

ALL-BOARDS MEETING
February 8th, 2023
6:00-9:00 PM
Exeter Public Library Community Room
4 Chestnut Street, Exeter, NH

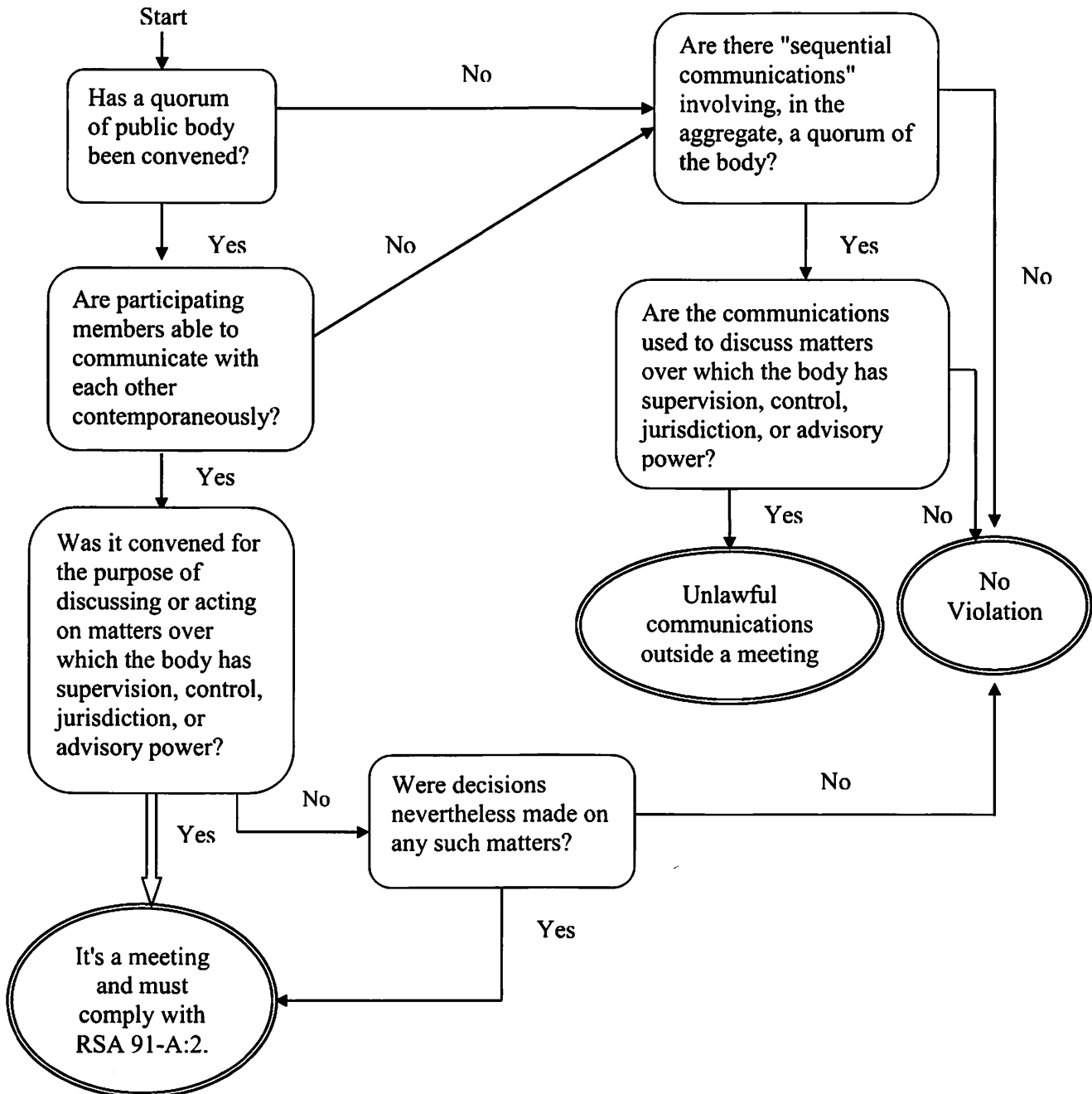
AGENDA

1. Welcome – Niko Papakonstantis, Select Board Chair
2. Review of All Boards Meeting Process
3. Master Plan Oversight Committee Report
4. Ideas to Improve Intra Board Communications
5. Review of Board Training Needs
6. Comments on Boards Mission Alignments
7. Establish of Top 1-2 Board Priorities for Each Attending Board
8. Schedule Follow Up Meeting



Is It a Meeting?

Use this flow chart to determine whether communications among members of a public body constitute a meeting subject to the Right to Know Law, or, if they do not constitute a meeting, whether they are unlawful communications outside a meeting.



PUBLIC MEETINGS

BASIC RULE: All meetings of public bodies must have proper notice and be open to the public.

- *Public body:* All committees, subcommittees, boards, commissions, agencies, etc. that perform a governmental function for a town, city, village district or school district. RSA 91-A:1-a.
- *"Meeting":* The convening of a quorum (majority) of any public body to discuss or act on any of that body's business, including work sessions. It is a "meeting" whether the members convene in person, by telephone, or electronic communication, or in any other way in which all members may communicate with each other contemporaneously. **However**, legal meetings may never be conducted by email or any other format which does not comply with notice and public accessibility requirements, or which does not allow the public to hear, read or discern the discussion contemporaneously at the noticed meeting location. RSA 91-A:2.
- *What is not a meeting?* Gatherings of fewer than a quorum; consultation with legal counsel; chance or social meetings neither planned nor intended to discuss official matters and at which no decisions are made; strategy or negotiations regarding collective bargaining.
- *Notice:* Minimum of 24 hours (not including Sundays or holidays), either published in a local newspaper or posted in two prominent public places, one of which may be the public body's website. RSA 91-A:2. Other statutes or local rules may require more notice.
