

THE WOLFEBORO POLICE COMMISSION
TOWN OF WOLFEBORO, NH

APPROVED
3/16/17

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

[Standard Operating Procedures]

Commission Secretary: Amelia Capone Muccio

3/16/2017

Adopted by the Commission on 16 March 2017

Abstract: This document outlines the standard operating procedures for the Wolfeboro Police Commission. As such it serves as a set of rules and guidelines to be followed during the course of its business. Failure to head the guidelines specified could result in censure from the Chair or other ramifications set forth by the Police Commission members.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

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SECTION I: PURPOSE:

These Rules of Procedure describe the duties, mechanics and methods of operation for the Wolfeboro Police Commission while prescribing general rules of conduct for its members.

SECTION II: ORGANIZATION:

The Wolfeboro Police Commission is a three member board which was authorized by State Chapter 377, Laws of 1959, and was established by vote of the March 1960 Wolfeboro Town Meeting. Its broad duties and responsibilities are outlined under that Act. Additionally, NH RSA 105-C entitled "Police Commissions" and its paragraphs provide additional guidance, but have not been adopted by the Town of Wolfeboro, NH.

A.) DUTIES and RESPONSIBILITIES OF MEMBERS:

1. All members shall make every effort to attend each scheduled meeting. The Chair should be notified by Commissioners of an impending absence prior to the meeting. All members of the Commission will conduct their work on the Commission and their duties in accordance with these guidelines and the NH Legislative Act of 1959 (Chapter 377, and its supplements and amendments) authorizing the creation of the Wolfeboro Police Commission and any other applicable NH laws.
2. Members of the Commission have authority only when acting as a Commission legally in session. One Commission member has no authority and cannot speak for the Commission except when representing the voted position of the Commission. Members of the Commission have authority only when all actions are voted on by the majority of the Commission at a public meeting that complies with the Right to Know Law RSA 91-A. The Commission shall not be bound by any action or statement of an individual member, except when such statement or action is pursuant to instructions voted on by the Commission.
3. Members are expected to be available to sign such reports and paperwork as necessary and authorized (unless impending absence has been noted).
4. Members are expected to come prepared to meetings with the understanding that the minimum requirement is to read the meeting packet ahead of time. It should be noted that the Commission is not designed or designated to micro-manage the daily affairs of the Chief of Police or his employees, but rather to oversee the smooth operation of the Police Department and its components, see to the hiring and firing of personnel and the setting of their compensation

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

and serve as a liaison from and to the public and the other boards and commissions of the Town of Wolfeboro NH as may be required.

5. The Wolfeboro Police Commission members are not Police Officers and do not have authority to arrest or investigate crimes or administrative complaints in the Town of Wolfeboro; they are not licensed to do so; however, inasmuch as the Commission has ultimate authority over the termination of police officers and others under the command of the Chief of Police, the Commission shall be privy to all internal affairs investigations and complaints levied against the Chief and those under his/her command. Though Commission members may hear criticisms from citizens about various issues regarding the Police Department, complaints, or misconduct centering on the Police Department, its components, or its employees, those complaints may only be investigated by the Chief of Police, his designate, or an outside agency; as such, all complaints received by the Commission will be turned over to the Chief of Police for examination. If deemed appropriate those inquiries will be conducted in the form of an internal affairs investigation. All such internal affairs investigations will be handled by the Wolfeboro Police Department or referred to an outside agency such as the County Attorney, or the NH Attorney General's Office who will conduct the inquiry in a manner in accordance with NH State Law. Internal Affairs investigations will always be conducted in a custom which insures due process. Upon completion of any internal affairs investigations returned as "sustained" the Commission has the authority to hear matters for discipline, suspension, and or termination. It is for this reason that the Commission must refrain from investigation of those reported matters, and remain fair and impartial as the adjudicatory hearing authority and not the investigatory agent.

6. Members are expected to attend assigned committee and cross-over meetings if assigned. When unable to attend meetings, members should notify the Chair (in time to arrange alternate coverage if possible).

7. The duties and responsibilities of the Wolfeboro Police Commission were established pursuant to the authority of New Hampshire Legislative Act 377 of 1959 and its supplements and amendments. As set forth therein it shall be the duty of the Police Commissioners to appoint such police personnel as they deem necessary and to fix such persons' compensation. The Commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The Commissioners may at any time remove any of the aforesaid personnel for Just Cause and only after a hearing satisfying the requirements of due process, which Cause shall be specified in an order of removal.

