



Town of Deering
Handbook for Boards, Committees &
Commissions

Approved and Updated July 2013
*Amended 2022

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Welcome to Deering!

This handbook is designed to provide a handy reference tool on the operation procedures, and the responsibilities of Board, Committee, and Commission members.

The Town of Deering considers volunteers a great asset. The mission of the volunteer program is to enhance town programs and services by matching the varied talents of residents of all ages, interests and skills with a wide variety of interesting and challenging municipal projects. Volunteering doesn't demand special training or education - only a degree of care, concern and commitment. How much time is required? It all depends on your schedule and the board, committee, or commission you choose. It could be several hours each week or only a few hours now and then. Our Town Administrator and Deering support staff do assist on many of the enclosed boards and committees.

Your involvement provides an opportunity for genuine town service. You will be able to help shape the future of Deering and to make decisions affecting every citizen's satisfaction with the Town. The Town of Deering needs your personal resources and enthusiasm in order to maintain the qualities of the Town that are enjoyed by its residents. The act of volunteering on a Board, Committee or Commission brings with it a feeling of contribution.

As members of Boards, Committees and/or Commissions, you are essential to the Town's commitment to developing policies and services that reflect the needs and values of the community. In carrying out your responsibilities, you will work closely with your fellow Board members, the Town Selectmen and staff - all of who play a critical role in the Town organization.

We hope that you will enjoy your role as a Board, Committee or Commission member and that at the end of your term you feel that you have played an important part in the Deering community. The success of the Town of Deering is reflective of the service performed by volunteers.

Chairman, Michelle Johnson

Selectman Aaron Gill

Selectman Beth Kelly

OPERATING PROCEDURES

Boards and Committees:

There should be a two-way communication so that the Boards and Committees are aware of the long and short-term goals and policies that the Board of Selectmen has adopted or may be promoting. The Board of Selectmen should know of the work in progress or being planned by the Boards and Committees so that the Board of Selectmen are receptive to new ideas that may be presented to them. At times, the Board of Selectmen may not accept the recommendation of Boards and Committees. Recommendations are an important component of the Board of Selectmen decision-making and will be weighed carefully with other information the Board of Selectmen may receive.

Town Boards and Staff

In most cases, there is at least one Selectman or the Town Administrator who will be assigned to serve as a liaison between the Board, Committee, or Commission and the Board of Selectmen. The Selectman or Town Administrator liaison suggestions may not be accepted all the time, but it is important that good relationships exist between the Boards and Committees and staff, so that together a reasonable solution can be derived.

Appointment to Boards and Committees

In keeping with the Town's philosophy of citizen involvement, the Board of Selectmen appoints citizens to Committees and Boards to assist in the formulation of Town policy. In order to qualify for appointment to Boards, Committee's and Commission's of the Town, applicants must be a resident and voter of the Town. Town Boards, Committee's and Commission's terms vary. Boards and Committees have a varying number of members appointed by the Board of Selectmen for usually a three-year term. Members are appointed, not elected, and they may not represent an identifiable constituency. Appointed volunteers receive no compensation. In some cases, they have considerable authority and staff can easily implement their recommendations, while in other areas their function is as advisors to Board of Selectmen without any authority. The Town's Boards, Committees and Commissions exercise the authority delegated to them by the Board of Selectmen as set forth in the Town's ordinances.

Meetings

Regular Boards, Committees, and Commissions meetings are held according to the Boards and Committee's adopted schedule. All Boards and Committees meetings are open to the public and must be held in a publicly owned building. Most meetings should have an agenda posted prior to the meeting. A Chairperson of a Board, Committee or Commission who finds their meeting requires cancellation, shall notify the Town staff of the cancellation.