- *"Open to the public":* Anyone, not just local residents, may attend, take notes, record and photograph the meeting. However, except as required in a public hearing, the public has no guaranteed right to speak. RSA 91-A:2.
- *Telephone participation:* Boards may (but do not have to) allow one or more members to participate in a meeting by telephone or other electronic means (RSA 91-A:2), if:
 - Physical attendance is not reasonably practical (note in meeting minutes);
 - All members can simultaneously hear and speak with each other;

- Except in an emergency, a quorum is physically present in the noticed meeting location;
- All parts of the meeting are audible or otherwise discernible to the public in that location.
- *Deliberations:* Public bodies may only deliberate in properly held meetings and may not use communication outside a meeting (such as sequential emails or phone calls) to circumvent the spirit or purpose of the law. RSA 91-A:2-a.

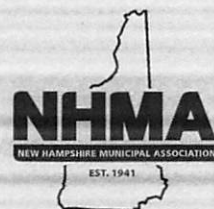
MINUTES: Must be kept for all public meetings and made available to the public upon request within five business days after the meeting (whether or not approved yet). Must include members present, others participating, and a brief description of subjects discussed and final decisions made. RSA 91-A:2.

NONPUBLIC SESSIONS: Meetings or portions of meetings that the public may not attend. Begin in a properly noticed public meeting. A motion for nonpublic session is made and seconded, citing the statutory reason, and a majority roll call vote is taken. Once in the nonpublic session, only the reason(s) cited in the motion may be discussed. Minutes must be kept and (unless the board votes to seal them) made available to the public upon request within 72 hours after the meeting, whether or not approved yet. RSA 91-A:3. Nonpublic sessions are allowed only for reasons listed in RSA 91-A:3, II, including:

- Dismissal, promotion, compensation, disciplining, investigation or hiring of a public employee.
- Matters which would likely adversely affect the reputation of any non-board member.
- Buying, selling or leasing real or personal property if public discussion would give someone an unfair advantage over the municipality.
- Lawsuits filed or threatened in writing against the municipality, until fully adjudicated or settled.
- Preparation for and carrying out of emergency functions related to terrorism.

