

RULES & ORDERS OF THE PORTSMOUTH POLICE COMMISSION

RULE 1. REGULAR MEETINGS

The regular meetings of the Commission shall be held on the third Tuesday of each month starting no earlier than 4 p.m. and at a time 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 regarding time, place and the 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 either in person, by telephone or electronic mail. 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 shall be discussed and/or acted upon during the meeting.

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. Work sessions shall be open to the public and notice procedures for regular meetings shall be followed. Additional work sessions may commence at any time with at least 48-hours public notice. No motions or votes shall be taken during work sessions.

RULE 4. NON-PUBLIC and NON-MEETINGS

Upon receiving information from the city attorney, chief of police or any commissioner, the commission may make a motion to go to non-public session or non-meeting. Every effort shall be taken to give the public prior notice of the date, time, location and general subject matter of the non-public or non-meeting, unless a matter is brought to the commission's attention during a current meeting.

RULE 5. COMMISSION MEETING AGENDA

All topics, reports, communications, resolutions, or other matters to be considered during the commission's next meeting shall be delivered to the chief of police or his or her designee by 12:00 P.M. on Wednesday of the prior week. The chief or designee shall then arrange a list of such matters according an agenda or "order of business." The chief of police or designee shall furnish each member of the commission with a copy of the agenda no later than 12:00 P.M. on Monday, one day prior to the commission meeting, and shall make copies of the agenda available to the public in the Office of City Clerk.

RULE 5A. AGENDA ITEMS

All members shall have equal right to submit items for the agenda. Agenda items shall be submitted to the Commission Chair or his/her designee no later than 12:00 P.M. on Wednesday, one week prior to the next commission meeting. The Chair shall not have a unilateral right to reject items submitted by other members of the Commission. No member, including the Chair, shall submit agenda items on behalf of other commissioners without giving them prior notice and subject to their approval. Any violation of this rule by any member of the commission shall result in public censure.

RULE 6. CALL TO ORDER

The Commission Chair shall take the chair at the hour appointed for the meeting and shall call the members to order.

RULE 7-A. ABSENCE OF ANY MEMBER

No meeting shall be held unless all three members of the commission are present in person, by computer, mobile device or telephonically.

RULE 7-B. REMOTE ATTENDANCE OF MEMBERS

Pursuant to RSA 91- A:2, III, the Portsmouth Police Commission permits board members to participate in a meeting remotely. Members may only participate remotely if physical attendance is not reasonably practical and the reason must be stated in the minutes. Public must be able to discern remote participation at the meeting site, and members must be able to hear and speak with each other simultaneously (e.g., using a speakerphone, Skype).

In the event of remote participation of the Chairman, the Chair will open the meeting remotely and a motion by a physically present member shall be made to designate another member as temporary Chair for the meeting.

RULE 8. ORDER OF BUSINESS

The business of all regular meetings and work sessions of the Commission shall be transacted in the following order, unless the Commission by vote of at least two-thirds of the members present 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 9. CONSIDERATION OF MOTIONS

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

RULE 10. WRITTEN MOTIONS / ROLL CALL

Every motion shall be reduced to writing if the Chair so directs, or if any member of the Commission requests it. Upon request of any member, a roll call shall be taken on any motion before the Commission.

RULE 11. DIVISION OF QUESTION

The division of a question may be requested by any commissioner when a motion contains two or more independent parts.

RULE 12. READING

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

RULE 13. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order pursuant to Rule 8 above, with the time of the next meeting having been agreed on, unless a commissioner has possession of the floor or if any motion has been put and not decided. Such motion shall be decided without debate.

RULE 14. 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. Members may vote in the affirmative, in opposition, or abstain. A motion passes when at least two of the three members vote in the affirmative.

RULE 15. MOTIONS DURING DEBATE

When an issue 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; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; or, division of the assembly.

RULE 16. ORDER OF QUESTIONS

The Chair shall put all motions in the order in which they are moved, unless a subsequent motion was previously tabled.

RULE 17. 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 of the voting majority and must be made at the meeting at which such vote is passed; or, in the alternative, notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting, and only one motion for the reconsideration of any vote shall be permitted.

RULE 18. TABLING

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

RULE 19. SPEAKING PRIORITY

When more than one member wishes to speak, the Chair shall name the member who is entitled to the floor.

RULE 20. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Commission, the member's comments are to be limited to the question under debate and avoid ad hominem and other personal attacks.

RULE 21. INTERRUPTION OF SPEAKING MEMBER

No commissioner shall be interrupted by another, except by rising for a call to order to correct a mistake, or for explanation or clarification. If any commissioner when speaking transgresses the Rules of the Commission, any commissioner may call the offending commissioner to order. The transgressing commissioner shall be permitted to explain. If disagreement remains, the Commission shall decide on the case and without debate.

