

**RULES OF PROCEDURE
FOR THE PLANNING BOARD
CITY OF LEBANON, NEW HAMPSHIRE**

ARTICLE I **GOVERNING RULES**

- 1.1 GOVERNANCE.** The Planning Board of the City of Lebanon shall be governed by the provisions of all applicable State statutes, City regulations, and these Rules of Procedure adopted under the authority of RSA 676:1.
- 1.2 DEFINITION OF BOARD.** As used in these rules, the term "Board" shall mean the Planning Board duly appointed by the legislative body of the City of Lebanon under the authority of RSA Chapter 673.
- 1.3 DEFINITION OF MEETING.** As used in these rules, the term "meeting" shall have the meaning as set forth in RSA 91-A:2.
- 1.4 RULES OF DECORUM.** Meetings of the Planning Board shall be conducted in the spirit of the "Lebanon Boards, Committees, and Commissions Rules of Decorum and Commitment to Civil Behavior," which is addended hereto and made a part of these Rules of Procedure, and all Board members shall endeavor to adhere to the principles set forth therein.

ARTICLE II **MEMBERS AND ALTERNATES**

- 2.1 REGULAR MEMBERS.** The Planning Board shall consist of nine (9) regular members, namely eight persons who shall be appointed by the City Council, by majority vote, upon nomination by the City Manager, and one member of the City Council who shall be selected by it as a member ex-officio with voting privileges.
- 2.2 ALTERNATE MEMBERS.** Alternate members of the Board shall be appointed by the City Council, by majority vote, upon nomination by the City Manager. Alternate members shall join the regular members in all presentations, public hearings, and discussions except that such alternates may not vote on any proposal or motion before the Board unless so directed by the Chair. In the absence of any regular member, except the ex-officio member of the City Council, the Chair shall appoint an alternate member to fill such vacancy. Said alternate shall then act as a regular member.
- 2.3** All members of the Planning Board shall be residents of the City of Lebanon and shall be sworn in and take an oath of office as required by RSA 42:1.
- 2.4 ATTENDANCE.** A Board member may be excused for non-attendance of a meeting or hearing for valid reasons if he or she notifies the Chair or Clerk prior to the meeting or hearing. Any Board member may leave the Board chambers for pressing business while in regular session after notice to the Chair.
- 2.5 TRAINING.** All newly-appointed Board members shall attend one (1) orientation meeting with the Planning and Zoning Director, prior to sitting as a member of the Board, unless waived or extended by the Chair at the request of the Planning and Zoning Director.

ARTICLE III **OFFICERS AND DUTIES**

- 3.1 ELECTION OF OFFICERS.** At the annual meeting, the Board shall elect a Chair and a Vice-Chair from the regular members and such other officers as it may deem necessary;

but in case of failure to elect at the time specified, the election shall take place at the next meeting. The Chair and the Vice-Chair, shall hold their respective offices until the next annual meeting after election or until their successors are elected and qualified. They shall perform such duties as the Board may prescribe. The office of Chair and Vice-Chair shall be held by an individual for no more than three consecutive terms per office unless waived by the Board.

- 3.2 DUTIES OF THE CHAIR.** The Chair shall call the meeting together, preside over all meetings and hearings of the Board, put all questions to a vote, maintain order, decide all questions of order and procedure, subject to these rules, and shall appoint any committees found necessary to carry out the business of the Board.

The Chair may present to the Board such matters as in the Chair's judgment require attention.

At the request of any Board member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Board.

When the Board has no established rule of parliamentary practice, the Chair shall be guided as nearly as may be by Robert's Rules of Order, which may be simplified by the Chair as deemed necessary and appropriate. In the event of a challenge by a Board member of any modification of Robert's Rules by the Chair, Robert's Rules shall prevail.

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

- 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 CLERK.** With the approval of the City Manager, the Director of Planning & Zoning, through the Department of Planning & Zoning, shall function as the Clerk for the Board. The Clerk shall administer official correspondence, subject to these rules and at the direction of the Board; shall issue the proper forms, compile all information, maps, and records for the Board's review; shall send all notices required by law; shall keep the minutes of all Board actions and proceedings; shall prepare reports and perform other duties as directed by the Chair; and, shall keep records of its examinations and other official actions.