RIGHT TO KNOW LAW

LEGAL INQUIRIES:
800.852.3358, ext. 384
legalinquiries@nhmunicipal.org
www.nhmunicipal.org



GOVERNMENTAL RECORDS

DEFINED: Any information created, accepted or obtained by a quorum of a public body, or by a public agency (such as clerk's office, town administrator or police department), in any physical format, received in or out of a meeting, in furtherance of its official function. RSA 91-A:1-a.

BASIC RULE: Governmental records must be made available to the public upon request unless they are exempt from disclosure under RSA 91-A:5 or another statute. Electronic records are treated the same way as paper records in this respect. RSA 91-A:4.

AVAILABILITY: Records must be available during business hours at the premises of the public body. If not immediately available, respond within five business days: provide the record, deny it in writing with reasons, or acknowledge it in writing with a note of the time needed to respond. RSA 91-A:4.

- *Copies:* Anyone may make notes, tapes or copies. Never hand over without supervision or lend records out. Citizens may be charged the actual cost of providing the copies. RSA 91-A:4.
- *Format:* Maintain in a manner accessible to the public. May provide in any format the municipality already has, but if one is more convenient, it must be made available. May provide electronic records by access to a municipal computer, or by a copy in standard or common file formats, a printout, or any other means reasonably calculated to comply with the request. RSA 91-A:4.
- *Motive:* The reason for requesting a governmental record is irrelevant; do not even ask.
- *Raw materials:* Tapes and notes used to compile meeting minutes are governmental records as long as they are retained; policy to discard/reuse after minutes are approved is acceptable.
- *Partial release:* If only part of a record is exempt from disclosure, the remainder should be released. Redact the exempt portion(s).

RETENTION OF RECORDS: RSA Chapter 33-A:3-a governs the length of time records must be kept. Keep electronic records for the same length of time as their paper counterparts. RSA 91-A:4. However, if a record must be kept for more than 10 years, it must also be transferred to paper or microfilm. RSA 33-A:5-a. *Do not destroy a record after a request has been made for it until the request is fulfilled or disputed requests are fully resolved.* RSA 91-A:9.

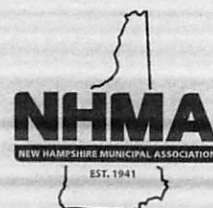
DELETING ELECTRONIC RECORDS: Electronic records are not subject to disclosure under RSA 91-A after they have been "initially and legally deleted" so that they are no longer readily accessible to the public body or agency. A record is "legally" deleted if the retention period has ended and there are no outstanding or disputed requests for that item. To "delete," you *must empty the "Deleted Items" or "Recycle Bin" folder.* RSA 91-A:4.

EXEMPTIONS TO THE DISCLOSURE REQUIREMENT INCLUDE:

- Records pertaining to internal personnel practices
- Medical, welfare, library user and videotape sales or rental records
- Confidential, commercial or financial information and any other record whose disclosure would be an invasion of privacy
- Notes or materials made for personal use that do not have an official purpose
- Preliminary drafts, notes or memoranda and other records not in their final form and not disclosed, circulated or available to a quorum of a public body
- Some law enforcement records (but not all)
- Written legal advice (until the client shares it with a third party outside the privilege)

RIGHT TO KNOW LAW

LEGAL INQUIRIES:
800.852.3358, ext. 384
legalinquiries@nhmunicipal.org
www.nhmunicipal.org





