



Right-to-Know Law, RSA Chapter 91-A: Public Meetings

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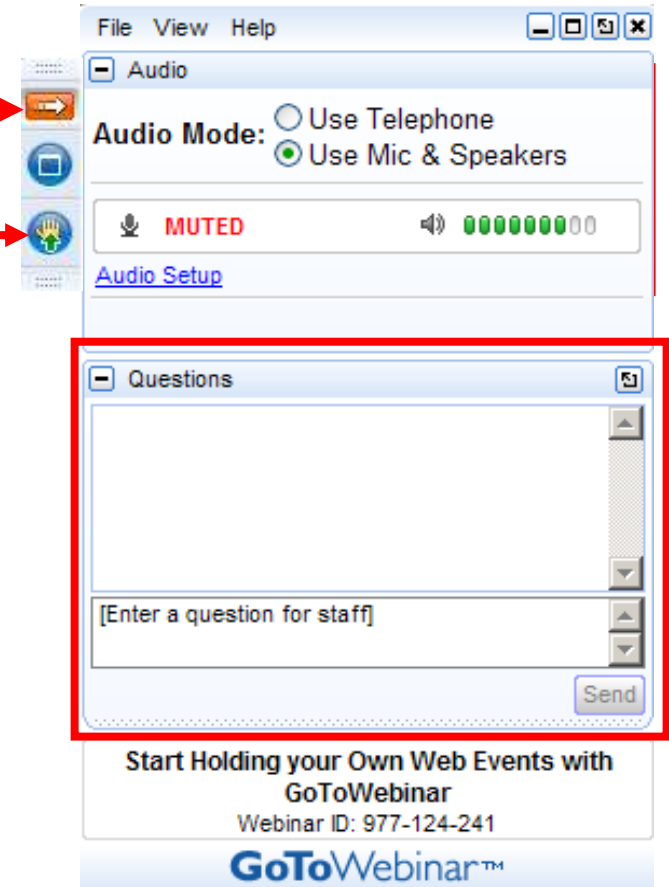
February 8, 2017



How to Participate Today

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- Open and close your Panel 
- Submit text questions 
- Q&A addressed during today's session
- Two Pop Quizzes today



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Audio

Audio Mode: Use Telephone Use Mic & Speakers

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Questions

[Enter a question for staff]

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LOCAL RULES OF PROCEDURE WILL GOVERN

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RSA 91-A:2 II:

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

PUBLIC AGENCY

PUBLIC BODY

v.

91-A:1-a, V

91-A:1-a, VI

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Town Clerk's Office

Phone: (603) 536-1732

Monday - Friday

Hours: 8:30AM – 4:00 PM

Selectmen's Office

Phone: (603) 536-1731

Fax: (603) 536-0036

Hours: Mon-Friday 8:00 - 4:30 PM

91-A:2, I:

“Meeting” = quorum + public body + communicate contemporaneously + “official” matters

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Notice
Open to
Public
Minutes

WHAT IS NOT A “MEETING”? (“NON-MEETING”) *Not the same as Non-Public Session! RSA 91-A:2, I*

- Social or other encounter, no decisions;
- Collective bargaining;
- Consultation with legal counsel;
- Political Caucuses; -
Circulation of draft documents



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SEEKING LEGAL ADVICE

- Counsel must be present
- *Ettinger v. Town of Madison Planning Board*
- Non-public session to discuss written or oral legal advice



EMERGENCY NOTICE

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- Immediate undelayed action is deemed to be imperative by the chair
- Post notice as soon as is practicable
- State emergency in minutes



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Captain John Smith named New Hampshire after a county of what country?

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1. Australia
2. Germany
3. Russia
4. England
5. Denmark

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“Open to the public”
91-A:2, II

ELECTRONIC PARTICIPATION, 91-A:2, III

- Not required
- Attendance not reasonably practical—state in minutes
- Quorum physically present (unless emergency)
- Must be able to hear and be heard contemporaneously
- Identify persons present at remote location
- All votes by roll call



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RECORDING MEETINGS

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- Not required
- Public may always record
RSA 91-A:2, II
- Use and discard
- Recordings are
governmental records

COMMUNICATING OUTSIDE A MEETING

- Can't discuss/deliberate by email
- Don't use "reply all"
- Can't "circumvent spirit and purpose" of 91-A
- Public must have contemporaneous access to meeting



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PUBLIC MEETINGS MINUTES (RSA 91-A:2, II)

- Kept and made available upon request within 5 business days
- Include (1) members present, (2) people participating, (3) summary of subject matter and decisions reached or action taken



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91-A:3, I: How to enter nonpublic

- Begin in proper public meeting
- Motion stating specific basis for nonpublic
- Second
- Roll call vote to go into nonpublic
- Conduct session



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NON-PUBLIC SESSIONS

91-A:3, II: When to enter nonpublic

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- Public employee (a *specific* employee)
 - Right to a meeting?
- Hiring
- Reputation
 - Can request the meeting be public
- Real or Personal Property . . . If discussion would likely benefit a party whose interests are adverse to those of the general community.
- Lawsuits: Against or by the public body
- Emergency preparation
- Legal Advice received orally or written (New!)

