

Administrative Policy No. 21-02

## **BOARD OF SELECTMEN BYLAWS**

Issued by: Board of Selectmen, August 17, 2021

Amended: June 13, 2023; October 10, 2023

### **SECTION I: PURPOSE.**

These Bylaws describe the duties and methods of operation of the Town of Bow Board of Selectmen.

### **SECTION II: AUTHORITY**

Members of the Board of Selectmen are determined at the annual meeting by ballot for a 3-year term. The Board of Selectmen shall be responsible for managing the prudential affairs of the town and perform the duties by law prescribed. Any action by the Board of Selectmen shall be accomplished by a majority quorum vote. This authority of the Board of Selectmen is derived from NH RSA 41:8, related NH RSAs, and the Code of the Town of Bow. Daily operations of the Town are the responsibilities of the Town Manager pursuant to NH RSA 37. The Board of Selectmen shall appoint the Town Manager and have direct authority over him/her.

### **SECTION III: ORGANIZATION**

#### **A. MEMBER RESPONSIBILITIES**

- 1) All members shall make every effort to attend each scheduled meeting and will make a reasonable effort to contact the Board Chair and/or Town Manager prior to the meeting if they are unable to attend.
- 2) Members of the Board shall have authority only when acting as a Board legally in session. No Board member shall take individual action or make statements on behalf of the Board except when such statement or action is pursuant to specific instructions from the Board. The Board shall not be bound by any action or statement of any individual Board member who acts without lawful authority.

#### **B. OFFICERS**

- 1) **ELECTION** - The Board shall elect a Chair and Vice Chair at the first regularly scheduled meeting following the annual Town Meeting. Election shall be by a majority vote of those present.
- 2) **CHAIR DUTIES** - The Chair shall preside at all meetings of the Board and shall perform all duties and responsibilities required by law and to authenticate by the Chair's signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.

- 3) VICE-CHAIR DUTIES - In the absence of the Chair, the Vice-Chair shall preside and assume all duties and responsibilities of the Chair, except for the appointment of Board members.
- 4) In the absence of the Chair and Vice-Chair, the next senior member of the Board shall assume all duties and responsibilities of the Chairman.

#### **C. BOARD COMMITTEES**

Some of the work of the Board can be more readily accomplished if assigned to a Board sub-committee which can give a specific matter more detailed consideration. The committees shall be appointed to consider a specific matter and then be disbanded. It is the duty of the committee to develop recommendations for consideration by the Board. The Chair may, with the consent of the Board, delegate members of the Board to serve on the working committee.

#### **D. CODE OF ETHICS COMMITTEE**

In accordance with Chapter 53 of the Code of the Town of Bow, the Board of Selectmen serves as the Code of Ethics Committee for the Town of Bow. In the event a Selectman is the subject of a petition for determination, the Selectman shall be recused from hearing the petition.

### **SECTION IV: OPERATIONS**

#### **A. MEETINGS**

- 1) REGULAR MEETINGS - A meeting of the Board conducted in accordance with the order of the agenda contained herein unless modified by majority vote at a regularly scheduled meeting. Regular meetings are open to the public. Regular meetings will be livestreamed and recorded.
- 2) WORKSHOP MEETINGS - A scheduled 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 discussion of issues in greater depth. Workshop meetings are open to the public. Workshop meetings will be livestreamed and recorded.
- 3) NON-PUBLIC SESSION - A session within a Regular or Workshop meeting of the Board held in accordance with the provisions of NH RSA 91-A:3, II.
- 4) SPECIAL MEETINGS - Special Meetings may be called by the Chairman in accordance with RSA 91-A:2, II upon request of three members of the Board, or at the request of the Town Manager through the Chair. Special meetings will be livestreamed and recorded.
- 5) Attorney/Client sessions are not considered meetings and therefore do not have to be posted.

**B. LIVESTREAM/RECORDING OF MEETINGS**

All Regular, Workshop and Special Meetings of the Board will be livestreamed and recorded as adopted at the 2023 Annual Town Meeting as Article 7.

**C. MEETING SCHEDULE**

The Board shall meet the second and fourth Tuesday evening of every month in a regular meeting. All meetings shall be posted in accordance with NH RSA. 91-A.

**D. REMOTE PARTICIPATION**

Per the provisions of RSA 91-A:2 II, one or more Board members may participate remotely in a Board meeting by telephone or other communication device as long as the following conditions are met:

- 1) There must be a quorum of the Board physically present at the location of the meeting.
- 2) The member's attendance must be "not reasonably practical" and the reason for this must be stated in the minutes of the meeting.
- 3) Any member participating remotely must identify anyone present at the remote location.
- 4) Each part of the meeting that is required to be open to the public must be audible or otherwise discernable to the public at the physical location of the meeting.
- 5) All votes taken must be by roll call vote.

**E. DRAFT MINUTES**

Draft minutes shall be forwarded to the Board members by the end of the day on the Friday immediately following the regularly scheduled meeting. The Board members shall then have until the Monday immediately following said regularly scheduled meeting to confirm any tasks assigned to others that are to be completed prior to the next regularly scheduled meeting.

**SECTION V: RULES OF ORDER**

**A. QUORUM** - A quorum shall consist of three (3) of the five (5) members of the Board.

**B. AGENDA PREPARATION**

The Town Manager shall arrange a list of such matters according to the order of business and prepare an agenda for the Board of Selectmen. A member of the Board may place an item on the agenda by notifying the Town Manager or Administrative Assistant before 12:00 noon on the Wednesday preceding the meeting. A copy of the agenda and supporting materials shall be prepared for all Selectmen and available no later than 4:00 p.m. on the Friday preceding the meeting.

