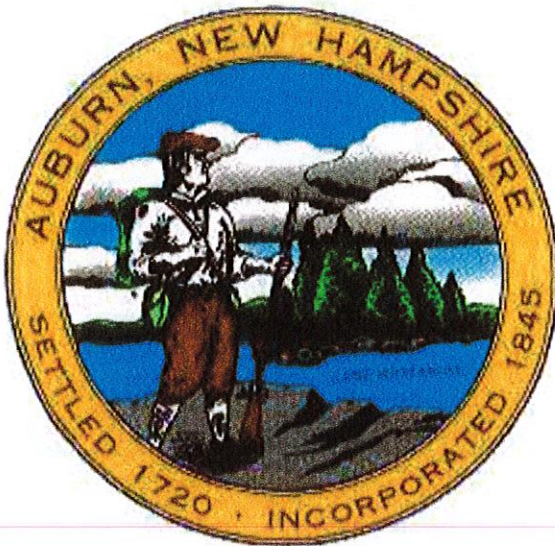


Town of Auburn Board of Selectmen



Rules of Procedure

Adopted: August 11, 2014

Amended: May 22, 2023

Contents

MEETINGS	3
RESPONSIBILITIES OF MEMBERS OF THE BOARD.....	3
ELECTION OF OFFICERS	3
PRESIDING OFFICER	3
MEETINGS OF THE BOARD OF SELECTMEN.....	3
QUORUM AND VOTING.....	4
BOARD OF SELECTMEN MEETING AGENDA.....	4
TOWN ADMINISTRATOR	6
APPOINTMENT TO BOARDS AND COMMISSIONS	6
RULES OF ORDER.....	6
SUSPENSION OF RULES	6
DISSENTS AND PROTESTS.....	6
ACTIONS FOR A PUBLIC HEARING	7
VOTING	7
COMMITTEES.....	7
ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS - DEFINED	7
COMPLAINTS AND SUGGESTIONS TO BOARD OF SELECTMEN.....	8
CONDUCT WITH OTHER BOARD MEMBERS AND STAFF.....	8
AMENDMENT PROCEDURE.....	9
EFFECTIVE DATE.....	9

MEETINGS

Meetings of the Board of Selectmen shall be held at the Auburn Town Hall, unless the Board adjourns to another location or the meeting is properly noticed for another location. Meetings typically begin at 7:00pm, and with limited exceptions are open to the public. NH RSA 91-A governs non-public sessions and discussions with legal counsel.

Communications outside of public meetings among a quorum of the Board of Selectmen regarding official business are prohibited except for purely administrative communications regarding placement of items on an agenda, requests for information to be made available at the public meeting, or coordination of other physical arrangements for the meeting. Sequential communications among a quorum of the Board, as a circumvention of the above requirement, whether in person or by electronic means, are prohibited as a violation of the spirit of RSA 91-A.

RESPONSIBILITIES OF MEMBERS OF THE BOARD

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

ELECTION OF OFFICERS

Annually, at the first meeting of the Board of Selectmen after Town elections, the members thereof shall choose from among their number, a Chair and a Vice Chair. In addition to the powers conferred upon the Chair and the Vice Chair, he/she shall continue to have all the rights, privileges and immunities of a Selectman.

PRESIDING OFFICER

The Chair of the Board of Selectmen shall preside at all meetings of the Board and be recognized as the head of the Town for all ceremonial purposes. The Chair has no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice Chair shall act as Chair during the continuance of the absence. The Chair of the Board of Selectmen or the Vice Chair are also referred to as "Presiding Officer" in these Rules of Procedure. The Presiding Officer shall preserve order and decorum, may participate in the discussion of any issue before the Board of Selectmen, may submit reports and legislation to the Board of Selectmen for its consideration which shall require both motion and second by other Board of Selectmen, may speak to points of order in preference to other Board of Selectmen, and shall decide all questions of order or procedure, subject to appeal to the full Board of Selectmen.

