



SELECTMEN'S OFFICE

TOWN OF GILMANTON

PO Box 550, Gilmanton, NH 03237

TOWN OF GILMANTON

BOARD OF SELECTMEN

OPERATIONAL GUIDELINES

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

This document should be regarded as guidelines only, which may require changes from time to time at the sole discretion of the Town of Gilmanton Board of Selectmen. It supersedes and replaces any and all prior guidelines, policies, procedures and practices that pertain to the specific matters addressed in this document.

I. GENERAL INFORMATION

- The Board of Selectmen for the Town of Gilmanton consists of three equal members who shall operate by majority vote to manage the prudential affairs of the Town and perform the duties prescribed by law.
- Two Selectmen shall constitute a quorum for the conduct of Town business.
- 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 then presiding at a duly noticed and attended meeting of the Board. This does not prohibit Selectmen 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.
- Meetings of the Town of Gilmanton Select Board will usually be held at the Academy Building (a/k/a Town Office), located at 503 Province Road, in the upstairs auditorium, unless the Select Board adjourns to another location or the meeting is scheduled for another location and is properly noticed.
- The Select Board should hold regular meetings and should strive to avoid "special" or "emergency" meetings to the extent practicable. Regular Meetings of the Town of Gilmanton Select Board will be held on the first and third Mondays of every month and begin at 6:00 p.m., unless otherwise noticed, or continued to a specific time and date. Meetings of the Town of Gilmanton Select Board and Committees thereof shall be open to the public, except as provided for by RSA 91-A.
- Meetings shall be conducted in a polite and respectful manner. All public participants should be requested to fill in the attendance sheet.

II. GETTING ORGANIZED

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

1) Voting on the Officers of the Board. The Officers of the Board are Chair and Vice-Chair. 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.

2) Voting on Selectmen's Liaison Assignments. The Selectmen's Liaison Assignments are:

- Budget Committee Representative;
- Historic District Commission Representative;
- Planning Board Representative; and
- Ad-Hoc representatives as may be deemed necessary by the Board.

1) Voting on the Establishment of a Meeting Schedule (confirmation of the schedule described herein or adoption of a different schedule).

b. 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.

c. 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.

d. Procedure for Voting. The Chair for the first meeting of any new Board shall be the person most recently chosen to serve as Chair or in the absence of a previously designated Chair, it shall be the previously designated Vice-Chair, otherwise it shall be the most senior person as determined by length of service; until such time as the new Chair is selected.

III. DUTIES OF SELECTMEN

a. Chair:

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

A. Maintain order and control of the agenda;

B. Place limits on the length of time participants have to discuss a particular issue;

- C. Call for a “special” or “emergency meeting;
 - D. Request the voluntary (or involuntary removal by a Police Officer) of persons who disrupt the business of Town government;
 - E. Represent the Town at ceremonial events and serve as the Town's Chief Executive Official; and
 - F. 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.
- 2) In establishing or applying rules of decorum or time-limits, the Chair should ensure that rules are applied fairly and evenly to all individuals regardless of any individual's particular viewpoint to a topic of discussion. The Chair may also ensure that discussion of issues remains focused on items on the established agenda; if discussion deviates from that topic on the agenda, the Board may take efforts to refocus discussion, including reminding speakers that matters outside of the agenda may be raised and discussion during any scheduled “public comment” period of the meeting.
 - 3) Nothing herein is intended to prohibit the remaining members of the Board of Selectmen from attending ceremonial events or voting to override 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 vacancy, disqualification, or absence.
- c. **Selectmen' s Duties & Responsibilities.** The Board of Selectmen derives its authority from New Hampshire State Law as specifically set forth in the Revised Statutes Annotated and as further established by the decisional and common law of the State of New Hampshire. As a general rule, the Board of Selectmen only has such powers as are delegated to the Board of Selectmen by the legislature. A significant source of the Board of Selectmen's authority is the authority to “manage the prudential affairs” of the Town of Gilmanton, which generally includes, but is not limited to, the authority to manage the Town's personnel, property, finances, operation, and administration. A comprehensive list of all powers and duties of the Board of Selectmen is hard to define.
- 1) The duties and responsibilities of the Board of Selectmen are 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. Prior to taking any action, the Board is encouraged to ascertain the extent, if any, of any limitations imposed on the Board by applicable laws, rules, regulations, or prior votes of the Gilmanton Town Meeting.

