



## **TOWN OF NEWPORT, NEW HAMPSHIRE**

### **BOARD OF SELECTMEN**

### **OPERATIONAL GUIDELINES & HANDBOOK**

The Newport Board of Selectmen hereby adopts these operational guidelines pertaining to the functions of the Board and the conduct of its members.

#### **I. GENERAL INFORMATION**

A. The Board of Selectmen for the Town of Newport consists of five equal members who shall operate by majority vote to manage the prudential affairs of the Town and perform the duties prescribed by law in accordance with the Right to Know Law (RSA 91-A), attached hereto and incorporated herein as Appendix A.

B. Individual Selectmen have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon a majority vote of the Board or as otherwise allowed by law. This does not prohibit a Selectman from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman.

C. The Board of Selectmen derives its authority from New Hampshire State Law as specifically set forth in the Revised Statutes Annotated (RSA) and as further established under common law (court decisions). A general rule of thumb is the Board of Selectmen does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when Town Meeting has lawfully delegated such authority to the Selectmen.

#### **II. GETTING ORGANIZED**

A. The first meeting of the Board of Selectmen following the Oath of Office being administered to any newly elected members shall include:

(1) The meeting will be opened by the Town Manager.

(2) Voting on the Election of Officers

- Chair
- Vice-Chair

[NOTE: There is no provision in these guidelines for an established order based on length of service in the selection of officers, nor is there any provision that would prevent a Selectman from serving consecutive or more than 2 terms as Chair.]

(3) Voting on Selectmen's Liaison Assignments

- Airport Advisory Committee Representative
- Budget Advisory Committee Representative
- ECON Representative
- Historic District/Heritage Commission Representative
- Planning Board Representative
- Planning Board Alternate Representative
- Recreation Advisory Committee Representative
- Upper Valley Lake Sunapee Regional Planning Commission Representative
- Zoning Board of Adjustment Representative
- Zoning Board of Adjustment Alternate Representative
- Ad-Hoc Representatives as may be deemed necessary by the Board

(4) Voting on the Establishment of a Meeting Schedule

(5) Voting to reaffirm or amend these Board of Selectmen Operation Guidelines & Handbook

(6) Voting to reaffirm or amend the Town of Newport Code of Ethics

[NOTE #1: Nothing in these guidelines shall prevent the Selectmen from voting by majority to table such decisions until such time as the Board members may be ready to act, nor shall these guidelines be construed as preventing the Selectmen from voting on these matters at any other time upon a vote of the majority.]

[NOTE #2: Nothing in these guidelines shall prevent the Selectmen from voting to replace the Chair or Board Liaisons at any time during any duly posted public meeting upon a determination by the remaining Board members that the Chair or Liaison has acted inappropriately or exceeded his/her authority or upon a request to be replaced.]

### **III. DUTIES OF SELECTMEN**

A. Chair

The Chair shall preside over all meetings and shall have the authority to:

(1) Maintain order and control of the agenda.

- (2) Ensure that informal parliamentary procedures are followed.
- (3) Place limits on the length of time and the content of input provided by meeting participants.
- (4) Call for a special or emergency meeting.
- (5) Request the voluntary (or involuntary removal by a Police Officer) of persons who disrupt the business of Town government.
- (6) Represent the Town at ceremonial events and serve as the Town's Chief Executive Official.
- (7) Serve as the Board spokesperson by presenting the official viewpoint of the Board of Selectmen to the media, citizens, government agencies, civic groups and others based upon a majority vote.

[NOTE: Nothing herein is intended to prohibit the remaining members of the Board of Selectmen from attending ceremonial events or voting to override a ruling of the Chair, nor is anything intended to prevent the Chair from delegating his/her authority as may be deemed necessary.]

B. Vice-Chair

The Vice-Chair shall have all of the duties and responsibilities of the Chair in the event of absence, vacancy, or disqualification.

C. Primary Duties

The Board's primary duty is to "manage the prudential affairs of the Town and perform the duties by law proscribed (RSA 41:8). The Town has also adopted the Town Manager form of government (RSA 37) which specifically redistributes certain administrative powers and duties from the Selectmen to the Town Manager.

A list of the primary duties of the Board can be found in Appendix B and the Town Manager's job description can be found in Appendix C.

