

and shall appoint any committees found necessary to carry out the business of the Commission.

The Chair may present to the Commission such matters as in the Chair's judgement require attention. At the request of any Member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Commission.

When the Commission has no established rule of parliamentary practice, the Chair shall be guided as nearly as may be by Robert's Rules of Order.

The Chair shall exercise a general supervision over the business, papers, and property of the Commission and shall execute all formal documents on behalf of the Commission.

3.3 DUTIES OF THE VICE CHAIR. The Vice Chair shall assume the duties and powers of the Chair in the Chair's absence.

3.4 VACANCIES AMONG OFFICERS. Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the next regular meeting of the Commission.

ARTICLE 4 MEETINGS

4.1 ANNUAL MEETINGS. The annual meeting of the Commission shall be the regular meeting held in the month of January each year or if there is no meeting due to a lack of business then the first regular meeting held thereafter.

4.2 REGULAR MEETINGS. Regular meetings of the Commission shall be held on the second Thursday of the month unless there is no business to transact, in which case no meeting shall be held. Regular meetings shall normally start at 7:00 p.m. and terminate at 9:30 p.m. regardless of all business, as listed on the agenda, being completed.

4.3 SPECIAL MEETINGS. Special meetings of the Commission may be called by the Chair provided that at least 48 hours notice of the time, place, and business of such meeting be given each member of the Commission and provided that the special meeting is given the proper public notice.

4.4 PLACE OF MEETING. Meetings of the Commission shall normally be held at City Hall, in the City of Lebanon, or at some other public place in the City of Lebanon, or at any site at which the Commission finds it necessary to conduct its business.

5.4 **MINUTES.** Records shall be kept of those Commissioners present and those absent. The minutes of previous meetings shall be submitted for acceptance at the regular meeting and any errors noted and corrections made, after which the regular order of business may be taken up. The reading of the minutes may be dispensed with and the same accepted if there are no objections.

5.5 **RECESS OF THE MEETING.** The Chair may order a temporary halt to the proceedings of the meeting. Said recess should normally not exceed 30 minutes. Upon ordering the recess, the Chair shall state the time and place for reconvening.

5.6 **CONTINUANCE OF THE HEARING.** The Commission may continue a hearing if the application cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the continued hearing shall be announced before adjournment.

5.7 **ADJOURNMENT OF MEETING.** The Commission shall adjourn each meeting to its next regularly scheduled meeting or to a special meeting specifying time, date, and place.

ARTICLE 6 COMMITTEES

6.1 **AUTHORIZATION.** The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which is germane to the purposes of the Commission.

6.2 **MEMBERSHIP.** All Committees shall consist of not more than three Commission members.

6.3 **DUTIES.** The duties of any Committee shall be defined by the Commission at a regular meeting.

6.4 **COMMITTEE CHAIR.** The Chair will be elected by the Committee.

6.5 **MEETINGS.** The Chair of a Committee shall call the same at such time and place as he or she may deem proper whenever there is any business requiring the attention of the Committee.

6.6 **INVESTIGATIONS.** If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and request the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

ARTICLE 7 VOTING

7.1 MAJORITY VOTE REQUIRED. Determinations on any matter before the Commission shall require the concurrence of a majority of the regular members present at that meeting.

7.2 CONTINUANCE OF DELIBERATIONS. If the Commission is unable to obtain the concurrence of a majority of its members on a motion because of the absence of one or more members from the vote, it shall continue the matter for reconsideration before the members present.

7.3 CONFLICT OF INTEREST. No member should participate in deciding or should sit upon the hearing of any question if:

A. that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizenry; or

B. that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law, namely:

1. is related to any applicant or abutter;
2. has assisted or advised the applicant or any abutter;
3. has directly or indirectly given his opinion or has formed an opinion;
4. is prejudiced to any degree regarding the case;
5. if it appears to a reasonable person that the member is not indifferent or impartial with regard to the case.

Any member who has employed an attorney, said attorney now appearing before the Commission, shall so inform the Commission and in generic terms give the cause of the employment (e.g. will, business contract) for the record. Such employment could possibly be cause for disqualification.

A member who is disqualified shall remove himself from the Commission, shall not take part in the public discussion, and shall sit with the public until such time as the Board has completed its consideration of the case at that meeting. The member may then return to the Board.

When an uncertainty arises as to whether a member is disqualified under RSA 673:14, the Board shall vote on the question but such vote shall be advisory and non-binding. Any person may request such a vote at any time.

