

# NH State Conservation Committee's Guide to New Hampshire's Public Meeting Laws

Written by Ian Hanley, SCC Executive Director, published 1/15/23

*Objective: This document provides guidance to New Hampshire's county conservation district supervisors and staff members about how to run district meetings in compliance with New Hampshire's public meeting requirements.*

Public meeting laws are important because the New Hampshire public has the right to see their government in action and be present when discussions, business, and decisions are being conducted. County conservation district supervisors hold important roles in county-level leadership, and district boards should be transparent about their activities with the public.

## What is defined as a meeting?

A meeting is defined as any time a quorum of members (3 supervisors in the case of four or five person conservation district boards) discuss district business. Even unintentional gatherings of supervisors, such as 3 supervisors at the district office discussing business outside of a scheduled meeting, are considered meetings and need to follow public meeting laws. This also includes emails and group telephone calls.

Email and telephonic communications including three or more supervisors about district activities should be limited to scheduling meetings and raising agenda items for upcoming meetings. As the public does not have open access to these communications, substantive district business should not be discussed.

## Public Notice of a Meeting

Public notice must be given about any meeting at least 24 business hours in advance. Notice of the meeting needs to be posted in at least two locations. The district's website or local newspaper are considered acceptable locations for posting. Recommended locations include the district's office or the physical location of the meeting (if different). The SCC recommends providing as much notice about meetings as possible (such as posting a calendar of all scheduled meeting that year on the district's website), and including videoconference (Zoom, Microsoft Teams, etc.) links in the public notice if this is an option.

## Quorum Requirements

A quorum of district supervisors is required to call the meeting to order. For New Hampshire's conservation districts, this means that 3 supervisors need to be physically present at the meeting. If less than three supervisors are physically present, associate supervisors can be deputized to vote in order to reach the 3-person quorum. If there is a quorum of supervisors, associate supervisors cannot be deputized to vote (even if there are only 3 or 4 supervisors present).

### Voting

Meetings are lead by the District's chair, vice chair, or whoever is deputized to lead the meeting. District decisions are made through a process where a voting supervisor (other than the Chair) make a motion, which then needs to be seconded by another voting supervisor. Once the second has been made, discussion about the motion may occur. Once discussion has concluded, a vote on the motion will take place. The motion as presented, who presented the motion and who seconded it, and the result of the vote need to be reported on draft and approved meeting minutes (see Meeting Minutes Guide for more information about meeting minutes).

### Consent Agendas

Multiple reports that don't need discussion can be combined into a single agenda item called a "consent agenda." These are reports that are submitted to the district in advance, such as those of partner agencies (SCC, NHACD, NRCS). A motion can be made, seconded, and voted on to accept the consent agenda as is. If a supervisor would like to discuss a report within the consent agenda, it can be removed from the consent agenda and discussed, modified, and voted on separately. Districts may vary on if they want to include previous meeting minutes and treasurer's reports in their consent agendas.

### Non-Public Session

Some topics are considered private and may be had away from public discussion, such as employee reviews, legal advice, or topics that may reflected negativity on someone outside the District. These discussions may be had in "non-public session." Non-public sessions occur at publicly noticed meetings, but the public is asked to leave the meeting during the session. The supervisors may ask specific people to remain (such as district staff). Non-public sessions can only be called for specific reasons (91A:3-II a,b,c,d,e,i, or l). A vote of supervisors is required to enter and exit a non-public session. Minutes of which must be publicly available within 3 days. A district board can vote to seal the minutes of a non-public session, once they have returned to public session.

A great resource for conducting a non-public session can be found at the New Hampshire Municipal Association's website.

[https://www.nhmunicipal.org/sites/default/files/uploads/documents/appendix\\_f\\_-\\_nonpublic\\_checklist.pdf](https://www.nhmunicipal.org/sites/default/files/uploads/documents/appendix_f_-_nonpublic_checklist.pdf)

### Closing a Meeting

Once all the topics of the agenda have been addressed, and if nobody has any additional discussion to bring forward, the meeting may be concluded. This can occur in two ways. First, the Chair, hearing no further business needed, may conclude the meeting. Second, a motion may be made by a voting supervisor, seconded, and voted on by the attending supervisors.