D. Delegation of Selectmen's Duties

- (1) Although the Board of Selectmen has historically delegated many of its responsibilities to staff members with enhanced levels of expertise, qualifications and specific competencies, it is important to note that nothing herein is intended to imply the Board of Selectmen cannot assume control over its obligations; and it should also be understood that the Board of Selectmen retains the final decision-making authority for all its responsibilities.
- (2) It shall be the responsibility of the Town Manager to keep the Board of Selectmen informed of their duties in a timely manner and to ensure, to the greatest extent

practical, that the Board acts in compliance with all applicable laws, including, but not limited to posting notices, meeting deadlines, producing minutes and reports, advertising, scheduling hearings, etc.

E. Limitations of Selectmen's Duties

The duties and responsibilities of the Board of Selectmen as set forth in these guidelines and as otherwise enumerated under law are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board's authority as it pertains to each specific set of circumstances.

**IV. BUSINESS PROTOCOLS**

A. Public Sessions

The Board of Selectmen can only act in a duly posted public session unless a subject matter is specifically exempt by law from such requirement. Notice of all meetings shall be posted at least 24 hours in advance of the meeting (except in the event of an emergency as noted herein) on the Town's website and the Town Hall lobby. Additional postings may be made at other municipal buildings such as the Library and DPW, and notice may be provided to local media outlets to the extent practical. There is no legal requirement to post an agenda with a notice of meeting. Notes, tapes and other materials used for compiling minutes of a public session meeting shall be made available for public inspection in the Office of the Town Manager immediately upon the conclusion of a meeting; and draft minutes shall be considered a permanent record of the Town as of the 5<sup>th</sup> business day after the meeting.

B. Non-Public Sessions

The Board of Selectmen may meet in non-public session only to discuss the subject matters referenced in RSA 91-A:3, II (see Appendix A), provided that such action is preceded by a motion, second and roll call vote that indicates the precise reasons for entering a non-public session, including a reference to the applicable statutory citation; and furthermore, provided that such action can only take place during a duly posted public meeting. Upon the close of non-public session business, the Board of Selectmen may, by 2/3 vote, seal the minutes until such time as divulgence is otherwise permitted under law (RSA 91-A:3, III, see Appendix A); otherwise a draft of the non-public session minutes shall be made available for public inspection in the Office of the Town Manager within 72 hours.

C. Minutes

An original document of all minutes from all meetings of Board of Selectmen shall be transferred to the custody of the Office of the Town Manager as soon as practical. The minimum content of the minutes shall be as set forth in RSA 91-A:2 & 4 (see Appendix A), but nothing herein is intended to prohibit the Selectmen from including such additional information as they may deem necessary. Sealed minutes shall be held in the custody of the Office of the Town Manager. Draft minutes shall be noted as such.

D. Non-Meetings

There are a few specific situations where the Board of Selectmen is permitted under law to conduct official business without posting notice of a meeting or taking minutes as set forth in RSA 91-A:2, I (see Appendix A). These non-meetings may be held during the course of a non-public session or upon the conclusion of a public session meeting or at any other time that is convenient to the participants.

E. Emergency Meetings

RSA 91-A:2, II (see Appendix A) defines the circumstances and explains the procedures for the Board of Selectmen to have a meeting with less than 24 hour notice. Such meetings require an emergency where immediate undelayed action is deemed to be imperative by the Chair and advance notification must be provided (by staff) as soon as possible to the local newspapers and on the Town's website.

F. Public Hearings

Public hearings are generally held for the following reasons: (a) to solicit input on proposed regulations, ordinances, fees or special events with significant community impacts; (b) to resolve a personnel matter upon a request from an employee to hold such proceedings in public; (c) to settle an appeal of a decision made by a Town employee; (d) in response to a petition to layout or accept a public highway; or (e) for the purpose of deciding any question affecting the conflicting rights or claims of different persons. It should be noted the Board of Selectmen cannot legally preside over hearings when such responsibilities or decision-making authority had been delegated by statute or ordinance to some other party, (such as subdivision approvals, appeals of administrative decisions of the Building Inspector, etc.)

