Selectmen on: 7/17/18

_____	_____
_____	_____
_____	

TOWN OF BRENTWOOD, NEW HAMPSHIRE

BOARD OF SELECTMEN

OPERATIONAL GUIDELINES & HANDBOOK

APPENDIX C

TOWN ADMINISTRATOR JOB DESCRIPTION

## **TOWN OF BRENTWOOD**

### **TOWN ADMINISTRATOR**

#### **JOB SUMMARY**

Acts as the chief administrative officer for the Board of Selectmen, manages and coordinates a wide variety of administrative functions for the office of the Board of Selectmen, and performs a full range of highly responsible administrative support duties for the Town. Town Administrator acts as the liaison between the Board of Selectmen and Department Heads, Town boards, commissions, and the public. Appointed by the Board of Selectmen.

#### **SUPERVISION RECEIVED**

Reports to the Board of Selectmen. Performs regular duties on own initiative, exercising a high degree of judgment and tact. Consults with the Board of Selectmen on difficult or complex issues. Performance is evaluated by the Board based upon the achievement of assigned goals and objectives.

#### **SUPERVISION EXERCISED**

The Town Administrator exercises direct supervision of employees of the Selectmen's office and the custodian/maintenance worker; assigns duties to, instructs, trains, evaluates and oversees these employees. In addition, he/she provides general administrative direction to department heads under the control of the Board of Selectmen.

#### **EXAMPLES OF ESSENTIAL DUTIES**

(The listed examples are illustrative only and may not include all duties found in this position.)

1. Coordinates the daily administrative functions of the Office of the Selectmen and Town Hall. Oversees maintenance of the Town Offices and other Town buildings as necessary. Provides assistance and administrative support to the Board of Selectmen. Provides advice on financial and/or administrative matters to the Board of Selectmen as requested or as needed. Carries out the orders and policies of the Board of Selectmen.
2. Acts as liaison between the Board of Selectmen and Department Heads, Town boards and commissions, State and local agencies, and the public. Determines matters requiring the attention of the Selectmen and keeps Selectmen apprised of ongoing activities within the Town. Provides input regarding personnel issues. Maintains a harmonious relationship with all elected and appointed Town officials, employees, and volunteers; mediates concerns and de-escalates emotional or volatile situations as they may arise.
3. Receives, investigates, and responds to citizen complaints directed to the board and coordinates with appropriate department, Boards, or Committees to resolve the issue successfully, or otherwise reports to the Board for direction.

4. Receives and screens visitors to the office. Answers inquiries about general Town information, mapping, assessing, zoning, and Town ordinances and regulations from employees, Town and outside officials, assessors and realtors, and the general public, verbally and in writing, through research and by personal knowledge.
5. Performs general administrative support duties such as composing correspondence on a wide variety of informational, regulatory, and other issues; preparing, presenting, and explaining spreadsheets, reports, and data collection at the request of the Selectmen or other departments; maintaining office files and operational systems; and scheduling use of the Town Hall.
6. Schedules appointments and prepares agendas for Selectmen's meetings; posts and publishes notices of meetings as required by law or ordinance; gathers and provides Board with supporting materials for topics to be discussed at meetings; attends Selectmen's meetings and takes meeting minutes; completes any related follow-up items; types, copies, and distributes meeting minutes.
7. Processes or oversees the processing of Accounts Payable, employee payroll, entries in general ledger, and the month-end closing on all accounting systems. Processes financial expenditure and revenue reports. Accepts payments and prepares Selectmen's Office deposits for remittance to Treasurer.
8. Prepares and coordinates annual municipal budget with Board of Selectmen; schedules department head budget meetings with Selectmen; provides budget handouts for department heads, Board of Selectmen, and budget committee; provides Selectmen and Department Heads with accurate insurance rate and expense information; prints and distributes budget reports to departments as necessary.
9. Maintains all tax assessment and property records; prepares materials for Assessor for reassessment of properties; assists Assessor with property and tax mapping questions; inputs assessing & tax billing data into computer and reviews information for accuracy; and maintains tax maps in regard to subdivisions and lot line adjustments. As per the Assessor's recommendations, advises Board of Selectmen on making assessing decisions.
10. Acts as administrator of human resources and personnel coordinator; drafts and places ads for positions with the Town; establishes, implements, and maintains employee benefits and insurance programs; maintains payroll records and employee personnel files.
11. Processes Current Use applications and releases; maintains Current Use records. Calculates and prepares timber yield tax.
12. Plans, organizes, and prepares the annual Town Report, including gathering and compiling Report information, reviewing and editing submitted departmental reports, typing reports and spreadsheets in camera-ready format as necessary, and editing and proofing Report prior to sending to the printers.
13. Prepares warrant for Town Meeting; consults with Town Attorney and Department of Revenue Administration as necessary for correct format and wording of warrant articles. Posts notices of

annual and special Town Meetings; attends meetings and provides input and information upon request.