- 2) Prior to making a decision, the Board is instructed and encouraged to consult the Town of Gilmanton's Annual Town Meeting records, Personnel Policies and Procedures Manual for the Town of Gilmanton, any other ordinances, regulations, or policies enacted by the Board regarding a particular issue.
- 3) Further details and clarification of the Selectmen duties and responsibilities are discussion in New Hampshire Practice Series in the volumes titled "Local Government Law" and "Municipal Taxation and Road Law," both authored by Peter J. Loughlin. Additionally, further discussion can be found in the article titled, "Knowing-the-Territory" authored by the New Hampshire Municipal Association.

d. Delegation of Selectmen's Duties

- 1) The Board of Selectmen may delegate many of its responsibilities to staff members with enhanced levels of expertise, qualifications and specific competencies. It should nonetheless be understood that the Board of Selectmen retains the final decision-making authority for all of its responsibilities.
- 2) It shall be the responsibility of the Town Administrator 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.

IV. BUSINESS PROTOCOLS

a. **Meeting Notice.** 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. Per RSA chapter 91-A, notice of all meetings shall be posted at least 24 hours in advance of the meeting (except in the event of an "emergency," which is defined by statute). The practice of the Town has been to post the notice on the Town's website and the Town Office lobby. Additional postings may be made at the US Post Office buildings (Corners and/or Iron Works), and notice may be provided to local media outlets to the extent practical and to the extent required by other statutes.

b. Meeting Agenda

- 1) Although there is no specific legal requirement, the Board should strive to have an agenda and should further strive to have that agenda posted with the notice of meeting. Even when an agenda is prepared, the Board of Selectmen reserves the right to amend the posted agenda after it has been posted.
- 2) The Town Administrator shall arrange a list of such matters according to the order of business and prepare an agenda for the Select Board.

- 3) Information requested by residents to be placed on the agenda should be placed on the agenda, provided that information is received by the Town Administrator's Office by 12PM on the Thursday prior to the Regular Meeting.
- 4) The Town Administrator shall determine if items will be included on the agenda. If the Town Administrator determines an item is not to be included, the Town Administrator shall inform the Board of the decision and the reason why. The Board at their next meeting may vote to include the topic on a future agenda.
- 5) The Town Administrator shall provide the Board with a copy of the agenda and all supporting materials no later than end-of-business day by the Friday immediately preceding a scheduled meeting of the Select Board.
- 6) The Town Administrator or any Board Member may place a matter upon the agenda.
- 7) The Chair may reserve time on the agenda for presentations to the Select Board by private individuals or organizations as he or she may deem appropriate.
- 8) The business of all meetings of the Select Board shall be transacted as follows; provided, however, that the Chair may, during a Select Board meeting, rearrange items on the agenda to conduct the business before the Select Board more expeditiously or efficiently:
 - A. Call to order & Call of the Roll;
 - B. Pledge of Allegiance;
 - C. Public Input;
 - i. This is the portion of the meeting when individual members of the public may address concerns to the Select Board. During the public input part of the meeting, attendants who want to provide input should raise their hand and should wait to be acknowledged by the Chairperson before speaking. Members of the public should be asked to state their name prior to addressing the Board.
 - ii. The Chair may place a time limit on how long members of the public may speak or such other rules as are advisable to maintain the efficiency and decorum of the meeting. In imposing such time-limits or rules, the Chair should consider such factors as the complexity of the topic, the number of individuals wishing to speak, the amount of time left in the meeting, and the number of topics on the agenda. The Chair should further consider the considerations set forth in Section III(a)(2) of these Guidelines.
 - iii. Following public input period, the Board may place any matter on a future agenda, or refer the matter to the Town Administrator for investigation, report or to take such action as may be appropriate.

- iv. Approval of Minutes of Previous Meetings.
 - v. Consent Agenda (see below).
 - vi. Old Business (matters previously discussed requiring updates, further discussion).
 - vii. New Business (matters, not yet discussed at a previous Board meeting).
 - viii. Select Board items (any matter a Board Member may want the Board to discuss).
 - ix. Non-Public session pursuant to RSA 91-A:3, II (.) as necessary.
 - x. Adjournment.
- e. **Non-Public Meetings and Right-to-Know Considerations.** The Selectmen are instructed to consult RSA chapter 91-A regarding the protocols to enter non-public session and the circumstances when minutes may be sealed, and the protocol to seal those minutes. As RSA chapter 91-A is regularly subject to revision, the individual members of the Board of Selectmen are strongly encouraged to consult RSA 91-A prior to meetings to ensure that RSA chapter 91-A is strictly followed.
- f. **Public Hearings**
- 1) Public hearings are generally held for the following non-exhaustive reasons:
 - A. to solicit input on proposed regulations, ordinances, fees or special events with significant community impacts;
 - B. to resolve a personnel matter upon 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.
 - 2) It should be noted the Board of Selectmen cannot legally preside over hearings when such responsibilities or decision-making authority has been delegated by statute or ordinance to some other party, (such as subdivision approvals, appeals of administrative decisions of the Building Inspector, etc.)