During such proceedings, the Board members should refrain from expressing any opinions unless specifically asked or until such time as all other speakers have had an opportunity to speak and the hearing is then closed by the Chair. Selectmen may, however, ask questions of speakers and respond to questions if they so choose. Typically, a hearing should begin with some type of opening remark from the chair and then a presentation or viewpoint from a supporter of the subject matter or the person requesting the hearing and thereafter alternate with opposing views. In the case of contested proceedings, each party should be given one opportunity to make closing remarks and a rebuttal. (See also RSA 43 for specific requirements under certain situations.)

Decisions of the Board following a public hearing should always be expressed in writing and/or under signatures of the Board members, however the drafting of a decision and circulation for signatures may be exempt from the open meeting requirement of NH law.

G. Personnel Hearings

- (1) For those employees who have a right to a hearing, personnel hearings are to be conducted in non-public session unless otherwise requested by the affected employee, in which case they must be held in public session. If the hearing is held in non-public

session then all proceedings and documents related thereto shall be exempt from public disclosure except as otherwise required by law. If the hearing is held in public session then all records related thereto shall be subject to public disclosure.

- (2) The procedures used for a personnel hearing should be similar to the process used for any public hearing, except that a Selectman has no obligation to answer any questions posed by the participants. In addition, either party may call witnesses or submit evidence to support his/her viewpoint, but the Selectmen are not required to comply with or establish any formal set of evidentiary rules; and the provisions of RSA 43 are not applicable except for removal proceedings as set forth in RSA 41:16-c (Town Clerk), 41:26-d (Treasurer), and 41:40 (Tax Collector).

#### H. Consent Agenda

In order to facilitate the daily operations of Town government, the Selectmen may sign routine documents such as payroll changes, payment manifests, tax warrants, abatements and correspondence without the necessity of a public meeting; provided that such documents are thereafter approved by a vote of the Board. Furthermore, it should be noted that such documents must be made available for public inspection unless specifically exempt by law and any Selectman may require any such document to be acted upon and/or discussed by the Board at a meeting prior to the signatures of a majority taking effect.

#### I. Lack of a Quorum

In the event that two Selectmen are absent from a meeting, the remaining three members of the Board shall constitute a quorum and all decisions made must be unanimous and shall have the same effect as any other decision of the entire Board, unless otherwise prescribed by law. In the event that three Selectmen are absent from a meeting, no official meeting can take place and therefore no decisions can be made.

#### J. Remote Participation in Meetings

The provisions of RSA 91-A:2, III shall apply to the remote participation of a Selectman at a public meeting of the Board by telephone or video conference, only upon the consent of three members of the Board physically in attendance at the meeting, unless such meeting is an emergency meeting.

#### K. Voting Abstentions

In the event that a Selectman should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purposes of determining the majority viewpoint. If more than two Selectmen abstain from a vote, no action shall be taken without a unanimous vote of the remaining Board members.

#### L. Illegal Votes

It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by email

or in such a way as to be contrary to the Right to Know Law.

M. Disqualifications

Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (to include voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectman should voluntarily disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome. In addition, a Selectman should disqualify himself/herself when acting in a quasi-judicial capacity based on a juror's standard of impartiality. [NOTE: There are no circumstances when a majority of the Board members can refuse to allow a Selectman to participate in the official proceedings of the Board, however, Selectmen are encouraged to publicly disclose any and all potential conflicts of interest and to thereafter defer to the will of the majority in determining whether or not to step down.]

N. Voting Procedures

Votes should be taken by the Board upon a motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the Town. In some instances, however, the Board may wish to convey its opinion or consent by a simple consensus process.

O. Role of the Town Manager

The Town Manager shall ensure that all meetings of the Board of Selectmen comply with the requirements of NH law, (public notice, postings, non-public sessions, public hearings, minutes, etc.). In addition, the Town Manager shall be available during meetings to provide advice and recommendations to the Selectmen upon request. The Town Manager shall also perform all of the duties and responsibilities as set forth in the job description or as otherwise determined by the Board of Selectmen.

P. Meeting Agenda

(1) The Board of Selectmen may choose to conduct its meetings according to the following order of business:

- a. Call to Order
- b. Agenda Review
- c. Minutes of Previous Meetings
- d. Open Forum
- e. Communications (Individual Selectboard members, Town Manager)
- f. Informational Items
- g. Action Items
- h. Non-public session(s)
- i. Adjournment

(2) Agenda Management.