Boards, Committees, and Commissions Overview

Advisory Committees

An Advisory Committee is defined as any committee, board, or commission, which is established or utilized by the Board of Selectmen to obtain advice or recommendations. Advisory committees may only provide advice or recommendations and may not establish law or policy. Over the years, the Board of Selectmen has charged the following Advisory Committees:

- The Internal Control Policy Advisory Committee
- The Employee Policy Manual Update Advisory Committee
- The Roads Advisory Committee
- The Charitable Organization Review Advisory Committee
- The Budget Advisory Committee

Conservation Commission

The basic purpose of the Conservation Commission is found in RSA 36-A: 2, which defines its mission as "the proper utilization and protection of the natural resources and ... the protection of watershed resources... of the town." To accomplish these goals, the Conservation commission shall:

- Conduct research into local land and water areas;
- Seek to coordinate the activities of unofficial bodies organized for similar purposes;
- Keep an index of all open space and natural, aesthetic or ecological areas within the town and plan to obtain information pertinent to proper utilization of such areas;
- Keep an index of all marshlands, swamps and all other wetlands;
- Keep accurate records of its meetings and actions;
- File an annual report printed in the annual town report.

The Conservation Commission serves in an advisory capacity to the Board of Selectmen.

Heritage Commission

The core functions of the Heritage Commission resemble those of the Conservation Commission. RSA 674:44-a enables towns to establish a Heritage Commission for the recognition, use and protection of primarily man-made resources valued for their historic, cultural, aesthetic or community significance. The Heritage Commission serves in an advisory capacity to the Planning Board and other local boards and residents. RSA 674:44-c.

Planning Board

The Planning Board has a variety of functions and duties, including developing and updating the Town's master plan; working on a town capital improvements plan (CIP); adopting subdivision, site plan review and driveway regulations; and proposing zoning ordinances.

Zoning Board of Adjustment

The role of the Zoning Board of Adjustment is to consider certain types of cases concerning the applicability of the zoning ordinance to particular parcels of land. RSA 674:33.

Deering's Code of Ethics

For Town Officials, Board Members and Employees

PURPOSE

The purpose of this code is to establish guidelines for the ethical standards of conduct for town officials, board members and employees.

- We expect our public servants and volunteers to act in the best interest of the town.
- We expect town officials, board members and employees to disclose any personal, financial or other interests in matters affecting the town which come before them for action.
- We expect town officials, board members and employees to remove themselves from decision making if they have a conflict of interest or even the appearance of one.
- We expect town officials, board members and employees to be independent, impartial, and responsible to their fellow townspeople in their actions.
- We expect that the town's official decisions and policies be made through the proper channels of government.
- We expect that public office or a volunteer position in our town not be used for personal gain.

THE CODE

- No conflicts of Interest
- A duty to recuse
- A duty to Disclose
- No unfair personal use of town property
- No misuse of confidential information
- No improper gifts
- A duty to Cooperate
- Fair and equal treatment

It is important that the public have confidence in the integrity of its government □□ and that town officials, board members, volunteers and employees have an opportunity to protect their personal reputation.

This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

I. CODE PROVISIONS

A. No Conflicts of Interest

Officials, board members and employees of the Town of Deering shall avoid conflicts of interest *or even the appearance of a conflict of interest.*

As a town official, board member or employee, you shall not participate in any matter in which you, or a member of your family, have a personal interest which may directly or indirectly affect or influence the performance of your duties. In such instances, you shall recuse yourself from discussion and decision-making.

Recusal means to remove yourself completely from all further participation in the matter in question.

Officials, board members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. When recused, you shall not participate in further discussions, unless you clearly state for the record that you are doing so only as general member of the public. As a recused person, you shall not deliberate or vote on the matter in question.

B. A Duty to Recuse in Quasi-Judicial Actions

A “quasi-judicial action” is any action where the board or committee you are a member of is acting like a judge or a jury. For example, when your board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before you, you are involved in a quasi-judicial action.

The work of the planning and zoning boards is largely quasi-judicial.

Not only do officials, board members and employees of the Town of Deering have a duty to recuse themselves as outlined in the section above, you must recuse yourself in a quasi-judicial action if you would not be qualified to sit as a juror in that case.

For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Deering, you are expected to hold yourself to this same standard.

C. A Duty to Disclose

As an official, board member or employee of the Town of Deering you shall not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter without first, publicly and on the record, stating all:

- dealings

- interests
- relationships
- friendships
- and possible conflicts

which may exist between you and your family, and the principals or the issue under consideration.

D. No Unfair Personal Use of Town Property

No official, board member or employee of the Town of Deering shall use town property, services, or labor personally, or make the same available to others *unless* such use is available to other residents upon request on equal terms.

E. No Misuse of Confidential Information

No official, board member or employee of the Town of Deering shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information which is readily available to the general public.