Draft Meeting Minutes – Practical Considerations

- A. A meeting is held, and the Right to Know Law (RSA 91-A) requires “minutes” to be prepared and be made available to the public upon request within 5 business days¹ after the meeting. RSA 91-A:2, II. The board which met probably does not meet again to approve the minutes within this time frame, so the minutes will always be the output of the single staff person or board member tasked to create the document. This version, whether approved or not, becomes a “governmental record” under RSA 91-A:1-a, III and must be made available upon request. Minutes must be retained as a governmental record forever under RSA Chapter 33-A, so they must be reduced to a paper format and may not be kept solely as electronic records. RSA 33-A:5-a. Thus, a permanent paper record will come into existence within 5 business days of the meeting and is subject to disclosure under the Right to Know Law, even if the board regards it as a draft document.
- B. There is no requirement in the Right to Know Law that any board act to “approve” its draft minutes. However, it is a near universal practice for all boards to review the minutes that were created within the 5-day time frame. During this review, members often suggest additions, deletions and corrections. If a board wishes to amend the minutes, it may do so, but the discussion and vote must take place at a duly-noticed public meeting of a quorum of the board. Therefore, the actual discussion to amend and approve the minutes must be documented in the minutes of that subsequent meeting as an item of business the board considered.
- C. Given the system set up by the law, we suggest that whenever minutes are created, they are marked as “not yet reviewed” or “draft.” This will warn anyone who reads them that the board, as of the date the minutes were created, has not approved them. If the board does amend them at its next meeting, the minutes of that next meeting should refer to the old minutes and detail the changes made. The board may also wish to produce a new document of the amended minutes labeled “as amended and approved by board” or something of that nature.
- D. However, we do not recommend that “draft” minutes be destroyed or altered when they are stored. If these so-called draft documents are destroyed, there is a risk that some member of the public or a different town official actually received the draft and has already used it. Between the time when the draft was created and the time it was amended and approved by the board, the draft *was* the minutes and thus exists as a governmental record. The possibility of reliance on a preliminary document is greatly increased if the board immediately posts the document on its internet website, or distributes it to members of other local boards for informational purposes. Also, if the draft document is altered to reflect changes made in a subsequent meeting, any discussion and debate about why the

¹ These considerations apply to nonpublic session minutes that are not sealed, except that those minutes must be available within 72 hours.

change was made could be lost forever if no document preserving the original text is allowed to survive.

- E. Some clerks have adopted the following practice. The draft minutes document is created as noted above. If changes are made at a subsequent meeting, the changes are detailed in the minutes of that second meeting. As the minutes are being prepared for permanent storage in paper format, the clerk will add a notation to the permanent record of the first meeting that corrections were made, and give an exact reference to the page where the changes appear in the minutes of the subsequent meeting. This seems to be an excellent way to serve all interests, in that it preserves the draft document as originally created and made available to the public, allows the board to review the record and make any needed changes, and allows the users of the documents to see the text as originally prepared, the changes that were made, and the reasons why the changes were made.
- F. We have also heard that some clerks will destroy draft minutes and only keep the “perfect” record that reflects the amendments made. We do not endorse this method because there is a large risk that a member of the public, the board, or another board will be misled by using the earlier document, and then later be unable to determine when, how, or why the changes were made. This could be very important in a planning board or zoning board of adjustment case that is litigated when the “certified record” is prepared for filing with the court.

Nonpublic Session Minutes Checklist
[INSERT NAME OF TOWN AND BOARD]

Date: _____

Members Present: [board member name] _____
[board member name] _____
[board member name] _____
[board member name] _____
[board member name] _____

Motion to enter Nonpublic Session made by _____ seconded by _____

Specific Statutory Reason cited as foundation for the nonpublic session:

_____ RSA 91-A:3, II (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 public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

_____ RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

_____ RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include 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.*

_____ RSA 91-A:3, II(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.*

_____ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

_____ RSA 91-A:3, II(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.*

_____ RSA 91-A:3, II(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.*

Roll Call vote to enter nonpublic session:	[name]	Y	N
	[name]	Y	N
	[name]	Y	N
	[name]	Y	N
	[name]	Y	N

Remove public meeting tape (if applicable).