- a. The purpose of agenda management is to allow for the conduct of efficient and

effective meetings, and to provide the Board of Selectmen with an informed decision making process.

- b. To advance that goal, the Selectmen's Office must be in receipt of any requests from the general public or Town boards or committees by noon on the Wednesday preceding the next business meeting to be considered for inclusion on the upcoming meeting agenda. An "Agenda Request Form" to facilitate the development of agenda submissions aimed at advancing effective and efficient conduct of Town business has been developed and must be used for all agenda matters. Documents or supplementary material concerning the request must also be received by the deadline noted above.
- c. The Town Manager shall prepare a draft agenda for review by the Selectboard Chair, and the Town Manager and Board Chair shall meet or otherwise communicate regarding the matters proposed for review and/or consideration by the Board. Requests may be referred to appropriate departments or boards to allow investigation or development of background material to facilitate the Board's decision making process prior to being scheduled on the agenda. The Board Chair shall have final authority over setting the Board agenda.
- d. Once the meeting agenda has been set, the Town Manager shall strive to distribute packets containing the agenda and supplementary materials to the Board of Selectmen by the close of business on the last business day of the week. The agenda will be posted on the Town's web site and at the Town Offices and made available to the public upon request once distributed to a quorum of the Board.
- e. Agenda packets (including any supplemental information provided to the Board, excluding any documents exempt from disclosure) may be obtained upon request in accordance with the provisions of RSA 91-A subject to the Town's standard copy charges. Staff will strive to meet requests received forty-eight (48) hours prior to the scheduled meeting in advance of the meeting. The purpose of this rule is to allow for the packet to be assembled and copied in advance of a meeting and not take time away from the agenda preparation process or meeting's purpose which is to conduct the business of the Board.
- f. The Board may vote to suspend the rules concerning agenda management upon majority vote.
- g. The purpose of the agenda item entitled "Open Forum" is to allow citizens of the town to bring issues of concern to the Board which are not on that evening's agenda. Issues raised by citizens under the agenda item "Open Forum" will be placed on the agenda of the next business meeting as a new business item unless a majority of the Selectmen vote to suspend the agenda management rules and address the item(s) of concern immediately.

Q. Correspondence

- (1) The Office of the Town Manager shall open all mail addressed to Selectmen at the Town Offices unless marked confidential and/or personal. Such mail shall be date stamped upon being opened and forwarded to the appropriate Selectman's mailbox in Town Hall.
- (2) In-coming correspondence addressed to the Board of Selectmen or an individual Selectman should be promptly shared with all members of the Board and the Town Manager. The Town Manager (or Department Manager if delegated) may respond on behalf of the Board to routine questions of an administrative nature (with copies provided to the Selectmen), but all other matters shall be placed on an upcoming Selectmen's agenda for a Board decision. The Town Manager may thereafter respond on behalf of the Board unless otherwise directed.
- (3) Selectmen should not sign or use official Town letterhead as individuals without the consent of the majority of Board members.

R. Political Issues

The Selectmen should refrain from endorsing (or giving the appearance of endorsing) any specific candidate for elected office (including themselves) while acting at a public meeting or in an official capacity. Selectmen are encouraged, however, to speak on any political issues that may affect the Town of Newport, to include expressions of specific viewpoints as may be applicable.

S. Appointments of Town Officials

The Selectmen act as the Appointing Authority for many other Town Officials, including employees, members of boards and committees and to fill vacancies in some elected offices. Often times these appointment decisions have long-term implications in much the same way as the President may appoint a Justice to the Supreme Court, with an emphasis on local consequences. In making these decisions by majority vote, the Board should always discuss individual qualifications in a non-public session (except for positions that are subject to future elections in which case all discussions must be done in public and all application materials are subject to public disclosure). Ultimately decisions to appoint should be made based primarily on a candidate's qualifications, experience, track record and ideology, even when considering re-appointments.

**V. SELECTMEN'S CODE OF CONDUCT**

A. Selectmen's Meetings

The following guidelines are presented as a list of suggestions for Selectmen to consider in order to facilitate the management of the Town:

- (1) Be prepared for all meetings by reading the materials in advance of the meeting.
- (2) Actively participate in all deliberations.