8. Commission members are paid a stipend for serving much like that of other elected officials serving in the Town of Wolfeboro. This compensation is set by 1959 Legislative Act 377, as amended. No other form of reimbursement or compensation is allowed (Commission members are understood to be acting and serving in their civil capacity and performing a civic duty while fulfilling a civic responsibility) unless budgeted for by the Commission, and voted upon by its members in advance. Likewise, travel reimbursement is especially NOT authorized unless specifically permitted by the Commission (in advance) and approved by the Chief of Police and Town Manager in accordance with Town Policies and procedures for such travel.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

9. Unless waived and approved by the full Commission in advance, Commission members are prohibited from doing business with the Wolfeboro Police Department or its components under the concept of “conflict of interest(s).”

10. Commission members may only cause expense to the Wolfeboro Police Department or its components by a vote of the Commission. Individuals engaging in acts likely to cause expense, or requesting unauthorized Commission services such as telephone meetings or conferences with Town Counsel, for example, are not authorized, unless specifically directed by the Chair and voted upon at a regular meeting. Any violation of this rule may subject the offending member to full reimbursement of the expense to the Town of Wolfeboro Police Department.

B.) OFFICERS OF THE COMMISSION:

1. CHAIR: A Chairperson (“Chair”) shall be elected at the first regularly scheduled meeting following the swearing in of members elected at the annual Town Meeting. Election shall be by a majority vote of those present. The Chair shall preside at all meetings of the Commission and perform all duties required by law and in accordance with Robert’s Rules of Order and these Rules of Procedure. The Chairperson’s duties are as follows:

- a. To open the session at the time at which the Commission is to meet by calling the members to order.
- b. To announce the business before the Commission in the order in which it is to be acted upon.
- c. To recognize members entitled to the floor. After recognition, questions accepted from the public shall be addressed through the Chair after they identify themselves and their residence.
- d. To state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings, and to announce the result of the vote.
- e. To protect the Commission from annoyance and to ensure generally that the Commission follows the accepted and practiced rules of order.
- f. To assist in expediting all business in every way compatible with the rights of the members by:
 - aa) Allowing remarks when non-debatable motions are pending.
 - bb) Calling a recess to permit restoration of order or clarification of an obscure point if she/he thinks it advisable.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

- cc) Guiding the members when engaged in a debate to stay within the rules of order.
- dd) Ensuring on all occasions the observance of order and decorum among the members.
- ee) Deciding all questions of order (subject to an appeal by any two (2) members) unless he or she prefers to submit the question for the decision of the Commission.
- ff) Informing the Commission on a point of order, or practice pertinent to pending business.
- gg) Recognizing Commission member's requests for disqualification from issues where a conflict of interest may occur, as well as abstentions from voting.
- hh) To authenticate by his/her signature, when necessary, all acts, orders, and proceedings as directed by vote of the Commission.
- ii) The Chairperson shall vote as a member of the Commission, and may offer a motion or second a motion when necessary and appropriate.
- jj) Discussions which are not addressing the business before the Commission, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chairperson shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.
- kk) Correspondence shall be directed to the Chair of the Commission, and Communications from the Commission shall be signed by the Chair or designee. An Annual Report shall be prepared by the Chair and submitted to the Annual Report of the Town.

2. VICE-CHAIRMAN: If desired by the Commission, a Vice-Chairman may be elected at the first regularly scheduled meeting following the swearing in of members. Election shall be by a majority vote of those present. The Vice-Chairman shall preside at all meetings that the Chairman is unable to attend or when the Chairman is recused from sitting upon or hearing a particular matter.

C.) COMMITTEES: The Commission, by vote, may delegate members to serve on committees and to perform other duties.

1) The Chair shall request from members their choices of committees, boards, and commissions they wish to serve on as Commission Representative's if required by the Chair.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

2) The term of all appointments of Commission Representatives, shall be for one (1) year, or until replaced.

SECTION III: OPERATION OF THE COMMISSION

A.) MEETINGS:

1. **ORGANIZATIONAL MEETINGS:** An organizational meeting to elect officers shall be held in accordance with Section II, A). The Commission shall establish a schedule for the upcoming year. It is understood that Wolfeboro Police Commission meetings are held on the third Thursday of each month at 1600 hours (4:00P.M) unless otherwise modified by the Commission with additional meetings scheduled as needed.