Entered nonpublic session at _____ a.m./p.m.

Other persons present during nonpublic session: _____

Description of matters discussed and final decisions made: _____

Note: RSA 91-A:3, 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.*

Motion to leave nonpublic session and return to public session by _____,
seconded by _____.

Motion: PASSED / DID NOT PASS (circle one)

Nonpublic meeting tape removed, public meeting tape replaced (if applicable).

Public session reconvened at _____ a.m./p.m.

Motion made to seal these minutes? If so, motion made by _____, seconded by _____, because it is determined that divulgence of this information likely would...

- Affect adversely the reputation of any person other than a member of this board;
- Render a proposed action ineffective; or
- Pertains to preparation or carrying out of actions regarding terrorism.

Roll Call Vote to seal minutes:	[name]	Y	N
	[name]	Y	N
	[name]	Y	N
	[name]	Y	N
	[name]	Y	N

Motion: PASSED / DID NOT PASS (circle one)

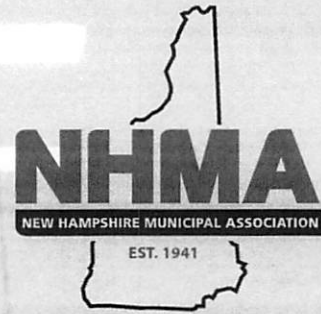
These minutes recorded by: _____

Right

to

Know

Law



RSA

Chapter 91-A

MEETINGS

(RSA 91-A:1 through 91-A:3)

BASIC RULE: Every meeting of a public body must have proper notice and be open to the public.

- **What Is a Meeting?** The convening of a quorum (majority) of any public body to discuss or act on any of that body's business, including work sessions. What is *not* a meeting? Consultation with legal counsel; chance or social meetings neither planned nor intended to discuss official matters and at which no decisions are made; strategy or negotiations regarding collective bargaining.
- **What Is a Public Body?** All committees, subcommittees, boards, commissions, agencies, etc., that perform a governmental function, including all informal advisory committees.
- **What Notice Is Required?** Minimum of 24 hours (not including Sundays or holidays), either published in a local newspaper or posted in two prominent public places. Other statutes or local rules may require more notice in certain cases.
- **What Is Open to the Public?** Anyone, not just local residents, may attend, and may take notes, record or photograph the meeting. However, except for certain people at public hearings, the public is not guaranteed the right to speak.

MINUTES: Minutes must be kept of all public meetings and must be made available to the public upon request within 5 business days after the meeting. Minutes must include the names of members present, others participating, a brief summary of subject matter discussed, and any final decisions or votes.

NONPUBLIC SESSIONS: Meetings or portions of meetings that the public may not attend.

- Allowed only for reasons listed in RSA 91-A:3, II, including:
 - Dismissal, promotion, compensation, disciplining, investigation, or hiring of any public employee
 - Matters that would adversely affect the reputation of a non-board member
 - Buying, selling or leasing property if public discussion would give someone an unfair advantage over the municipality
 - Lawsuits actually filed or threatened in writing against or by the municipality, until fully adjudicated or settled
 - Preparation for and carrying out of emergency functions including anti-terrorism issues
 - Consideration of legal advice provided by legal counsel even where counsel is not present.
- Entering nonpublic session: Begin in a properly-noticed public meeting. A motion must be made and seconded to enter nonpublic session, citing the reason from the statute, and a majority roll-call vote is required. Once in nonpublic session, only the reason(s) cited in the original motion may be discussed.
- Minutes of nonpublic sessions must include the names of members present, others participating, a brief summary of subject matter discussed, and any final decisions on votes. All votes while in nonpublic sessions must be taken and recorded in such a manner that the vote of each member is ascertained and recorded. Unless the board votes to seal the minutes, they must be made available to the public upon request within 72 hours after the meeting.

Important note: This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only.

Please refer to RSA Chapter 91-A or legal counsel for further information.