- (3) Be respectful of differences of opinion. Treat others with dignity and attentiveness.
- (4) Be fair and open-minded.
- (5) Attend all meetings to the greatest extent possible; otherwise notify the Chair in advance to request that an absence be excused.
- (6) Demonstrate the characteristics of honesty, integrity and positive role-model leadership.
- (7) There should be no hesitation to express a viewpoint or present the opinions of concerned citizens.
- (8) Research and requests for additional information are strongly encouraged, but it is suggested that the Town Manager be utilized to process all inquiries from staff.
- (9) Be attentive to the remarks of others during a meeting, including input received from members of the public, staff and other Town Officials.
- (10) Electronic devices should only be used for information gathering or note taking. Devices should not be used for communication between selectmen during a meeting.

B. General

The following guidelines are intended to assist the Selectmen in the performance of their official duties:

- (1) Don't make unilateral promises, threats or decisions on behalf of the Board. Understand the Doctrine of Estoppel can be a double edged sword.
- (2) Be very cautious about making promises with regards to a future vote or the treatment of any individual.
- (3) Do make yourself available to listen to (or read about) constituent concerns.
- (4) There is a fine line that is often impossible to identify between "acting in concert with personal beliefs and principles" vs. "acting in the best interests of the Town based on a specific set of circumstances". Follow your conscience.
- (5) Don't cast blame for problems without having all the facts. In most instances it is better to steer conversations towards identification of problems and possible solutions rather than pointing fingers at individuals who may have made mistakes.
- (6) Don't be afraid to explain that you were not aware of a certain situation or that you may not know the answer to a specific question about Town government. There are many resources available for you to get the right answers in a short period of time. Also keep in mind that the right answer may not always be the answer desired, but this will always

be better than giving misinformation or false hope.

- (7) Friendships and business relations should not be a deciding factor when making decisions in the best interests of the Town. A true friend will understand and respect the need for a Selectman to avoid the appearance of favoritism.
- (8) The business of running the Town often requires perseverance, patience and long-term planning. The existence of phrases such as “Rome wasn’t built in a day” and “the wheels of government grind slowly” is indicative of a frustrating reality of times. However, Selectmen are encouraged to be mindful of their role in the posterity of future generations while dealing with current issues.
- (9) Keep in mind that the eyes of Newport are upon you. The things you say and do and the people you associate with are a reflection on your character as an official who is elected to represent the Newport community.
- (10) Try to avoid being a player on either end of the rumor mill. Work towards earning (and keeping) a reputation for having integrity.
- (11) Statements made by individual Selectmen that amount to personal attacks or public insults (regardless of the setting) will impede the ability of the Board of Selectmen to function in the best interests of the Town.
- (12) Privileged information should not be shared or discussed with anyone other than the parties directly involved. In some instances, the disclosure of privileged information can result in legal consequences (of a personal nature as well as creating Town liability) and/or removal from office.
- (13) In the event a Selectman becomes aware of any wrong-doing on the part of an elected or appointed Town Official, this knowledge must be shared with the remaining members of the Board during a non-public session meeting prior to any action being taken.
- (14) Selectmen are indemnified by a Town insurance policy from liability for official conduct that is taken within the confines of their duties and responsibilities. Selectmen are also covered under the Town’s worker’s compensation insurance policy as “employees”, but they are not eligible for any other employee benefits.

C. Relationships with Other Elected Town Officials

- (1) Selectmen are encouraged to maintain open lines of communication and positive relations with other elected Town Officials for the sake of facilitating municipal operations. When discussing Town business, such communications should be prefaced as either being a personal viewpoint or the official position of the Board, as may be appropriate.
- (2) In the event that a Selectman is aggrieved by a decision or action that is taken by an elected Town Official, the issue should be shared with the remaining members of the Board during a public or non-public session meeting (as allowed by law) prior to any

action being taken.

- (3) The role of the Board of Selectmen in any proceedings related to the removal from office of an elected Town Official is specifically set forth in law and must be followed in a precise manner.

