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## **Proposed Process For Police Commission Meeting Notification**

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In order to assure early posting of Police Commission meetings for the public in addition to complying with the standard requirements of the N.H. Right-To-Know Law, I propose the following three steps:

1. That as soon as a set time has been agreed to for ANY meeting that should be publicly posted, i.e. Police Commission meetings, Worksessions, non-public sessions, forums, etc., that the location, date and time be posted the next day, not just at the deadline for compliance with the N.H. Right-To-Know Law of 24 hours before the meeting.
2. That if a change in the scheduled meeting occurs, the postings including the City of Portsmouth WEBSITE be immediately updated.
3. That all Police Commission members be notified of the posted meetings by regular E-Mail and/or telephone call, and are obligated to respond to receipt of meeting notice.
4. That Police Commission Agenda be prepared for Police Commission members and all Agenda items and reports received by Police Commissioners be placed on the City of Portsmouth WEBSITE at least three business days before the meeting. Additional material not available by that time may be added to the City of Portsmouth WEBSITE and provided to Police Commissioners at the meeting.

In towns with a charter and in cities, the elected body (selectmen, town council, city council or mayor and aldermen) is also governed by a statute prohibiting interference with the actions of the chief executive officer:

"The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member [who does so], as determined through procedures established in the charter, shall forfeit his office." RSA 49-C:19 (<http://gencourt.state.nh.us/rsa/html/III/49-C/49-C-19.htm>) (city charters); RSA 49-D:4 (town charters) (<http://gencourt.state.nh.us/rsa/html/III/49-D/49-D-4.htm>).

In other words, no single member of a governing body in a municipality with a charter has the authority to direct or interfere with the official activities of the chief executive officer of the municipality or other officials. Furthermore, it should be noted that even in towns without a charter, the selectmen are only authorized to act as a board by majority vote. RSA 41:8 (<http://gencourt.state.nh.us/rsa/html/III/41/41-8.htm>). Although there is no statute authorizing removal of a selectman for improper interference, the old saying that "one selectman cannot do anything" is still valid. Only the board may act.

*Christine Fillmore and David Connell are attorneys with the New Hampshire Local Government Center's Legal Services and Government Affairs Department.*

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