14. Researches, recommends, drafts, and implements Board and Town policies and procedures; organizes, maintains, and administers policies and procedures.
15. Prepares or oversees and processes State and federal municipal financial forms and reports as required. Completes data entry for tax rate setting calculations. Prepares tax warrant for Tax Collector.
16. Researches, provides information to, and assists Town Attorney as needed with regard to Town's legal cases; acts as liaison between Town Attorney and Board of Selectmen; appears in court as necessary.
17. Acts as liaison between Town of Brentwood, the Town's Welfare Administrator, and clients.
18. Maintains computer systems; corrects problems as is able; schedules service calls as necessary and interacts with associated vendors.
19. Prepares press releases and statements; prepares bid documents and negotiates and administers contracts as requested and directed by the Board of Selectmen; prepares reports for annual audit.
20. Attends conferences, seminars, and meetings relating to municipal management; keeps abreast of changes in statutes, procedures, and policies that affect the Town. Keeps the Board of Selectmen informed on all matters affecting the Town as a result of any legislative action by the State of Federal Government.
21. Assists department heads and other departments as needed or as directed.
22. Administers all Town insurance policies. Ensures adequacy of all types of insurance coverages including fire, casualty, liability, vehicle, property, health, dental, life, disability, town officials bonds, and workers compensation.

Performs other related duties as required.

#### **KNOWLEDGE, SKILLS, AND ABILITIES REQUIRED**

Knowledge of State statutes dealing with town administration; knowledge of Town regulations, ordinances, and policies; knowledge of town office and municipal administrative procedures; knowledge of research methods and techniques. Thorough knowledge of budget preparation and finance; knowledge of the principles and practices of public administration. Thorough knowledge of secretarial practices and procedures; thorough knowledge of business English, spelling, and vocabulary; thorough knowledge of standard office equipment. Considerable knowledge of Town (municipal) operations and organization. Skilled in the use of personal computers with standard office software, including word processing and spreadsheet software. Ability to prepare complete and accurate reports; ability to

assemble, organize, and present in written or oral form factual information derived from a variety of sources; ability to maintain administrative records; ability to prepare clear, concise, and effective correspondence; ability to work independently and make decisions as necessary; ability to speak, write, and communicate effectively; ability to prepare accurate and complete financial reports. Ability to be detail oriented and organized; ability to work well under pressure and maintain a high level of professionalism and confidentiality at all times; ability to re-direct and de-escalate emotional or volatile situations; ability to handle multiple tasks simultaneously; ability to prioritize tasks; ability to supervise others; ability to maintain effective working relationships with high level officials, department heads, employees, and the general public and to deal with public relations problems courteously and tactfully.

#### **MINIMUM QUALIFICATIONS REQUIRED**

Bachelor's degree in Public Administration or Community Development/Planning; five years experience in a municipal government with progressively responsible roles in administration and management; OR any equivalent combination of education and experience which demonstrates possession of the required knowledge, skills, and abilities.

#### **PHYSICAL EXERTION/ENVIRONMENTAL CONDITIONS**

(The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.)

For communicating with others, talking is required; for receiving information and instructions from others, hearing is required; and for doing the job effectively and correctly, sight is required, specifically, close vision and the ability to adjust focus. Required to sit for extended periods of time; stand, stoop, bend, and ascend and descend stairs frequently; constant use hands to finger, handle, and feel objects; frequent reach with hands and arms; and regular lifting and/or movement of 25 pounds or less.

TOWN OF BRENTWOOD, NEW HAMPSHIRE

BOARD OF SELECTMEN

OPERATIONAL GUIDELINES & HANDBOOK

APPENDIX D

ETHICS AND CONFLICT OF INTEREST POLICY

To see if the Town will vote to adopt the following Ethics Policy for the Town of Brentwood employees, elected and appointed officials.

The *Ethics Policy for the Town of Brentwood* is adopted under the authority of New Hampshire RSA 31:39a, and shall not supersede any existing State of New Hampshire RSA's pertaining to a code of ethics. This policy shall supersede any and all Ethics Policies in the Town of Brentwood and shall be maintained and overseen by the Brentwood Board of Selectmen. As required by RSA 31:39-a, any affected officials who are already in office at the time of adoption of this ordinance are exempted from its effect for a period of one year from that adoption.

**Declaration of Ordinance** – The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of governmental structure; that public office not be used for personal gain; that the public have confidence in the integrity of its government; and that officials perform their duties without conflicts between their private interests and those of the citizens they serve.

**I. Purpose.**

The purpose of this ordinance is to establish guidelines for all officials of town government pertaining to and to avoid conflicts of interest; and also requiring disclosure by such officials of town government of personal financial interests or quid pro quo in matters affecting the Town that may appear to be a conflict of interest.