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What did Levi Hutchins of Concord, New Hampshire invent in 1787?

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1. Watch
2. Lamp
3. Fan
4. Alarm Clock
5. Toaster

Who Should Be Present in the Non-Public Session?

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MINUTES OF NONPUBLIC SESSIONS

91-A:3, III: make available within 72 hours . . .

. . . or “seal.”

Minutes must also include (1) members present, (2) people participating, (3) summary of subject matter and decisions reached or action taken



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REMEDIES FOR VIOLATIONS

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- 91-A:7 & 91-A:8
- No agency enforces: Court action required
- Fees & Costs
- Invalidate, Enjoin, Training
- Bad faith = penalties



ONLINE RESOURCES

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- NHMA website RTK page:
<http://www.nhmunicipal.org/service/right-to-know>
- Attorney General's Memo:
<http://doj.nh.gov/civil/documents/right-to-know.pdf>
- Text of the statute:
<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm>

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PROD.

COMING ATTRACTIONS

March 8

**LEAN Process Improvement: Learn the
Tools That Add Value in Public Service**

VENUE

www.nhmunicipal.org

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The Intersection of Land Use and Road Law: A *New* Hard Road to Travel Workshop!

Strip malls, condominium developments and single-family homes have one thing in common: they can't exist without road access. Join NHMA Legal Services Attorneys Stephen Buckley and Margaret Byrnes for this new *Hard Road to Travel* Workshop, which will focus on road-related issues that surround development and construction, including subdivisions, driveways, and building on Class VI and private roads under RSA 674:41. There will also be a discussion about complete streets and how the program may benefit your municipality. Ample time will be allowed for questions and answers.

This workshop will benefit not only road agents and public works, but also governing bodies, land use boards, and administrators who want to better understand the different roles and responsibilities of various municipal officials in these situations.



Friday, March 31, 2017

9:00 a.m. — 1:00 p.m.

Registration and Breakfast at 8:30 a.m.

Lunch provided!

NHMA Offices

25 Triangle Park Drive, Concord NH

Cost: \$100 (workshop registration, including 2015 edition of *Hard Road to Travel*)

Or

\$55 (workshop registration, no publication)

Register online at www.nhmunicipal.org under Calendar of Events

Online pre-registration required one week prior. Space is limited.

Questions? Call 800.852.3358, ext. 3350,

or email NHMAregistrations@nhmunicipal.org



2017 Local Officials Workshops

Workshops for seasoned and new municipal officials and employees of New Hampshire Municipal Association member municipalities.



**FULL DAY WORKSHOPS
OFFERED ON
VARIOUS DATES IN
VARIOUS LOCATIONS**

**9:00 a.m.— 4:00 p.m.
Registration begins at 8:30 a.m.**

Breakfast and lunch will be provided.

Presented by NHMA's Legal Services attorneys, the workshops provide municipal officials with tools and information to effectively serve their communities. Topics will include the Right-to-Know Law, ethics and conflicts, town governance, public employment, liability and more. Ample time allowed for questions, answers, and discussion.

Attendees will receive a complimentary copy of NHMA's 2017 edition of publication, *Knowing the Territory*.

Dates and Locations

Thursday, April 13—Peterborough Recreation Center, Gymnasium

Wednesday, April 19—Grantham Town Hall

Thursday, May 4—TBD—Littleton Area*

Wednesday, May—TBD—Jackson Area*

Tuesday, May 23—Stratham Municipal Center, Room A

Saturday, June 3—NHMA Offices, Concord

*These workshop dates and locations subject to change. Please check our website regularly.

Register Today! No Registration Fee.

To register online, please visit www.nhmunicipal.org and click on the Calendar of Events. Cancellation must be received 48 hours in advance. If cancellation is not received 48 hours in advance, NHMA will charge you \$20 to cover workshop costs, including meals.

Questions? Please call 800.852.3358, ext. 3350 or email NHMAregistrations@nhmunicipal.org

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*for attending
our webinar
today!*

Mission Statement

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

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