**C. CONSENT AGENDA**

The Town Manager shall place matters on the Consent Agenda that are of an administrative or routine nature. Prior to the vote to approve the Consent Agenda, any member may request that any item or items be removed from the Consent Agenda for separate consideration.

**D. MEETING AGENDA**

The order of business shall be as follows. It may be changed by the Chair or by a vote of the Board at the meeting.

- Call to Order
- Public Comment
- Public Hearings
- Meetings
- Consent Agenda
- Town Manager's Report
- Discussion/Action Items
- Reports
- Correspondence
- Public Comment
- Bottom Lines
- Non-Public Session
- Adjournment

**E. DUTIES OF THE CHAIR**

- 1) To open the meeting at the time at which the Board is scheduled to meet by calling the members to order and to announce the business before the Board in the order to which it is to be acted upon.
- 2) To recognize members and persons entitled to the floor.
- 3) 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.
- 4) To enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two members) unless the Chair prefers to submit the question for the decision of the Board.
- 5) To ensure that Board communication abide by all aspects of the NH Right-to- Know laws.

**F. CONDUCT OF PUBLIC HEARINGS**

- 1) At the outset of each public hearing the Chair will announce the purpose of the public hearing and ask the parties wanting to speak to limit their presentations to information within the scope of the matter before the Board of Selectmen.

- 2) The Chair will call upon the Town Manager or other person to describe the matter under consideration.
- 3) Each speaker, for or against the matter before the Board of Selectmen for public hearing, shall identify himself or herself by name and address. When everyone wanting to speak has had one opportunity to speak, the Chair shall call for anyone wanting to speak for a second time. Second time speakers shall be limited to the time allowed by the Chair, or as established by a majority vote of the Selectmen.
- 4) During the hearing, any Selectman shall be permitted to ask the speaker questions provided all questions are relevant to the matter before the Board of Selectmen for public hearing.
- 5) The Chair closes the public hearing.
- 6) The Chair shall then inquire if there is a motion by any Selectman. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Selectmen. The Chair may call on an individual Selectman in the discussion.

**G. CONDUCT OF PUBLIC COMMENT PERIOD(S)**

- 1) The Board of Selectmen meeting agenda will reflect two (2) times during the meeting that will provide the opportunity for public input. The Board Chair will manage the public comment sessions and will call on those wishing to be heard.
- 2) At the first public comment period, persons wishing to be heard on an item on the meeting agenda must state their name(s), and address and state which agenda item they wish to be heard on. Speakers will be allotted three (3) minutes per person unless extended by consensus of the Board.
- 3) At the second public comment period, persons wishing to be heard on any non-agenda matter must state their name(s), and address and state the subject matter or matters they will be discussing. Persons should speak directly to the issue, as briefly and fully as possible. Speakers will be allotted five (5) minutes per person to speak to a non-agenda item unless extended by consensus of the Board. Matters raised during the second public comment period shall be limited to Town-related matters and business. Matters that do not implicate Town business, including, but not limited to, promotion of private businesses or products, discussion of religion or religious beliefs, disputes between private citizens, amongst other items shall not be allowed.
- 4) Individuals will not be allowed to address the Select Board more than once unless all other individuals who wish to speak to the Board have been given the opportunity to do so.
- 5) When addressing the Board, all speakers are to conduct themselves in a civil manner. Obscene, slanderous, defamatory, vulgar, disruptive, repetitive, disorderly or violent statements will be considered out of order and will not be tolerated.

- 6) Complaints regarding individual employees, other individuals and/or any matter that may, in the opinion of the Board, infringe on another person's rights of privacy will not be allowed. Such matters must be directed to the Town Manager during normal business hours at the Municipal Building.
- 7) If a speaker does not follow these rules after being warned to do so by the Board Chair, the Board may vote to terminate the speaker's privilege to address the Board at that time. Refusal to yield the floor after having such privileges revoked may result in the speaker being asked to leave the public matter, the recessing of the meeting, and/or seeking the assistance of the Bow Police Department.

#### **H. REQUESTS FOR INFORMATION**

Should it become apparent to the Chair, or an individual Board member, in the interim between meetings, that additional information relative to a specific item may be needed for Board consideration at the next noticed meeting, a request for this information may be submitted to the Town Manager. Any information provided to any individual Selectman shall be provided to the rest of the Board members and shall note the origin of the request.

#### **SECTION VI: APPOINTMENT OF BOARD MEMBERS TO TOWN BOARDS, COMMITTEES, COMMISSIONS**

- 1) The Chair shall request from members their choices of the committees, boards, and commissions that they wish to serve on as Selectman's representative. Boards, committees and commissions with Selectman's representative positions are Budget Committee, Business Development Commission, Heritage Commission and Planning Board.
- 2) The term of all appointments of Selectman's representatives, including the terms of any ex-officio members of the Board of Selectmen serving on the Planning Board and Budget Committee shall be for one year, unless extended by a vote of the Board.
- 3) Any Selectman's representative serving on a Board or Committee who is unable to attend a regularly scheduled meeting shall notify their designated alternate in order that they may attend said meeting in their place.

#### **SECTION VII: APPOINTMENT OF CITIZENS TO TOWN BOARDS, COMMITTEES, COMMISSIONS**

Whenever a person is nominated to a particular position, the nomination shall be made by a Selectman, then seconded. Once seconded, a vote is taken. Should the person so nominated receive the majority of votes from those Selectmen present, the nomination is confirmed. If the majority of those Selectmen present vote not to approve the nomination, the nomination shall be considered rejected, and the name removed from further consideration.

#### **SECTION VIII: AMENDMENTS TO BOARD BYLAWS**

An amendment to these Bylaws may be introduced at a Board meeting but shall not be voted on until the next regularly scheduled meeting.