The Clerk shall direct the recording secretary to take complete and accurate minutes, to tape record all meetings, to prepare in writing the official minutes of all meetings; to show the vote of each regular member upon every question, or if absent, disqualified, or failing to vote so indicate; to include in the minutes the names and addresses of all witnesses, a summary of the facts on which the decision is based and the decision rendered; and to deliver to the Clerk within 144 hours the completed document for submission to the Board for acceptance.

The Clerk, in consultation with the Chair, shall prepare the agenda for each meeting, provide all supportive documentation, and deliver said materials to each Board member no later than the Thursday preceding any scheduled Monday meeting. The Clerk shall also make public notice of the agenda of each meeting in accordance with the appropriate regulations. Any Board member may request and have placed on the agenda any item for discussion.

The Clerk shall perform other duties as directed by the Chair.

- 3.5 VACANCIES.** At the direction of the Chair, the Clerk shall give immediate notice of any vacancy to the City Council. Any vacancy among the officers of the Board shall be filled by a regular member by election, for the unexpired term, at the next regular meeting of the Board.
- 3.6 STAFF SUPPORT.** The Chair may request, through the City Manager, the attendance of any officer or employee of the City to confer with the Board. The Board may vote to request the City Manager to provide an officer or employee.
- 3.7 ASSISTANCE BY THE DIRECTOR OF PLANNING & ZONING & DEPARTMENT OF PLANNING & ZONING.** Requests for assistance to the Director of Planning & Zoning and/or Department of Planning & Zoning in matters before the Board or Chair of the Board shall be made by the Board either by consensus or motion duly passed. Requests for information may be made to the Director of Planning & Zoning and/or Department of Planning & Zoning by any Board member through the Chair.

ARTICLE IV MEETINGS

- 4.1 ANNUAL MEETINGS.** The annual meeting of the Board shall be the second Monday in the month of January each year, or if there is no meeting due to a lack of business, then the first public meeting held thereafter.
- 4.2 REGULAR MEETINGS.** Regular meetings shall be conducted by the Board at which applications for development shall be reviewed and acted upon. Regular meetings of the Board shall be held on the second Monday of the month unless there is no business to transact, in which case no meeting shall be held. The Clerk shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the regularly scheduled commencement. Regular meetings shall normally start at 6:30 p.m. and terminate at 9:30 p.m.
- 4.3 PLANNING SESSIONS.** Planning sessions shall be conducted by the Board at which study items and planning issues are analyzed. Said sessions shall be held on the fourth Monday of the month unless there is no business to transact, in which case no meeting shall be held. The Clerk shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the scheduled commencement. Planning sessions shall normally start at 6:30 p.m. and terminate at 9:30 p.m.
- 4.4 SPECIAL MEETINGS.** Special meetings of the Board may be called by the Chair provided that at least 48 hours notice shall be given to each Board member of the time, place, and business of such meeting. The Clerk shall ensure the provision of adequate public notice of such special meetings as required by law.

Upon the written or oral request of at least four (4) Board members, a special meeting shall be called. Said meeting shall take place not later than one week after the fourth Board member shall have made the request for a special meeting, or otherwise may be scheduled for a date agreeable by all requestors.

- 4.5 PLACE OF MEETING.** Meetings of the Board 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 the site of a proposed project for the express purpose of inspecting said site as part of the review for a proposed project.
- 4.6 OPEN MEETINGS.** All meetings of the Board and its committees shall be open to the public except as stipulated by State Law.

- 4.7 HOLIDAYS.** When any meeting date happens to be a holiday, the Board shall determine either to conduct the meeting on the next business day, cancel said meeting, or call a special meeting.

ARTICLE V CONDUCT OF BUSINESS

- 5.1 CALL TO ORDER.** Meetings shall be called to order by the Chair, or in the Chair's absence, by the Vice-Chair. In the absence of both, the Clerk or staff member shall call the meeting to order after which those Board members present may elect a Chair pro tem.

- 5.2 QUORUM.** The Board shall only conduct a meeting and transact business when a quorum is present. A quorum shall be at least a majority of the total membership of the Board including alternate members sitting in place of regular members.