If as a result of disqualification the Board loses its quorum, then there shall be an

adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

7.4 VOTE OF MEMBERS PREVIOUSLY ABSENT. For matters continued from a previous meeting, any member absent from such meeting shall not cast a vote on the matter until the member examines the public record and minutes of the proceedings and becomes familiar with the evidence.

7.5 RECONSIDERATION OF A FORMER VOTE. If an applicant is aggrieved by a Commission's duly passed decision, in whole or in part, the applicant may request in writing the Commission to reconsider the matter.

At a regularly scheduled meeting or at a special meeting, the applicant shall present evidence different from or in addition to evidence presented for the former vote. At the conclusion of the applicant's presentation, the Commission, by majority vote, shall determine whether or not the evidence presented is substantially different from or in addition to the fact established for the former vote. A motion, duly passed, to accept the evidence and to reconsider the matter must be made by a member who voted in the majority on the former vote. After deliberation, the Commission shall then vote on the matter.

An applicant must file a request to reconsider prior to the Commission's decision being forwarded to the appropriate authority requesting or requiring the Commission's determination on a wetlands matter.

ARTICLE 8 E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

8.1 PURPOSE. The aims of this Article are:

- A. To ensure compliance with the letter and spirit of the Right-to-Know Law, RSA 91-A, and with the Due Process rights of parties before the Commission;
- B. To clarify Commission members' ability, between meetings, to research issues and prepare motions or other potential Commission actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and,
- C. To clarify the role of electronic media such as E-mail in achieving these goals.

8.2 DEFINITIONS. In this Article:

- A. Communication means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.
- B. Distribution is a one-way communication between meetings involving more than one Commission member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.
- C. Exchange is a communication between meetings, or series of communications, involving more than one Commission member which includes a between-meeting response, or expectation of a response.
- D. Ex Parte Communication is communication, other than at a legally-noticed meeting, between a Commission member and a person with an interest in, or affected by, a pending or future case.

8.3 ACTIVITIES BETWEEN MEETINGS OF INDIVIDUAL MEMBERS. Individual Commission members may, between meetings, prepare drafts of motions or other potential

Commission actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the member shall, at the public hearing, report all findings to the Commission, and parties to the case shall be given a meaningful opportunity to respond.

8.4 DISTRIBUTIONS. A Distribution may be made to any number of Commission members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case and it involves a quorum of the Commission (counting all senders and recipients):

- A. A copy shall be forwarded to the City Planner, who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;
- B. The member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,
- C. Parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

8.5 EXCHANGES. Exchanges involving a quorum or more of the Commission or of any Conservation Commission Committee are prohibited. Such Exchanges shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under Subsection 8.3 is permitted if the number of Commission or Committee members involved is less than a quorum; however:

- A. Each member involved shall be responsible for preventing the number of members involved from reaching a quorum;
- B. Information discussed in, or generated by, an Exchange between members shall not be subject to further Distribution; and
- C. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

8.6 EX PARTE COMMUNICATIONS. Commission members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Commission member contacted shall:

- A. Refrain from discussing the substance or merits of a case;
- B. Inform the person, if necessary, that such a discussion could lead to disqualification;
- C. Refer the person to the Planning Office or to a Commission meeting, as

appropriate; and

D. Report on the conversation to the Commission at a public meeting.

8.7 SCHEDULING AND AGENDA. Notwithstanding Subsections 8.4, 8.5, and 8.6, nothing in this policy prevents any Distributions, Exchanges or Ex Parte Communications which pertain solely to:

A. Scheduling of meetings or hearings;

B. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or

C. General procedural requirements pertaining to such scheduling and agenda matters.

8.8. CONSERVATION COMMISSION COMMITTEES. A Conservation Commission Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Commission, shall also apply to a quorum of a committee.

ARTICLE 9 ADMINISTRATIVE

9.1 ADOPTION. Upon adoption of these rules, the Chair shall file a copy of these rules and all amendments with the City Clerk as a public record and post a copy in two or more public places for 15 days.

9.2 AMENDMENTS. These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 30 days preceding the meeting at which the vote is taken.

9.3 ATTENDANCE. A Commission member may be excused for nonattendance of a meeting or hearing for valid reasons if he or she notifies the Chair prior to the meeting or hearing.

These rules of procedure were adopted by the Conservation Commission on 10-31-90 and amended on: 07-07-94, Section 4.2, meeting time;
05-11-95, Section 4.2, meeting date;
05-09-96, Section 4.2, meeting time;
03-13-97, Section 5.4, acceptance of minutes;
11-09-00, Section 4.1, annual meeting.

Chair
Date

These Rules of Procedures supersede all other rules and By-Laws.