- 3) During such public hearings, 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. Selectmen may, however, ask questions of speakers and respond to questions if the Selectmen so choose.
- 4) Typically, a hearing should be opened with a brief statement from the Chair as to the purpose of the hearing. Thereafter, the hearing should commence to public presentation or comments by supporters of the relief sought by the hearing, followed by public presentation or comments by opponents, and then by other comments from those in attendance. In the case of contested proceedings, each party should be given one opportunity to make closing remarks and a rebuttal.
 - A. Certain matters (i.e. the laying out or altering highways, laying out lands for public use, and hearings to decide a question affecting conflicting rights or claims of different persons) are subject to established procedural requirements set forth in RSA chapter 43. The Board of Selectmen and the Town Administrator are instructed to determine in advance of any public hearing whether the public hearing falls under the requirements of RSA chapter 43 and the procedure to be established and followed in accordance with RSA chapter 43.
- 5) 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. The Board of Selectmen may delegate the initial drafting of that decision to the Town Administrator or individual member of the Board of Selectmen provided such decision is subsequently reviewed and approved by a majority of the Board.

g. Personnel Hearings

- 1) Nothing in these guidelines shall be construed as altering, modifying, or changing the status of any at-will employee of the Town. Nothing in these guidelines shall be construed as establishing any substantive or procedural rights in any Town employee, nor shall these guidelines modify, amend, or supersede any provision of the Personnel Policies and Procedures Manual for the Town of Gilmanton.
- 2) Where required by applicable law, 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, except as otherwise required by law, all proceedings and documents related thereto shall be exempt from public disclosure and the Board should take such action to ensure such minutes and documents related to such hearing are properly sealed. If the hearing is held in public session, then all records related thereto shall be subject to public disclosure.
- 3) 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.

- h. **Consent Agenda.** In order to facilitate the daily operations of Town government, the Selectmen may sign routine documents such as purchase orders, payroll changes, payment manifests, tax warrants, abatements, appointment decisions 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 one Selectman is absent from a meeting, the remaining two members of the Board shall constitute a quorum and all decisions made shall have the same effect as any other decision of the entire Board, unless otherwise prescribed by law. If two Selectmen are absent from a meeting, no official meeting can take place and, therefore, no decisions can be made on behalf of the Board.
- j. **Remote Participation in Meetings.** The provisions of RSA 91-A:2, III apply to the remote participation of a Selectman at a public meeting of the Board by telephone or video conference, which shall only be allowed upon the consent of the remaining two members of the Board and when in-person attendance is not reasonably practicable.
- 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 one Selectman abstains from a vote, no action shall be taken.
- l. **Illegal Votes.** It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by e-mail or in such a way as to be contrary to the Right to Know Law.
- m. **Disqualifications**
 - 1) 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, or where the Selectman feels that the Selectman is unable of fairly deciding or voting on a matter in the Town's best interest. In addition, a Selectman should disqualify himself/herself when acting in a quasi-judicial capacity based on a juror's standard of impartiality, which is set forth in RSA 500-A:12.
 - 2) 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 Administrator**

- 1) The Town Administrator or approved designee shall attend all meetings of the Select Board, unless excused by the Chair or Select Board.
- 2) The Town Administrator may take part in the Select Board's discussion on all matters on the agenda, and all other matters concerning the welfare of the Town.
- 3) In the event that the Town Administrator is unable to attend a Select Board meeting, he shall appoint the Assistant Town Administrator to attend the meeting.
- 4) The Town Administrator 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 Administrator shall be available during meetings to provide advice and recommendations to the Selectmen upon request. The Town Administrator shall also perform all of the duties and responsibilities as set forth in his job description or as otherwise determined by the Board of Selectmen.