- 5.3 ORDER OF BUSINESS.** For each regular meeting the order of business, unless otherwise ordered by the Chair, shall be as follows, and shall be shown on the agenda:

1. Call to Order
2. Notice of Regional Impact
3. Continued Applications – Public Hearings
4. New Applications – Completeness Reviews and Public Hearings
5. Approval of Minutes
6. Other Business
7. Adjournment

For each planning session, the order of business shall be as follows:

1. Call to Order
2. Study Items
3. Committee Reports
4. Approval of Minutes
5. Other Business
6. Adjournment

- 5.4 PRESENTATIONS DURING PUBLIC HEARINGS.** The Chair shall request that before the start of each Public Hearing a representative of the proposal give a brief presentation of the request before the Board. The brief presentation shall be adequate so as to inform all abutters and members of the public as to the nature of the project in order that they may comment on the proposed project.

- 5.5 PERMISSION REQUIRED TO ADDRESS THE BOARD.** Persons other than members of the Board shall not be permitted to address the Board except by consent of the Chair. Anyone wishing to address the Board during Open Discussion should indicate their intent and subject matter to the Chair prior to the meeting. A time limit of 3 minutes shall normally be in effect. The speaker shall not enter into any debate with anyone present and shall speak only to the subject matter indicated. A group may have one person act as its spokesperson and shall follow the same rules.

- 5.6 MINUTES.** The minutes of previous meetings shall be submitted for approval at the next regular meeting or planning session. The Chair shall call for any corrections to the minutes. Following the discussion of corrections, if any, the minutes shall be approved by motion duly passed by majority vote of the members present.

- 5.7 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.

- 5.8 CONTINUANCE OF THE HEARING.** The Board 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.
- 5.9 ADJOURNMENT OF MEETING.** The Board shall adjourn each meeting to its next scheduled meeting or to a special meeting specifying time, date, and place. If the order of business has not been concluded by 9:30 PM, the Chair shall poll the attending Board members to determine if the Board should continue beyond 9:30 PM or continue the matters on the agenda to the next appropriate meeting, or continue to a special meeting specifying time, date, and place.

ARTICLE VI VOTING

- 6.1 MOTION TO BE STATED BY THE CHAIR.** When a motion is made and seconded, it shall be stated by the Chair before debate. At the request of the Chair or any member of the Board, the motion shall be in writing. A motion may not be withdrawn or amended by the mover without the consent of the second.
- 6.2 MAJORITY VOTE REQUIRED.** Determinations on any matter before the Board shall require the concurrence of a majority of the regular members present.
- 6.3 TIE VOTE OR DECISION BY LESS THAN A MAJORITY.** A tie vote or an approval or denial by less than a majority of the regular members present constitutes no action. If the Board is unable to obtain concurrence of a majority of regular members present on a request because of the absence of one or more Board members from the vote, it shall continue the discussion or may continue the matter to a subsequent meeting pursuant to Section 5.8 above.
- 6.4 CONFLICT OF INTEREST or PREJUDGEMENT.** In accordance with RSA 673:14, no Board member shall participate in deciding or shall sit upon the hearing of any question if that member has a direct personal or pecuniary interest in the outcome which differs from the interests of other citizens, or if 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.

Reasons for disqualification include, but are not limited to, when a Board member:

- A. Is an abutter
- B. Is related to the applicant or any abutter;
- C. Has assisted or advised the applicant or any abutter; or,
- D. Is biased or prejudiced in any manner or to any degree which would, in the eyes of a reasonable and prudent person, prevent the member from acting impartially with respect to the application before the Board.

Reasons for disqualification also include prejudgment which occurs when a Board member has directly or indirectly taken a position, formed a conclusion, or has prejudged the application to be decided by the Board. Prejudgment includes, but is not limited to, a position taken either for or against an application expressed at a public meeting, by letter, by ex parte communication, or by comment made in some public forum. Prejudgment does not include questions or statements made by Board members in response to the details of the application expressed during the public hearing held on that application or during the Board's deliberations.

When an uncertainty arises as to whether a Board member is disqualified in particular circumstances, the Board shall, at the request of that member or another Board member, vote on the question of his/her disqualification, but such vote shall be advisory and non-

binding. Any person with a direct interest in the outcome may voice an objection to a Board member's participation, setting forth specific reasons, and may also request such a vote, but such a request shall be non-binding. Any such request or objection shall be made either prior to or at the commencement of the public hearing, or at such later time as the facts claimed to warrant disqualification first become known. No such vote shall be taken if the Board member involved steps down voluntarily.

A Board member who is disqualified shall remove himself/herself from the Board and shall sit with the public until such time as the Board has completed its consideration of the application at that meeting. The member may then return to the Board. 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.