MEETINGS OF THE BOARD OF SELECTMEN

ORGANIZATIONAL MEETING – An organizational meeting to elect officers and designate the Selectmen ex-officio board and committee members. The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these Rules of Procedure. The Board shall establish a schedule of meetings for the upcoming year at its Organizational Meeting.

REGULAR MEETINGS – A meeting of the Board generally conducted in accordance with the order of the “Agenda” contained herein.

WORKSHOP MEETINGS – A less formalized meeting of the Board generally conducted for the purpose of providing Board members with a more detailed understanding of a limited number of issues or to permit discussions of issues that require significant depth of discussion.

NON-PUBLIC SESSIONS – A meeting of the Board held in accordance with the provisions of NH RSA 91-A: 3. A Non-Public Session would exclude the public from attendance at that specific session. The Board may have present, for all or part of the non-public session, those individuals the Board deems necessary to fulfill the purpose of the non-public session.

EMERGENCY MEETINGS – May be called by the Chair in accordance with NH RSA 91-A: 2, II; upon demand of two (2) members of the Board; or at the request of the Town Administrator. The Town Administrator, or his/her designee, shall ensure Emergency Meetings are properly noticed in accordance with RSA 91-A: 2, II.

SITE WALK – May be held by the Board if a walk or inspection of a specific property or properties is required in order for the Board to have a full and complete understanding of a pending issue in order to render a decision. A site walk is considered to be a meeting of the Board, which shall be noticed in accordance with RSA 91-A: 2, II and a record or minutes of the site walk will be maintained. The Board will not engage in any deliberation or decision making as part of a site walk. Such a session is for information gathering purposes only. Any deliberation or decision will be made at a Regular or Emergency Meeting of the Board.

QUORUM AND VOTING

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

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

BOARD OF SELECTMEN MEETING AGENDA

The Town Administrator shall arrange a list of such matters according to the order of business and have an agenda prepared for the Board of Selectmen. A copy of the agenda and supporting materials shall be prepared for all members of the Board of Selectmen by the Friday immediately proceeding a normally scheduled Monday meeting of the Board of Selectmen, or as quickly as possible for any other meeting of the Board. Any Selectman or the Town Administrator may place a matter upon the agenda. Any member of the public or any Town department head or official may request an appointment with the

Selectmen by the agenda. The Presiding Officer may reserve time upon the agenda for presentations to the Board of Selectmen by private individuals or organizations as he or she may deem appropriate.

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

(A) Call to order by the Presiding Officer.

(B) Citizen Comments

(1) Subjects not on the current agenda. Any member of the public may request time to address the Board of Selectmen after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes.

(2) Subjects on the current agenda. Any member of the public who wishes to address the Board of Selectmen on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent land owners, vested interests, etc.

(C) Appointments to Meet with the Board.

(D) Public Hearings, if any (to enable public hearings that require a separate notice and posting to be listed for a specific time).

(E) Consent Calendar

(1) The Town Administrator shall place matters on the Consent Calendar which have been: (a) previously discussed by the Board of Selectmen, or (b) are based on the information previously delivered to the Selectmen that can be reviewed by a Selectman without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) as directed by the Town Board of Selectmen or Committee thereof.

(2) The motion on the Consent Calendar is as follows: "I move for adoption of the Consent Calendar". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent calendar implies unanimous consent, any Selectman shall have the right to remove any item from the Consent calendar. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Selectman wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

(F) Old Business.

(G) New Business

(H) Non-Public Session (as required)

(l) Adjournment. No meeting shall be permitted to continue beyond 10:00 PM without approval of a majority of the Board of Selectmen members who are present and eligible to vote. If the decision is to recess the meeting, a location, date and time for reconvening must be publicly agreed to before taking a vote to recess the meeting.

TOWN ADMINISTRATOR

The Town Administrator or designee shall attend all meetings of the Board of Selectmen, unless excused by the Presiding Officer or Board of Selectmen. The Town Administrator may take part in the Board of Selectmen's discussion on all matters on the agenda, and all other matters concerning the welfare of the Town. In the event the Town Administrator is unable to attend a Board of Selectmen meeting, the Town Administrator may designate another qualified staff member to attend the meeting.