New Hampshire Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301
Tel: 603.224.7447
Members Only: 800.852.3358
E-mail: nhmainfo@nhmunicipal.org
Web site: www.nhmunicipal.org

Right

to

Know

Law



RSA Chapter 91-A

GOVERNMENTAL RECORDS

(RSA 91-A:4 through 91-A:6)

BASIC RULE: Any information concerning the business of a town or city, in any format, is a governmental record and must be made available to the public upon request unless it is exempt from disclosure under RSA 91-A:5 or elsewhere in the law. (How long to keep records? RSA 33-A:3-a contains a detailed schedule.)

AVAILABILITY: Records must be available during regular business hours at the regular business premises of the public body or agency. If a record is not immediately available, the town or city must respond to the request within 5 business days by either providing the record, denying the request in writing with reasons, or providing a written acknowledgement of the request and a statement of the time necessary to deny or fulfill the request.

- **Copies:** Anyone may make notes, tapes or copies of governmental records. Records should never be handed over for copying or loaned out. Municipalities may make copies for citizens and charge them the actual cost of the copies.
- **Format:** Governmental records must be maintained in a manner that makes them accessible to the public. Electronic records must be produced in electronic format if requested and if it's reasonably practical to do so.
- **Motive of the Person Requesting a Record:** It is irrelevant and should not be questioned.
- **Raw Materials and Working Documents:** Raw materials (tapes, notes) used to compile official minutes are governmental records so long as they are retained. Preliminary documents are governmental records even if they are not in final form unless they are exempt for some other reason.

EXEMPTIONS TO THE DISCLOSURE REQUIREMENT INCLUDE:

- Records pertaining to internal personnel practices
- Medical, welfare, library user and videotape sales or rental records
- Confidential, commercial or financial information and any other records whose disclosure would be an invasion of privacy
- Notes or materials made for personal use which do not have an official purpose, including notes and materials made prior to, during or after a public proceeding
- Preliminary drafts, notes and memoranda and other documents not in their final form and not disclosed, circulated or available to a quorum of a public body
- Some law enforcement files (but not all)
- Written legal advice

PARTIAL RELEASE: If only part of a governmental record is exempt from disclosure, the part that is not protected should be released. Redact (obscure) the exempt portion(s).

DO NOT DESTROY A RECORD AFTER A REQUEST HAS BEEN MADE FOR IT.

Important note: This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only.

Please refer to RSA Chapter 91-A or legal counsel for further information.

New Hampshire Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301
Tel: 603.224.7447
Members Only: 800.852.3358
E-mail: nhmainfo@nhmunicipal.org
Web site: www.nhmunicipal.org

Right to Know Law



RSA
Chapter 91-A

**ELECTRONIC
COMMUNICATION**
(RSA 91-A:1 through 91-A:6)
Effective July 1, 2008

PUBLIC MEETINGS

- **E-mail as a Meeting?** No. Legal meetings may never be conducted by e-mail or any other format which does not allow the public to hear, read or discern the discussion contemporaneously at the meeting location.
- **Telephone Participation:** Boards may allow one or more members to participate in a meeting by telephone or other electronic means, if:
 - (1) physical attendance is not reasonably practical (note in minutes);
 - (2) all members can simultaneously hear and speak with each other;
 - (3) except in an emergency, a quorum is still physically present in the location where the public was told the meeting would occur; and
 - (4) all parts of the meeting are audible or otherwise discernable to the public in that location.
- **What Is a Meeting?** When a majority of a public body convenes to discuss or act on any matter within its jurisdiction, it is a meeting whether the members "convene" in person, by telephone or electronic communication, or in any other way in which all members may communicate with each other contemporaneously (but as noted above, meetings may not be held by e-mail or online chat because the public cannot hear, read or discern the discussion contemporaneously at the meeting location).
- **Deliberation:** Public bodies may only deliberate in properly held meetings, and may not use communication outside a meeting (such as sequential e-mails or phone calls) to circumvent the spirit or the purpose of the law.
- **Posting Meeting Notice on the Internet:** Notice of meetings must be posted in at least two public places, one of which may be the public body's Web site.