- 6.5 VOTE OF ABSENT MEMBERS.** Unless a Board member has attended the meetings on a matter or has stated publicly that he or she has examined the record and become familiar with the evidence presented from a transcript of the proceedings, he or she shall not cast a vote essential to the decision.
- 6.6 EXTENSION OF TIME.** Any three Board members may request an extension of time before voting on any proposal before the Board. If such an extension is requested, the Board shall schedule a special meeting not more than two weeks from the date of the request to take action on the proposal or otherwise such special meeting may be scheduled for a date agreeable by all requestors. There shall be no new business placed on the agenda of any special meeting scheduled under this section.

ARTICLE VII COMMITTEES

- 7.1 AUTHORIZATION.** The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which are germane to the purpose of the Board.
- 7.2 DEFINITION OF COMMITTEE.** A group of Board members delegated by the Chair to perform a function.
- 7.3 MEMBERSHIP.** All Committees shall consist of not more than four (4) Board members.
- 7.4 DUTIES.** The duties of any Committee shall be defined by the Board at a regular meeting.
- 7.5 COMMITTEE CHAIR.** The first Board member named on the Committee shall be the Chair thereof.
- 7.6 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.
- 7.7 INVESTIGATIONS.** If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and call upon the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

ARTICLE VIII 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 Board;
- B. To clarify Board members' ability, between meetings, to research issues and prepare motions or other potential Board 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 Board 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 Board 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 Board 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 Board members may, between meetings, prepare drafts of motions or other potential Board actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the Board member shall, at the public hearing, report all findings to the Board, 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 Board members, so long as it does not become an Exchange. Whenever a Board member makes a Distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):

- A. A copy shall be forwarded to the Director of Planning & Zoning, 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 Board 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 Board or of any Planning Board 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 Board or Committee members involved is less than a quorum; however:

- A. Each Board 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 Board 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.** Board members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Board 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 Department of Planning & Zoning or to a Board meeting, as appropriate; and
 - D. Report on the conversation to the Board 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. PLANNING BOARD COMMITTEES.** A Planning Board Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Board, shall also apply to a quorum of a Committee.

ARTICLE IX ADMINISTRATION

- 9.1 ADOPTION.** Upon adoption, the Clerk shall file a copy of these Rules and all amendments with the City Clerk as a public record and post a copy in one 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 Board provided that such amendment has been presented in writing to each member of the Board at least 15 days preceding the meeting at which the vote is taken.

These Rules of Procedure were adopted by the Planning Board on November 21, 1989 and amended on:

December 9, 1996	Section 5.6 - MINUTES
January 11, 1999	Section 5.3 - ORDER OF BUSINESS
September 11, 2000	Section 4.1 - ANNUAL MEETINGS
September 11, 2000	Section 4.2 - REGULAR MEETINGS
January 28, 2002	Section 5.3 - ORDER OF BUSINESS
May 7, 2003	Section 2.7 (new) - ASSISTANCE BY THE CITY PLANNER & PLANNING OFFICE
May 7, 2003	Section 6.5 - CONFLICT OF INTEREST OR PREJUDGMENT
May 7, 2003	Article VII (new) - E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS.
December 13, 2010	Section 4.2 - REGULAR MEETINGS
December 13, 2010	Section 4.3 - PLANNING SESSIONS
July 11, 2016	Article II (new) - MEMBERS AND ALTERNATES;
July 11, 2016	Section 5.9 - ADJOURNMENT OF MEETING;
July 11, 2016	General updates and reformatting;
January 28, 2019	Section 5.6 - MINUTES, General updates
August 26, 2019	Section 5.3 – ORDER OF BUSINESS
June 28, 2021	Section 1.4 – RULES OF DECORUM and Addendum

These Rules of Procedure supersede all other Rules and By-Laws.

ADDENDUM

LEBANON BOARDS, COMMITTEES, AND COMMISSIONS

RULES OF DECORUM AND COMMITMENT TO CIVIL BEHAVIOR

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Board. The Chairman is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the Lebanon Boards, Committees, and Commissions commit to:

1. Supporting the Board's mission.
2. Showing respect to each other as appointed members and staff representatives to the Board.
3. Promoting civility during Board meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Chair.
6. Bringing appropriate committee-related concerns, issues, and conflicts to the Board for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Board meetings.

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's boards, committees, and commissions have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.