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## THE PORTSMOUTH POLICE COMMISSION

**PURPOSE:** Subject to the powers, duties and limitations of Title VII, N.H. Rev. Stat. Ann. 105-C:1 through 105-C:7, and the Portsmouth City Charter, the following shall be a guideline as to the role of the Portsmouth Police Commission.

The role of the Portsmouth Police Commission is not to run the day-to-day operations of the police department or micromanage the chief of police. The role of this commission is to provide civilian oversight and ensure:

1. The PPD operates in an ethical manner;
2. The goals and objectives of the department are accomplished;
3. The department is operating in a manner that is responsible to the taxpayer;
4. The commission, chief and all employees are accountable to the citizens of Portsmouth.

### TENANTS TENETS

**101 Duties; Powers.** – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, 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 police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.

**102 Prohibition; Police in Office.** – After the election and qualification of the police commissioners under this chapter, no chief of police, police officers, constables or superior officers shall be appointed in any town adopting this chapter except as provided in this chapter. Any chief of police, police officer, constable, or superior officer in office on the date the commission has been duly established, shall be deemed to have been appointed by the commission, subject to the terms and conditions of his original appointment.

**103 Compensation.** – Police commissioners shall serve without compensation but shall be reimbursed for all actual expenses incurred in the discharge of official duties.

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# **RULES AND ORDERS OF THE PORTSMOUTH POLICE COMMISSION**

## **RULE 1. MEETING NIGHTS**

The regular meetings of the Police Commission shall be on the third Tuesday of each month at some time between 4:00 o'clock and 7:00 o'clock in the evening to be set by the Commission. Additional work sessions may commence at any time with at least 48 hours public notice.

## **RULE 2. SPECIAL MEETINGS**

Special meetings may be held following written request via personal service or electronic mail by any commissioner or the chief of police with at least 24-hour notice to the public of the time, place and subject matter of the meeting.

It shall be the duty of the chief of police, or his or her designee, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the commission in person, either by telephone or electronic mail of such special session. The chief of police or his or her designee shall also post notices of the special meeting in a conspicuous place in City Hall and the Police Department, and shall make every effort to publicize the meeting by way of local news media. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

## **RULE 3. WORK SESSIONS**

Upon request of any commissioner or chief of police, "The Commission" may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any commission member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the commission; provided, however, that nothing herein shall prevent a polling of the commission or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public, and notice procedures for regular meetings shall be followed.

## **RULE 4. COMMISSION MEETING AGENDA**

All subject matters, reports, communications, resolutions, or other matters to be submitted to the commission shall, by 12:00 noon on Wednesday one week prior to each commission meeting be delivered to the chief of police or his or her designee whereupon they shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. The chief of police or his or her designee shall furnish each member of the commission with a copy of the Agenda by 5:00 p.m. on Friday prior to each commission meeting, and shall make copies of the Agenda available in the Office

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of City Clerk for the public by that time.

#### **RULE 5. CALL TO ORDER**

The chairperson shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

#### **RULE 6. CHAIRING OF MEETING**

In the absence of the Chairperson, the Clerk shall preside during that meeting or until the Chairperson arrives, however no vote shall be held absent a quorum. In the absence of both the Chairperson and Clerk, no meeting shall be held.

#### **RULE 7. ORDER OF BUSINESS**

The business of all regular meetings of the commission shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Acceptance of the minutes of previous meeting(s)
- V. Public Comment
- VI. Unfinished Business
- VII. New Business
  - (a) Police Commission
  - (b) Chief of Police
  - (c) Patrol Division
- VIII. Court Office Report
- IX. Miscellaneous/Other Business
- X. Next Commission Meeting Approval of Grants/Donations
- XI. Adjournment

#### **RULE 8. CONSIDERATION OF MOTIONS**

When a motion is made and seconded, it shall be considered by the Commission, and not otherwise.

#### **RULE 9. WRITTEN MOTIONS/ROLL CALL**

Every motion shall be reduced to writing if the Chair so directs; or if any member of the

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Commission requests it; and upon request of any member the roll call shall be called upon any question before the Commission.

#### **RULE 10. DIVISION OF QUESTION**

The Division of a question may be called for when the motion contains two or more independent parts.

#### **RULE 11. READING**

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the Commission.