2. **REGULAR MEETINGS:** A more formalized meeting of the Commission generally conducted (unless otherwise adopted by the Chair) in accordance with the format of the "Agenda" (attached hereto as Appendix A and by this reference incorporated herein). See also Agenda discussion **SECTION IV** herein. Generally accepted Robert's Rules of Order are hereby adopted. Those in attendance are reminded to act and dress according to the decorum which is required at these meetings.

3. **NON-PUBLIC MEETINGS:** A meeting of the Commission, or a portion thereof, held for Personnel and/or other excepted issues in accordance with RSA 91-A:3 and other relevant RSAs.

B.) SCHEDULE OF MEETINGS: Unless otherwise noticed, the Commission shall meet the third Thursday evening each month in a Regular Meeting commencing at 1600 hours (4:00 P.M). Each meeting shall be posted in accordance with RSA 91-A. The Agenda for such meeting shall be posted Not Later Than ("NLT") one week in advance of the meeting; however failure to do so shall not be cause to invalidate any action taken at the meeting. Citizens wishing to discuss topics NOT on the Agenda shall notify a Commissioner, the Chief of Police or the Captain in writing with the specific topic to be discussed in order to schedule same at the meeting NLT 48 hours before each session in order that the Commissioners may prepare for proper discussion, scheduling and handling of the topic in a judicious manner avoiding, to the extent possible, unanticipated questions, concerns, and/or debate and matters which are inappropriate for a Regular Meeting. Failure to do so may result in the requested agenda time being denied by the Chair. Additionally, it is understood that the Chair is not obligated to allow for public discourse or agenda time to members of the public under NH RSA 91-A. When allowed to speak either in a public session or on an agenda topic, citizens are required to keep their comments limited to five minutes with extension granted to them by the Commission through exception on a case by cases basis. Nothing in this paragraph is meant or intended to limit the public from asking questions through the Commission on matters being presented. Additionally, if members of the public wish to be heard on the Agenda it is in their best interest to request to be on the Agenda at least one week ahead of the scheduled meeting to allow the Commission Secretary to include the subject's name and topic on the Agenda list; failing to meet this suggestion may result in

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

information being left off or not included since the Agenda is usually posted one week in advance.

C.) REPORTS OF COMMITTEES: Written reports from committees received by the Commission, if any, shall be filed with the Town Clerk. Oral reports will be at regular meetings after the Chief of Police report.

SECTION IV: RULES OF ORDER:

A.) QUORUM: A quorum shall consist of two (2) members of the Commission.

B.) AGENDA: An Agenda shall be published with meeting notice, and included in the minutes. A suggested topical agenda is provided below. See also Appendix "A". It may be changed by the Chair or by a vote of the Commission at the meeting, as in a motion to strike or table an item from the Agenda. Listed below are the topics and in the order as to which generally the Wolfeboro Police Commission meetings may follow. This may be changed from time to time by the Chair at his or her discretion and without vote or notice. (See Appendix A for an example of a typical Commission agenda). The Agenda may or may not contain the name of individuals wishing to speak "on agenda" at a meeting.

1. Approve minutes
2. Chief of Police Report
3. Commission Business
4. Old Business/Tabled and Pending.
5. Selectmen Rep input/comment
6. Agenda items/Public Input (Public Input (limited to 5 minutes per person and not more than 15 minutes in total on the Topic without leave from the Chair.)
7. Questions from the Press
8. Non-public(s), if necessary
9. Adjournment

C.) CONDUCT OF MEETINGS: Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of a dispute regarding procedural matters, Robert's Rules of Order shall serve as a guideline with a vote of the Commission being the final deciding authority. During the meeting the Chair may deem any citizen "out of order." Additionally, The Chair, or the Commission may deem a frequent speaker at the meetings to be vexatious or harassing if, in the opinion of the Commission, or the Chair, that the speaker's attitude, demeanor, inflection, and general discourse brings no new, insightful, or otherwise meaningful discussion to the Commission's attention. Persons deemed vexatious or harassing may have their speaking ability limited at future Commission meetings.

D.) RECORDING OF VOTES: Votes shall be by voice, show of hands, or by a roll call as required by law as, for example, voting to go into nonpublic meeting must be by roll call. The vote of each member present shall be recorded.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

E.) REQUESTS FOR INFORMATION:

1. Should it become apparent to the Chair or an individual Commission member, in the interim between meetings, that additional information relative to a specific item may be needed for Commission use at the next regularly scheduled meeting, a request for this information may be submitted to the Chief of Police who will obtain it or speak with the other Commission members and retrieve and send out all the information requested to all members.