In addition, no official, board member or employee of the Town of Deering shall violate the privacy of others by publicizing, gossiping, or discussing information confidentially acquired in the course of official duties without a legitimate reason to do so.

F. No Improper Gifts

No official, board member or employee of the Town of Deering shall accept a gift (or allow acceptance of such gift by a family member) from any individual, group, or corporation which has *or is likely to have* a matter pending before the board, committee, or commission on which the official or employee serves.

This provision of the code is not meant to apply to gifts traditionally exchanged between family members □□at holidays or birthdays, for example.

G. Fair and Equal Treatment

Acting in their official capacity, all officials, board members and employees of town government shall give each and every person fair and equal treatment. No official, board member or employee shall in the course of their official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, sex, race, religion, creed, sexual orientation, or national origin.

II. DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

Board: Any board, committee or commission, permanent or special, established by the Selectmen under New Hampshire law.

Complainant: A resident of the Town of Deering who has submitted a petition to request an inquiry or alleging a violation of the Code of Ethics.

Conflict of Interest: A situation, circumstance, or financial interest which has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty.

Employee: A person who is paid by the Town of Deering for his/her services, but who is not an independent contractor.

Family: Any person who is related to the official, board member or employee in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the official, board member or employee in question, regardless of whether they are related by blood or marriage.

Interest: Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or claim to land.

Official: Any elected or appointed officer, board member, or agent of the Town of Deering.

Principals: Those people who are the subject of the action or application which is before the board.

Public Servant: A person who serves the town of Deering in an official capacity, whether elected or appointed, paid or unpaid. A town official, board member or employee.

Recuse: Officials, board members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Officials, board members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. The recused persons shall not participate in further discussions, unless they clearly state for the record that they are doing so only as general members of the public. Recused persons shall not deliberate or vote on the matter in question.

Respondent: An official, board member or employee named in a petition submitted as an inquiry or alleging a violation of the Code of Ethics.

Resident: RSA 21:6 Resident; Inhabitant.—"A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state and in any city, town or other political subdivision of this state, and who has, through all of his actions, demonstrated a current

intent to designate that place of abode as his principal place of physical presence for the indefinite future to the exclusion of all others.”

Quasi-judicial Action: Any action where the board or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.

III. EXCLUSIONS

The provisions of this Code of Ethics shall not be interpreted so as to bar:

- A. Any official, board member or employee who is a resident of the Town of Deering from fully participating in any Town Meeting;
- B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws which pertain to such donations;
- C. Participation in a matter which relates to a person or business from which an official, board member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;
- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and,
- E. Supervisors of Town employees from appropriately carrying out personnel policies.

Advisory Committees

Deering, New Hampshire

Definition: An Advisory Committee is defined as any committee, board, or commission, which is established or utilized by the Board of Selectmen to obtain advice or recommendations. Advisory committees may only provide advice or recommendations and may not establish law or policy.

Benefits of establishing an Advisory Committee:

- To receive independent advice from members of the public and individuals that are experts in their fields.
- To obtain diverse points of view about topics.
- To make better informed decisions due to the vetting of various options by the Advisory committee.
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Parameters of an Advisory Committee

I. NAME

The Board of Selectmen will charge the Advisory Committee with an official name and purpose.

II. MISSION AND SCOPE

The Committee is responsible for providing advice to the Board of Selectmen

III. MEMBERSHIP

- Committee Members shall be volunteer residents of Deering
- Committee Members are appointed by the Board of Selectmen for a term appointed by the Board of Selectmen.
- A Committee Member may be reappointed.

IV. OFFICERS

Officers

a) Committee Chair

The Committee shall have a Chair appointed by the members at-large.

The Committee Chair, shall be responsible for mandating specific meeting times and topic of discussions. The Committee Chair shall also be prudent to the two-hour meeting time rule. In which, meetings shall not exceed two hours.

V. REPORTS AND RECOMMENDATIONS

- a) A consensus agreement or majority vote of the Members of the Committee shall be sufficient for forwarding a recommendation to the Board of Selectmen.
- b) A report and/or recommendation shall be accepted for formal review and approved by the full Committee if it was approved by a majority vote.
- c) The Committee Chair shall transmit an approved Committee Report or Recommendation directly to the Board of Selectmen.