#### D. Relationships with Other Town Boards & Committees

- (1) The Selectmen should be mindful of the statutory authority granted to certain Boards and Committees with a goal of assisting such agencies in the fulfillment of their mission to the greatest extent practical. This is especially relevant in dealing with the Town's Legislative Body (Town Meeting) as well as the Planning Board, ZBA and Budget Committee.
- (2) Whenever the Board of Selectmen decides to establish a board or committee that is not prescribed by law or is otherwise under the Selectmen's jurisdiction, the Board shall adopt a resolution that specifies the name of the agency, the number of members and alternates if desired, the length of terms, the mission of the agency, (to include duties, responsibilities and authority), residency requirements, the date by which the agency shall cease to exist and any other information deemed relevant.
- (3) In some situations, the role of the Board of Selectmen in any proceedings related to the removal from office of members of boards and committees is specifically set forth in law and must be followed in a precise manner. However, there are also situations where the Board of Selectmen may have the authority to replace members with or without cause and with or without due process as may be allowed by law. Accordingly, it is important that the Oath of Office be carefully worded by the Selectmen to ensure the Board preserves its right pertaining to the status of appointees.
- (4) Selectmen who serve as ex-officio members (or Liaisons) of other boards and committees are expected to vote and act in a manner that is consistent with the majority viewpoint of the Board, to the extent practical.
- (5) All Town Boards and Committees are subject to the Right to Know Law and must therefore comply with all provisions of RSA 91-A.

#### E. Relationships with Other Selectmen

- (1) It is recognized under NH law that a chance meeting or social event involving a quorum of the Board (three or more members) does not constitute a "meeting". However, individual Selectmen must not discuss any Town business during such situations.
- (2) Communications between Selectmen during meetings or public events should always take into account a level of decorum that is commensurate with the position of elected leaders of the Town. Accordingly, it is expected that Selectmen will conduct themselves in a professional manner at all times; and that members of the Board can ultimately agree to disagree in the event of differences of opinion regardless of the circumstances or the intensity of feelings.

- (3) All written communications between Selectmen may be considered public documents under the law. This includes emails and handwritten notes. Selectmen can be held personally (and financially) liable by a court for destruction of any such documents or willful violations of the Right to Know Law.

F. Relationships with Staff

- (1) It is requested that Selectmen respect the Chain of Command and deal with staff issues or requests for information through the Office of the Town Manager at all times. This is not to imply, however, that Selectmen must do anything differently from ordinary residents with regards to routine government services (such as vehicle registrations, permit applications, etc.) in which case Selectmen should expect to be treated in the same manner as every other “customer”.
- (2) In the event a Selectman observes an employee exhibiting inappropriate behavior, such conduct should be promptly referred to the Town Manager and may also be disclosed to the other members of the Board of Selectmen during a non-public session of a meeting.
- (3) Selectmen should be aware that staff meetings are not open to the public and these meetings are not subject to the Right to Know Law. Members of the Board of Selectmen should only attend these types of meetings upon invitation or request of the Town Manager.
- (4) Selectmen are encouraged to meet as individuals on a regular basis with the Town Manager to exchange information and share ideas. Such meetings, unless there is a quorum present, are not subject to the Right to Know Law; however, any written documentation that is exchanged may be subject to public disclosure.
- (5) Selectmen should never solicit political favors, contributions or election support from Town employees who are expected to remain neutral in such matters at all times, but especially during work.
- (6) Disciplinary decisions made by Department Managers and/or the Town Manager must be implemented without consulting the Board of Selectmen or individual Selectmen in order to preserve the juror status and impartiality that is required for the Board and its members to serve as an appeals body.

G. Relationships with Legal Counsel

- (1) The Town Attorney works for the Town of Newport under such terms and conditions as may be determined solely by the Board of Selectmen. Consultations between the Selectmen and legal counsel are exempt from the Right to Know Law.
- (2) Members of the Board of Selectmen should only communicate with the Town Attorney through the Office of the Town Manager. Often times the Town Manager may be able to provide legal answers without incurring any legal expenses.