GOVERNMENTAL RECORDS

- **Defined:** Any information created, accepted or obtained by a quorum of a public body, or by a public agency (for example, the clerk's office, police department or other municipal office), in any physical format, received in or out of a meeting, in furtherance of its official function.
- **Availability:** Just like paper records, electronic governmental records must be made available to the public upon request unless an exemption applies.
- **Retention:** Electronic governmental records must remain accessible to the public for the same length of time as their paper counterparts. Check RSA 33-A:3-a for a list of retention periods for certain categories of municipal records. If a record must be kept for more than 10 years, it must also be transferred to paper or microfilm.
- **When Is an Electronic Record No Longer Subject to Disclosure Under the Right to Know Law?** When it has been "initially and legally deleted" so that it is no longer readily accessible to the public body. Simply deleting it is not enough; the "Deleted Items" or "Recycle Bin" folder must also be emptied. A record is "legally" deleted if the retention period has ended and there are no outstanding or disputed requests for that item.

Important note: This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only. Please refer to RSA Chapter 91-A or legal counsel for further information.

Published August 2008.

New Hampshire Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301
Tel: 603.224.7447
Members Only: 800.852.3358
Fax: 603.224.5406
E-mail: nhmainfo@nhmunicipal.org
Web site: www.nhmunicipal.org

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

Board and Committee "Cheat Sheet"

Chairing a Board or Committee meeting can be intimidating. By following these basic guidelines you can have a successful meeting!

At the beginning of the meeting:

1. Call the meeting to order. Example "I call the meeting of the XYZ Committee to order."
2. Introduce all the members or have the members introduce themselves.
3. Indicate who will be a full member and who will be an alternate for the meeting (for land use boards).
4. Go back to the agenda for the "first order of business" which should be listed on the agenda.
5. Review and approve draft minutes via a proper vote that is made and seconded. Amendments to minutes can be made with a vote of the full committee.
6. NOTE: If your Board has public comment as part of its agenda, it is recommended to place public comment right after the introductions and declaration of full/alternate members. In addition the Chair should note that if someone is there for an agenda item that they should reserve their comments until that item comes up on the agenda, and not under public comment.

Regular Business

Action Items

1. Chair should take each action item in order unless committee votes to take an item out of order. After discussion on an action item, the Chair motions "Do I have a motion to adopt (or accept) or some other action XYZ." This requires a second by another member. Then a call by the Chair for any discussion. Then the board/committee votes. The call of the Chair is: "All those in favor. All those opposed." "The motion carries." OR "The motion fails."
2. Motions will fail for a lack of a second. ALL motions must have a second.

Public Hearings - TIPS

1. Notice the public hearing on the agenda
2. Chair takes a motion to "open the public hearing on XYZ." One committee member moves the motion. Another board/committee member seconds. Any discussion.
3. Chair takes vote "all those in favor. All those opposed." "I declare the public hearing open."
4. Take testimony on the public hearing, recognizing speakers.
5. After testimony, Chair takes motion to "close the public hearing." A committee member responds with "so moved." Then a second from another committee member. All those in favor. All those opposed. The motion carries/fails (Chair to declare). Upon taking an affirmative vote on the closing of a public hearing, the Chair declares the public hearing is closed.

Committee members attending via zoom or other remote means

1. Person zooming remotely (or calling in) must identify that it was not practicable for them to attend in person. In addition they must state who is in the room with them (or that they are alone in the room).
2. All votes must be roll call votes.

Adjournment

1. Committees must vote to adjourn the meeting. When business items are concluded, the Chair should entertain a motion to adjourn. After the motion is made and seconded, the Board can vote to adjourn.

NOTES:
