

## Handling That Difficult Board Member

By Margaret L. Byrnes, Attorney at Law,  
NH Municipal Association (NHMA)

*Dear Margaret: We have a difficult board member who frequently misses meetings, sometimes causing us not to have a quorum. Can the remaining trustees vote to remove the board member?*

Not infrequently I am asked whether members of a board (any board) have the power to “vote out” another board member. Reasons for wishing to do so usually relate to the particular board member being “difficult” or “disruptive” during meetings. Sometimes the issues also relate to a board member’s failure to fulfill responsibilities or attend board meetings.

For better or worse, the library trustees do not have the power to vote out another trustee, regardless of his or her conduct. As many of you know, New Hampshire does not have Home Rule—which means that municipalities and their officials only have the authority to act that is granted to them by the State. Therefore, under New Hampshire law, a town officer can generally be removed from office only by a court order – such as when the officer violates his or her oath of office under RSA 42:1-a.

The best way to try to get board members to appreciate their responsibilities and work together is to have written rules of procedure for the functioning of your board.

But how do rules really help?

Well, for one thing, having rules means that everyone knows, going into any meeting, how the meeting will be governed. Assuming you follow your rules, this can cut down on board members feeling they are being disenfranchised from the process, which is a common reason for discontent on public bodies.

In addition, boards can spend time unproductively debating issues—which could be spelled out in rules of procedure—rather than conducting important board business. Issues such as does the chair vote, does every motion need a second, or what authority a chairperson has are not answered by State law. If your rules address them, these questions can be answered by consulting your rules of procedure—allowing you to move on to the more important issues more quickly!