- (3) Selectmen who have a legal question about Town business that is not of an urgent or emergency nature who do not wish to involve the Town Manager in such an inquiry are expected to discuss this matter with the remaining members of the Board during a non- public session of a meeting prior to contacting the Town Attorney directly.
- (4) Selectmen who have a legal question about Town business of an urgent or emergency nature who do not wish to involve the Town Manager are authorized to contact the Town Attorney directly, provided, however, that the nature of the communication shall be put into writing and shared with all Board members as soon as practical.
- (5) From time to time Selectmen are individually served with a lawsuit in the exercise of their duties. Because the timing of the Town's response can be a critical component in a lawsuit, Selectmen should immediately notify the Town Manager if they have been sued as a Town Official. The Town Manager will then forward copies of the lawsuit to all of the Selectmen and the Town Attorney and Town's insurance carrier. (Sometimes the Town's insurance carrier will provide and pay for legal counsel in which case the Town Attorney may not be involved in the proceedings.)

#### H. Relationships with the Media

- (1) It is recommended that Selectmen never go "off the record" when communicating with a reporter. And keep in mind that there may be times when it is in the Town's best interest for a Selectman to have no comment, but such remarks should be used very judiciously.
- (2) Selectmen should be very careful and cautious when choosing words during a conversation with a reporter (or in the presence of the media) to avoid being misquoted, or having words taken out of context, or disclosing information that should not be made public.
- (3) Although the Chair serves as the official spokesperson for the Board, there is nothing in these guidelines that is intended to prevent any other members of the Board of Selectmen from speaking with the media and offering a personal viewpoint that may differ from the Board.
- (4) Newspaper accounts of municipal events are not always an entirely accurate depiction of the factual circumstances. Accordingly, members of the Board of Selectmen should not make decisions based solely on reports in the newspaper or on television or other media outlets.

#### I. Relationships with Civic Organizations & Citizens

Selectmen are encouraged to visit with members of local civic organizations and concerned citizens to solicit feedback and input on government operations and/or discuss current issues, public events and personal viewpoints concerning Town affairs.

J. Ethics

- (1) Individual Selectmen should not seek to exert any undue influence or interference in the exercise of the official duties of other Town Officials or employees. In the event that a Selectman has legitimate personal interests in the outcome of a government function, and he/she acts as a private citizen in pursuit of that objective, then he/she should thereafter disqualify himself/herself as a Selectman in any matters related thereto.
- (2) The Selectmen shall uphold and exemplify the provisions of the Code of Ethics for Public Officials of the Town of Newport, as adopted by the Newport Board of Selectmen on June 4, 2018 attached hereto and incorporated herein as Appendix 4.

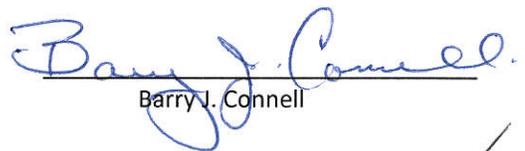
K. Violations

- (1) There are no defined consequences under NH law for failure to comply with these guidelines. However, it should be noted that the remaining members of the Board of Selectmen may vote to publicly censure a Selectman for repeated or egregious failures to meet these obligations.
- (2) In the event that a quorum of the Board is of the opinion that one of the Selectmen has violated State Law, then they may vote in public session to initiate judicial removal proceedings and/or petition a court of competent jurisdiction for the imposition of such other penalties as may be allowed by law.

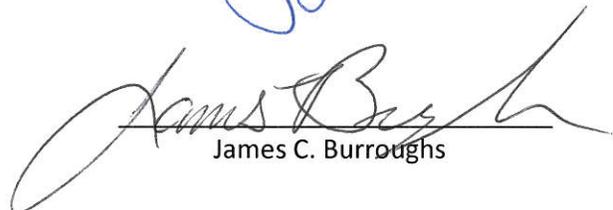
IN WITNESS WHEREOF, these Operational Guidelines for the Board of Selectmen are adopted and approved on the 16th day of May, 2016; 15th day of May, 2017; 4th day of June, 2018; 20th day of May, 2019; 20th day of July 2020; 17th day of May 2021; 16th day of May 2022; June 5, 2023; by the Newport Board of Selectmen.

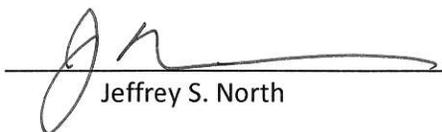
ATTEST:

  
Jeffrey F. Kessler

  
Barry J. Connell

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Keith M. Sayer

  
James C. Burroughs

  
Jeffrey S. North