The Town Administrator shall be the Clerk of the Board of Selectmen and shall keep the minutes of the Board meetings or ensure that a qualified recording secretary is present to keep.

APPOINTMENT TO BOARDS AND COMMISSIONS

In making the appointment of Selectmen Representatives to various town Boards as noted in Rule 7 A, the terms of ex-officio members of the Board on the Budget Committee, Planning Board, Parks & Recreation Commission and Highway Safety Committee shall be for one (1) year, or until the next Organizational Meeting of the Board following a Town election, or until the appointed Board Member's term expires or the Member resigns..

As soon after the Board's Organizational Meeting as possible, the Board will consider the appointment or re-appointment of individuals to various Town boards, committees and commissions whose terms of office are expiring.

RULES OF ORDER

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

In making decisions or determining a course of action, the Board shall generally operate under a process of one Board member making a motion and another Selectman offering a second. This will follow for main motions or subsidiary motions.

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

SUSPENSION OF RULES

A motion to suspend these rules shall be in order at any time during a meeting of the Board of Selectman or a public hearing, except during discussion of a pending motion. A motion to suspend shall require a two-thirds vote of those present and voting.

DISSENTS AND PROTESTS

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

ACTIONS FOR A PUBLIC HEARING

The procedures for a public hearing are as follows:

At the outset of each public hearing the Presiding Officer will announce the purpose of the public hearing and may call upon the Town Administrator or other appropriate person to describe the matter under consideration. The Presiding Officer may limit the time and set the order of resident and non-resident speakers at the hearing. Selectmen shall be permitted to ask relevant questions of speakers during the hearing.

VOTING

For any vote of the Board :

- A. The Presiding Officer may require any question to be submitted in writing before the vote, and shall state each question before the vote.
- B. Any member may request a roll call vote to be recorded in the minutes.
- C. Every Selectman shall vote on the question. Selectmen may, for good cause, recuse from a vote should they feel that to vote would constitute a conflict of interest or other similar disqualifying circumstances. Such Selectman shall at the beginning of the debate on any such motion announce the intention to recuse himself/herself, step away from the table, and shall not vote on the issue.

COMMITTEES

The Board of Selectmen may establish committees of the Board with responsibility to review specific matters and report to the Board as a whole.

Committees shall sunset at the end of their mission, but no later than the Town Meeting and election following their creation, unless specifically continued by the Board of Selectmen thereafter for a specified time period.

Such committees may consist of a specific number of individuals, and may include a single Selectmen. Town employees shall support committees at the direction of the Town Administrator, but no employee shall serve as a member unless specifically designated to do so by the Board.

Such committees shall meet in public and comply with posting and minutes requirements of RSA 91-A.

ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS

(A) An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Board of Selectmen action shall be taken by ordinance when required or permitted by law to prescribe permanent rules of conduct which continue in force until repealed. An ordinance shall be discussed and considered at a public hearing, but shall not be voted and approved on the same day on which it was introduced. The Board may, without

notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA Chapter 107-C, and the Town of Auburn Purchasing Policy.

(B) An enacted resolution is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Board of Selectmen action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

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

COMPLAINTS AND SUGGESTIONS TO BOARD OF SELECTMEN

When citizen complaints or suggestions are brought before the Board of Selectmen, other than for items already on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

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

(B) If administrative, and a complaint regarding staff performance, administrative execution, or interpretation policy within the authority of the Town Administrator, the Presiding Officer should then refer the complaint directly to the Town Administrator for review and response to the citizen. The Board of Selectmen may direct that the Town Administrator brief or report to the Board of Selectmen when his/her response is made.