2. Request for information from the public pursuant to the "Right to Know Law" otherwise known as 91-A will be processed in a manner consistent with that law and other applicable State and Federal statutes. These request(s) are of course subject to the fees and costs allowed to the maximum permissible under that statute (91-A) and other NH State and Federal Statutes, policies and practices.

F.) RECUSAL OR DISQUALIFICATION OF MEMBER: No member of the Commission shall participate in deciding or sit upon the hearing of any question which the Commission is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest 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 do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties. In this matter the Commission refers to NH RSA 673:14 II as guidance, and everything it infers, including, but not limited to matters concerning undue influence and conflicts of interest.

SECTION V: EMPLOYEES.

A.) DUTIES: The Commission's secretary, or his/her designee as approved by the Chair, shall be responsible for recording the minutes of the Commission's meetings (to conserve paper, two-sided printing is encouraged), and an official copy of the records is to be filed in the Town Clerk's Office and on the Town's website open to inspection by any person at reasonable times. The secretary shall record not less than the following:

1. The type of meeting
2. Time and place of meeting.
3. The presence/absence of Commission members.
4. Whether the minutes of the previous meeting were approved or amended.
5. A brief, written report of the general topics discussed.
6. All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
7. Record of any votes by the Commission, including names of those members opposed if not unanimous.
8. The hour of adjournment.

RULES OF PROCEDURE FOR THE WOLFEBORO POLICE COMMISSION

SECTION VI: AMENDMENT PROCEDURE

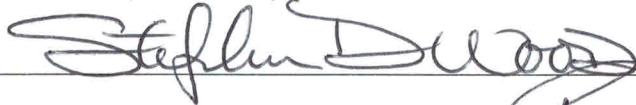
An amendment to these Rules of Procedure may be at a Commission meeting, but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Commission's secretary for inclusion in the Commission's records.

SECTION VII: EFFECTIVE DATE

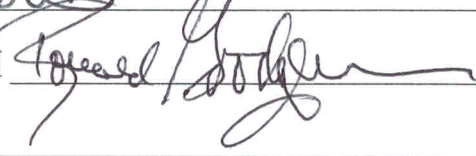
These Rules of Procedure shall take effect immediately following a majority vote of the Commission at a regularly scheduled meeting. Failure to follow these guidelines by its members or members of the public may be grounds for censure by the Chair, its members, or any other administrative penalties set forth by the Commission.

Date Adopted: MARCH 16^{SD}, 2017

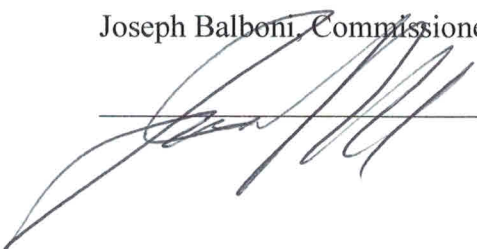
Stephen Wood, Chairman, Wolfeboro Police Commission as adopted _____



Ronald Goodgame, Commissioner as adopted _____



Joseph Balboni, Commissioner as adopted _____



Appendix A

Wolfeboro Police Commission MEETING AGENDA Month XX, Year at 4:00 PM Wolfeboro Public Library 259 South Main Street

Call to order:

- **Pledge of Allegiance**
- **Consideration of Minutes**

Chief of Police Report:

Commission Business:

Old Business/tabled and pending:

Board of Selectmen Rep:

Agenda items/Public Input (limited to 5 minutes person and not exceed more than 15 minutes)

Questions from the press:

Non-Public session under RSA: 91-A: 3, II or RSA: 91-A: IV, or RSA: 98-E: 3, may be needed:

- A. The dismissal, promotion or compensation of any public employee or discipline or investigation of any charges against an employee
- B. The hiring of any person as a public employee
- C. Matters that if discussed in public would adversely affect someone's reputation.
- D. Consideration of pending claims or litigation.
- E. Consideration of matters relating to emergency functions of the Police.
- F. Internal personnel practices of the Police Department.
- G. Collective Bargaining.

Adjournment

If there is anyone with a disability needing modification or aid to access this meeting, please contact the Wolfeboro Police Department at 569-1444 72 hours prior to the meeting. If you wished to be placed on an Agenda, please contact the Chief or any of the Commission members with written notice 48 hours before the meeting: Chairman, Steve Wood, Vice Chair Joe Balboni Jr. and Ron Goodgame.

Agenda posted at:
Wolfeboro Town Hall
Wolfeboro Public Safety Building
Town website www.wolfeboronh.us