**II. Prohibited Conduct.**

Participating in prohibited conduct constitutes a conflict of interest with the Town.

A. It is in violation of this policy for any official of town government to:

- (1) In his or her official capacity: approve or vote upon any matter in which he or she or any family member has personal financial interests or quid pro quo, and known conflicts that may exist between the official of town government and his or her family members, the principals and the issue under deliberation.
- (2) Knowingly enter into any discussion, testimony or deliberation without first, publicly and for the record, stating all personal financial interests or quid pro quo, and known conflicts that may exist between said official of town government and his or her family members, the principals and the issue under deliberation, as may be known by the official of town government.
- (3) Knowingly participate in the conduct of business of the town without disclosing all known conflicts of interest.
- (4) Knowingly using town property or labor for personal use.
- (5) Knowingly use town property or labor to unfairly influence the political cause of any candidate for public office or any political party. Nothing in the foregoing sentence shall prevent political candidates or parties from holding public meetings on town owned property or prevent an official of town government from exercising and carrying out the responsibilities and obligations of his or her office.
- (6) Use any proprietary information acquired through or by virtue of his or her official position for his or her pecuniary benefit or for the pecuniary benefit of any other person

or business. The foregoing does not apply to information available to the general public.

- (7) Otherwise than provided by law for the proper discharge of his or her official duties, directly or indirectly request or receive any compensation from anyone other than the town in relation to any particular matter in which the town is a party or has a direct and substantial interest.
  - (8) Otherwise than provided by law for the proper discharge of his or her official duties directly promise or offer compensation as referred to in this policy.
  - (9) Knowingly accept a gift with a value in excess of ten dollars (\$10.00), or allow acceptance of such a gift by a family member from any individual, group or corporation knowingly dealing with an area of town government in which the official of town government has an interest or jurisdiction. The foregoing does not apply to gifts from family members.
  - (10) Knowingly give false information concerning interests, and known conflicts.
  - (11) Knowingly sign a purchase order where there is a pecuniary interest with the vendor(s) or supplier(s).
- B. Officials of town government, whose compensation is paid in whole or in part from the town treasury, shall not appear in his or her official capacity on behalf of a private interest before any town board. Selectmen, however, may appear without compensation or favor, on behalf of constituents or in the performance of public or civic obligations.
- C. Officials of town government, whose compensation is paid in whole or in part from the town treasury, shall not represent private interests, other than his or her own, in any actions or proceedings against the interest of the town in any litigation to which the town is a party.

### **III. Exclusions.**

- A. The prohibition against gifts or favors shall not apply to an occasional non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service or any gift which would have been offered or given to him or her if he or she was not an official of town government or unsolicited advertising or promotional items or materials of nominal intrinsic value.
- B. It shall not be a violation for elected officials to accept donations for the expressed purpose of financing a political campaign, provided that such contributions are reported in accordance with all local, state and federal laws pertaining to such donations or services and / or financial value.
- C. The mere purchase of goods or services from a person or business in the ordinary course of that person's or business' retail or service business shall not prevent an official of town government from introducing, discussing, approving or voting upon a matter which relates to that person or business.

### **IV. Distribution of Conflict of Interest Ordinance.**

- A. All officials of town government, as defined in Section VI. Definitions, shall be furnished with a copy of the Conflict of Interest Ordinance prior to assuming their respective duties. Copies of the Conflict of Interest Ordinance can be obtained from the Town Clerk's Office.
- B. Failure to be furnished a current copy of the Conflict of Interest Ordinance shall not be grounds for relief from observing and compliance with the policy, amendments, and changes.

V. **Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated:

**Board:** Any Town board, committee or commission, elected or appointed, including subcommittees or any subordinate body thereof established by the Brentwood Selectmen, Town Election or New Hampshire law.

**Conflict of Interest:** A situation, circumstance, in which a Town official has a financial interest in his official activity.

**Compensation:** Any money, gift, things of value or economic / pecuniary benefit, or favor, conferred on or received by any person in return for services rendered or to be rendered by him or herself or another, in excess of ten dollars (\$10.00).

**Family Member(s):** Include spouse, children, stepchildren, grandchildren, parents, stepparents, grandparents, brothers, sisters, stepbrothers, stepsisters, nephews, nieces, father in-law, mother in-law, brother in-law, sister in-law, son in-law, daughter in-law, any member of the official's household.

**Interest:** A reasonably foreseeable direct material financial effect or benefit.

**Quid pro quo:** Something given or received for something else.

**Town Official:** (Also referred to as "official", or as "official of town government"). Any elected or appointed official, whether of any town board, commission, or committee, whether full or part time, permanent or temporary, including those paid by federal or state assisted programs.