



Effective Meetings & The Right-to-Know Law

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THE
CONSTITUTION
OF
NEW HAMPSHIRE,
AS
ALTERED AND AMENDED
BY A
CONVENTION OF DELEGATES,
HELD AT CONCORD, IN SAID STATE,
APPROVED BY THE PEOPLE,
AND
ESTABLISHED BY THE CONVENTION,
On the first Wednesday of September, 1772.



CONCORD:

PRINTED BY GEORGE HOUGH, BY THE
AUTHORITY OF THE CONVENTION.

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

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

SECTION 1 OF RSA 91-A:

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

91-A is just the
floor.

RSA 91-A:2, II:

If the rules of procedure of any public body require a broader public access to official meetings or records then those provisions will govern.

What is a Public Meeting? RSA 91-A:2



Quorum



Public body



Convenes so that they can communicate contemporaneously



To discuss or act upon a something over which the public body has supervision, control, jurisdiction, or advisory power.

What is not a “Meeting”? (The so- called “non- meeting”) RSA 91-A:2, 1



Social or other encounter



Collective bargaining



Consultation with legal counsel



Political caucuses



Circulation of draft documents

Meeting v. Hearing



Meeting

To conduct body's business

RSA 91-A

Open to public

No right to speak



Hearing

To hear public/certain people
on issue

91-A "plus"

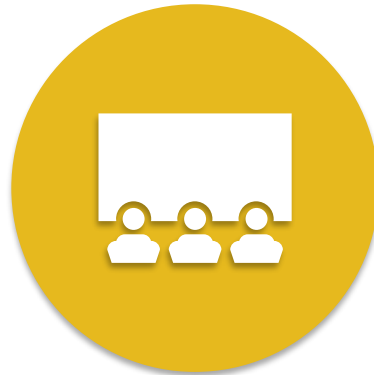
Open to public

Right to speak

What are the public meeting requirements under 91-A?



PUBLIC NOTICE



**OPEN TO THE
PUBLIC**



MEETING MINUTES

Notice
Requirements
RSA 91-A:2

Where?
Two public
places
*New website
requirements*

Cancelling?
Continuing?

When?
24 hours
minimum

Emergency
Notice

*Is more
notice
required by
another
statute?*



Public's right of access

- ▶ Open to the public, RSA 91-A:2, II
- ▶ Public's right to record, etc.
- ▶ No secret ballot voting

Meetings Minutes



- Minimum required contents
- Made available within 5 business days
- Posting: New website requirements
- Draft v. Approved

Remote (Electronic) Meeting Participation, RSA 91-A:2, III



Public body *may* allow (adopt a policy!)



Personal attendance “not practical” (in minutes)



Quorum *present*



Everyone can hear and be heard



Identify anyone else present



All votes by roll call

Beyond 91-A

- ▶ Preparation = more effective meetings
- ▶ Do you have rules of procedure?
- ▶ Agenda
- ▶ Circulate materials in advance
- ▶ Read packet, think about comments and questions in advance
 - ▶ No discussions prior to/outside meeting!



Rules of Procedure: Basic Content



Regular Meeting Day, Time & Location



Annual Election of Officers



Authority of Presiding Officer/Chair



Duties & Privileges of Board Members



Quorum & Voting



Agenda for Board Meetings

Rules of Procedure: Basic Content (cont'd)



Order of Business at Board Meetings



Meeting Procedure and Decorum



Procedures for Public Hearing,
Public Comment



Right-to- Know Law



Committees/Liaisons/Appointments



Enactment of Ordinances,
Resolutions & Motions

Public Comment



No right to speak in meeting, unless you give it to them (remember hearings are different)



Establish & explain rules, apply consistently



First Amendment: Many restrictions are not acceptable!



Maintain control &
order

Removal?

Conducting the Meeting



BE AND START ON
TIME



CHAIR'S
RESPONSIBILITIES



APPLY RULES OF
DECORUM
EVENLY



ELECTRONIC
MEDIA DURING
MEETING



DON'T FORGET
THE MINUTE-
TAKER

Meeting Decorum



ALL EYES ARE ON YOU



PAY ATTENTION!



ELECTRONIC MEDIA
USE DURING MEETINGS

Electronic Communication

- Avoid substantive discussions via email
- Circumventing spirit and intent of 91-A
- Less than a quorum communicating outside meeting
- “Reply All”
- Emails are governmental records



Tips for electronic communications that comply with 91-A

- ✓ Never use email for matters related to the business and duties of your public body.
- ✓ Use an administrative person to send an email.
- ✓ Put the recipients' email addresses in the BCC line of the email to prevent the possibility of "Reply All."
- ✓ Use official town/city/school email addresses.
- ✓ Leave discussion and deliberation of official matters of a public meeting, a properly-held nonpublic session, or proper "non-meeting," as discussed later in this chapter.

Riggins’ “Don’t’s”



Don’t mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting & during a recess period.



Don’t indicate by word or action how you intend to vote during the portion of the hearing devoted to presentations.



Don’t interrupt a presentation until the question period, except for very short and *necessary* clarifying remarks or queries.



Don’t use first names in addressing *anyone at all* during the course of the hearing.



Don’t try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks.

Riggins' "Do's"

Do rotate the seating in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" member.

Do sit down and have a long soul-searching session with yourself if you find you are consistently "out in left field," that no one seems inclined to second your profound motions, and that you are quite often a minority of one.

Dealing with “Difficult” People





ETHICAL CONSIDERATIONS

- ▶ Recusal, not abstention
 - ▶ What happens when you abstain?
- ▶ Advisory Vote
 - ▶ RSA 673:14, II, land use boards
- ▶ Alternates?
 - ▶ RSA 673:14, land use boards
- ▶ Proceeding without a full board
- ▶ Disclosure to parties

Roll call v. Recorded Vote



Roll Call Vote Example



“Byrnes: yes; Buckley: yes;
Johnston: no. Motion passes.”

Roll Call v. Recorded Vote



Recorded Vote Examples



“Motion passes 2-1, with Johnston voting in the negative.”



“Motion passes unanimously.”

*THANK YOU for
inviting NHMA to
the NHLTA 2019
Spring
Conference!*

The New Hampshire Municipal Association is a nonprofit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.

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