#### **RULE 12. ADJOURNMENT**

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on, unless a commissioner has possession of the floor, or any question has been put and not decided. Such motion shall be decided without debate.

#### **RULE 13. DISPOSITION OF MOTIONS**

After a motion is seconded, it shall be considered, and after stated by the Chair, it shall be disposed of by vote of the Commission unless the mover withdraws it before a decision or amendment.

#### **RULE 14. MOTIONS DURING DEBATE**

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly.

#### **RULE 15. ORDER OF QUESTIONS**

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

#### **RULE 16. MOTION FOR RECONSIDERATION**

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting; and

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only one motion for the reconsideration of any vote shall be permitted.

**RULE 17. TABLING**

No motion which has been tabled at a current or prior Commission meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Commission meeting which the agenda will show the item of business.

**RULE 18. SPEAKING PRIORITY**

When two or more members rise at once, the Chair shall then name the member who is entitled to the floor.

**RULE 19. SPEAKING**

When any member is about to speak in debate or to deliver any matter to the Commission, and respectfully addresses the presiding officer; the member shall confine themselves to the question under debate, and avoid personalities. The member shall sit down as soon as done speaking.

**RULE 20. INTERRUPTION OF SPEAKING MEMBER**

No commissioner shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any commissioner in speaking, or otherwise, transgress the Rules of the Commission, the Chair shall or any commissioner may call the offending commissioner to order who shall immediately sit down, unless permitted to explain; and the Commission, if appealed to, shall decide on the case, and without debate.

**RULE 21. CONFLICTS OF INTEREST**

No member shall vote on any question or matter as to which the member has a direct, personal and pecuniary interest.

**RULE 22. VOTING REQUIRED**

Every commissioner present when a question is put, if not excluded by interest, shall vote. No commissioner shall leave a meeting without permission, if their presence is necessary to make a quorum.

**RULE 23. SEATING ARRANGEMENT DURING COUNCIL MEETINGS**

Council seats shall be assigned by the Chair. Commissioners who wish to exchange seats may do so upon request to the Chair. Seating arrangement may be changed at

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any time the Chair wishes.

**RULE 24. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY**

Whenever a Commissioner has a question of the City Attorney, during a Police Commission Meeting, on the Commission Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

**RULE 25. HOUR CITY COUNCIL MEETINGS TO CONCLUDE**

Police Commission meetings shall conclude no later than 8:00 P.M. or at such time as any agenda item being discussed at 8:00 P.M. is acted upon. If because of this rule any agenda items remain to be taken up, the Commission shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Commission wishes to suspend in order to continue.

**RULE 26. SUSPENSION OF RULES**

No standing rule or order of the Commission shall be suspended unless a majority of the members of the Commission shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a majority of the Commission shall concur therein.

**RULE 27. PARLIAMENTARY AUTHORITY**

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the Police Commission shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Scott, Foresman & Co.

**RULE 28. ADDRESS BY PUBLIC**

Members of the public-at-large may address the Commission on any issue being discussed by the Commission after a motion to allow same has been made by any Commissioner and passed by a majority vote, provided that no person shall speak for more than five (5) minutes, shall be residents of the City of Portsmouth, property owners in the City of Portsmouth, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Portsmouth.

**RULE 29. PUBLIC'S RIGHT TO KNOW GUARANTEED**

All letters, memos, reports and other information provided or circulated to the Police Commission, by staff members or received as communications to the Police Commission from any person shall be included with the Agenda packet of a Police Commission

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meeting and made publicly available by 5:00 p.m. on Friday prior to each Commission meeting, or if sent separately to Commission members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications.

### **RULE 30. PUBLIC COMMENT SESSION**

A public comment session shall appear on the agenda of all regular Council meetings. This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any single topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Comments shall be limited to one topic per person per meeting. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council.

### **RULE 31. PUBLIC HEARINGS**

Police Commission public hearings shall be subject to the following terms and conditions:

### **RULE 32. CONSENT AGENDA**

The agenda for any regular meeting of the Police Commission may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of Police Commission business which the Commission and Chief of Police, the City Manager and have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the Police Commission on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Commission agenda for the same meeting at the request of any member of the Commission. All recommended actions on Consent Agenda items shall be deemed to have been taken by the Commission on the passage of a motion, "to adopt the Consent Agenda".

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