p. **Correspondence**

- 1) The Town Office shall open all mail addressed to Selectmen unless marked confidential and/or personal. Such mail shall be date stamped upon being opened and forwarded to the appropriate Selectman.
- 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 Administrator. The Town Administrator (or Department Head if delegated) may respond on behalf of the Board to routine questions of an administrative nature (with copies provided to the Selectmen) with regard to matters addressed to the Town or the Board, but all other matters shall be placed on an upcoming Selectmen's agenda for a Board decision. The Town Administrator 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.
- 4) Selectmen should avoid use of discussing or addressing Town-business or Town-related matters using private email addresses or text messages. Selectmen should further ensure that all emails associated with Town-business or that address Town-related matters which are sent in their capacities as Selectmen are adequately stored and/or archived in accordance with RSA chapter 33-A. The Selectmen should further refrain from presenting comments or opinions on social media which may be construed as

presenting a position or comment on behalf of the entire Board of Selectmen or the Town of Gilmanton.

- q. **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 Gilmanton, to include expressions of specific viewpoints as may be applicable.
- r. **Appointments of Town Officials/Employees.** The Selectmen act as the Appointing/Hiring Authority for Town employees and many Town Officials, including members of boards and committees, and further act to fill vacancies in some elected offices. Often times these appointment/hiring 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.
 - 4) Treat others with dignity and attentiveness.
 - 5) Be fair and open-minded.
 - 6) Attend all meetings to the greatest extent possible; otherwise notify the Chair in advance to request that an absence be excused.
 - 7) Demonstrate the characteristics of honesty, integrity and positive role model leadership.
 - 8) There should be no hesitation to allowing the expression of viewpoints or opinions of concerned citizens.

- 9) Research and requests for additional information are strongly encouraged, but it is suggested that the Town Administrator be utilized to process all inquiries from staff.
- 10) Be attentive to the remarks of others during a meeting, including input received from members of the public, staff and other Town Officials.

b. 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 view point 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.

c. 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 should 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, the deliverables anticipated from such board or committee, 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 rights 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.

d. Relationships with Other Selectmen

- 1) It is recognized under New Hampshire 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. Further, Selectmen should be mindful about the perception that such interactions may have in the minds of members of the public.
- 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. Further certain forms of correspondence between Selectmen may be construed as an unlawful "meeting" under RSA 91-A. Selectmen must only conduct and discuss Town business with other Selectmen in accordance with RSA 91-A, unless expressly exempted under RSA 91-A (i.e. a non-meeting with legal counsel).

e. 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 Administrator 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 Administrator 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 Selectman should only attend these types of meetings upon invitation or request of the Town Administrator.
- 4) Selectmen are encouraged to meet as individuals on a regular basis with the Town Administrator to exchange information and share ideas. Such meetings 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 that fall below termination or suspension made by Department Heads and/or the Town Administrator may be implemented without consulting the Board of Selectmen or individual Selectmen to preserve the juror status and impartiality that is required for the Board and its members to serve as an appeals body.

f. Relationships with Legal Counsel

- 1) The Town Attorney works for the Town of Gilmanton 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 are encouraged to communicate with the Town Attorney through the Office of the Town Administrator. Often times the Town Administrator 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 Administrator 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 Administrator 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) Selectmen should be aware that the role of the Town Attorney is to opine on the legality of certain actions of the Board of Selectmen or the Town. The Town Attorney should not be consulted to resolve political disputes amongst individual Selectmen. The Board should abstain from attempting to involve legal counsel in matters of political dispute or matters that involve the Selectman's individual rights or interests.
- 6) 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 Administrator if they have been sued as a Town Official. The Town Administrator will then forward copies of the lawsuit to all of the Selectmen and the Town Attorney and the 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 or may be involved in a limited capacity.

g. 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 member 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.

h. 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. Selectmen should be courteous and respectful of all members of the public regardless of any individual's viewpoint or opinions.

i. 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) Individual Selectmen should maintain the confidentiality of sensitive, proprietary, or otherwise protected information, including, but not limited to, the advice of legal counsel or private personnel information. The unauthorized or unpermitted use of disclosure of such information can undermine the interests of the Town and may result in liability for the Town. Questions as to the confidentiality of certain information should be posed to the Town Administrator and/or legal counsel.

IN WITNESS WHEREOF, these Operational Guidelines for the Board of Selectmen are adopted and approved on the 29th day of April, 2019 by the Gilman Board of Selectmen.

ATTEST:

Date

4/29/19

Date

4-29-19

Date

4/29/19

M. G. Bowdy

[Signature]

Mark Warner