CONDUCT WITH OTHER BOARD MEMBERS AND STAFF

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

- A. The Board of Selectmen, when dealing with the Town Administrator and Town Staff, shall:
1. Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 2. Treat all staff and other elected officials as professionals and respect the abilities and integrity of each individual.
 3. Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled with the Town Administrator under RSA 91-A or at the Board level, usually in nonpublic session.
 4. Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting.
- B. The individual members of the Board of Selectmen in their relations with fellow members shall:
1. Recognize that no member by their actions alone can bind the Board of Selectmen or the Town.

2. No member, including the chairperson or vice-chairperson, shall conduct any town business outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.
3. Pursuant to RSA 91-A uphold the intent of non-public session and not release or discuss items raised in non-public session
4. Refrain from communicating the position of the town or the Board of Selectmen to other entities (i.e. state and federal officials) unless the full board has previously agreed on both the position and the language of the statement.
5. Treat with respect the rights of all members of the Board despite differences of opinion

Punishment for any violation of this code of conduct shall include but not be limited to, removal from committee assignments or chairmanships. Other punishments shall be handled by state law (RSA 42:1-a).

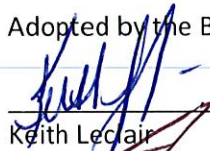
AMENDMENT PROCEDURE

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

EFFECTIVE DATE

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

Adopted by the Board of Selectmen the 22nd day of May, 2023.



Keith Leclair

Thomas Carroll

Michael Rolfe

AUBURN BOARD OF SELECTMEN

Appendix A

Procedure Checklist: RSA 91-A Non-Public Sessions

To Enter Non-Public Session

- _____ 1. Motion by Selectman _____ to enter into non-public session at _____ stating the relevant exception or exceptions relied upon to justify the non-public session:
- _____ (a) discipline, termination, investigation, promotion or compensation of an employee (unless the employee has a right to a meeting and requests a public meeting, in which case the request must be granted);
- _____ (b) hiring of an employee;
- _____ (c) matters that would affect a third person's reputation if discussed in public;
- _____ (d) acquisition, sale or lease of property if details would advantage someone with adverse interests;
- _____ (e) discussion or negotiation of pending claims or litigation filed or threatened in writing;
- _____ (i) emergency management matters; and/or
- _____ (j) confidential, commercial or financial information in an administrative adjudicatory proceeding, if that information is exempt under RSA 91-A: 5, IV.
- _____ 2. Motion seconded by Selectman _____.
- _____ 3. Roll call vote. Affirmative: _____ Negative: _____
- _____ 4. Discussion limited to topics specifically stated to justify the non-public session.
- _____ 5. Minutes taken of the non-public session.

Brief Description of Discussion:

Brief Description of Decisions and Votes:

To Exit Non-Public Session

- _____ 1. Motion by Selectman _____ to exit the non-public session at _____.
- _____ 2. Motion seconded by Selectman _____.
- _____ 3. Roll call vote. Affirmative: _____ Negative: _____

To Seal Minutes of Non-Public Session

- _____ 1. Motion by Selectman _____ to seal the minutes stating the justification for sealing:
- _____ release likely would adversely affect the reputation of a third party.
- _____ release would likely render the Board's action ineffectual.
- _____ 2. Motion seconded by Selectman _____.
- _____ 3. Roll call vote. Affirmative: _____ Negative: _____ 2/3 Vote Required

Procedure Checklist: RSA 91-A Consultation with Legal Counsel

To Enter Meeting to Consult with Legal Counsel

(Considered a non-meeting under RSA 91-A:2, I (b). This session may only be used with Town Counsel either physically present at the meeting or on the telephone with the Board members allowing for direct conversation.)

- _____ 1. Motion by Selectman _____ to recess the meeting at _____ to consult with legal counsel.
- _____ 2. Motion seconded by Selectman _____.
- _____ 3. Motion must carry by a majority. No minutes are taken during the consultation with legal counsel.

To Exit Meeting to Consult with Legal Counsel

- _____ 1. Motion by Selectman _____ to resume the meeting at _____.
- _____ 2. Motion seconded by Selectman _____.