RULE 22. CONFLICTS OF INTEREST

No member shall vote on any motion in which the member has a direct, personal and/or pecuniary interest.

RULE 23. VOTING REQUIRED

Every commissioner present when a motion is put, if not excluded by interest, shall vote. If a quorum has been established at the beginning of a meeting and a commissioner later in the meeting leaves with or without permission, the remaining two commissioners may continue with the agenda, and make and vote on motions.

RULE 24. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Commission 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 any time the Chair wishes.

RULE 25. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a commissioner during a meeting has a question for the city attorney regarding Commission rules, the Portsmouth City Charter, or parliamentary procedure, the commissioner shall, through the Chair, be given the immediate right to state the question.

RULE 26. THE HOUR POLICE COMMISSION 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 at which the remainder of the agenda shall be acted upon, unless a majority of the Commission wishes to suspend the rules in order to continue.

RULE 27. 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. No rule or order may be repealed or amended without said rule or order appearing on the agenda for a regular meeting in compliance with these rules, subject to public input and then voted on during the following regular meeting by a majority of the Commission.

RULE 28. 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 29. ADDRESS BY PUBLIC

Members of the public-at-large may address the Commission on any issue being discussed by the Commission, but only after a motion to allow same has been made by any commissioner and passed by a majority vote of the Commission, provided that no person shall speak for more than five minutes. If the list of speakers is substantial, the Commission may limit each public comment to three minutes.

RULE 30. 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 meeting and made publicly available by 12:00 P.M. on Monday prior to each Commission meeting or, if sent separately to Commission members, shall be made publicly available in the Office of City Clerk. Exemptions under this rule are documents that would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications.

RULE 31. PUBLIC COMMENT SESSION

A public comment session shall appear on the agenda of all "regular" Police Commission meetings. This session shall not exceed 45 minutes during which any member of the public may have a total of three minutes to address any topic relevant to the Commission or Police Department's work. All speakers must register in person using the sign-in sheet and can do so right up until the start of the Commission 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 Commission. Any provision of this rule may be modified on a per case basis by majority vote of the Commission.

RULE 32. PUBLIC HEARINGS

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

- A. The order in which speakers shall be called, the duration of time permitted for each speaker, and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Chair in the interest of efficiency.
- B. All speakers shall limit their presentation to the matter for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Chair.

RULE 33. 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 the Commission and Chief of Police had previously determined to be routine in nature. All Consent Agenda items shall identify the action that is anticipated to be taken by the Police Commission. 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".

Rule 34. CONTRACTS

The Police Commission shall not enter into contractual agreements until a vote has occurred to ratify contracts. All three members are required to view contracts. Each contract shall require the full signatures of all three members of the Commission. If one commissioner votes against entering into a contract, he or she shall *initial* the document rather than use full signature. This will indicate the contract was viewed but not accepted by that commissioner.

Rule 35. SEMI-ANNUAL REPORTS

In accordance with the Portsmouth City Charter, the Commission Chair, or his/her designee, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the Police Chief to submit a letter to the Council as part of any such report. A report will be submitted to the City Council each June and January after review and approval by the Police Commission.

Rule 36. UNILATERAL ACTIVITY PROHIBITED

No Commissioner shall act unilaterally on any matter of consequence or take any action of consequence without a majority vote of the Commission. Any statement of clarification by the Commission during a public meeting should be voted on in advance by the Commission in a non-public meeting. If a commissioner voted against the statement, the commissioner shall be allowed to express his or her views during the public meeting.

Rule 37. DEPARTMENT EMPLOYEES

The Commission shall have an "open door" policy with respect to both sworn and un-sworn personnel of the police department. Employees may request a meeting with the Commission should they determine any grievances, complaints, concerns or other matters have not been sufficiently addressed by their supervisors or chain of command. Said employee may make this request directly to any commissioner without notice to their chain of command in matters in which they believe such a request would result in prohibition of a meeting or met with negative consequences or retribution.

Rule 38. EMPLOYEE CONFRONTATION OR DISCIPLINE

The only employee the Commission may confront or discipline directly without notice to the Chief of Police is the Chief of Police. Any concerns or matters a commissioner has involving all other employees of the police department shall be brought to the attention of the Commission and Chief of Police. If the Chief of Police fails to take action that satisfies the Commission, the Commission shall then decide by majority vote whether further action is necessary to resolve the initial concern and/or matter brought to the Commission's attention.

Rule 39. BUILDINGS AND FACILITIES

Consistent with Amendment E of the Portsmouth City Charter, it is the Police Commission's policy that city officials, department heads and their employees, as well as outside vendors shall direct their contacts and discussion regarding any possible remodeling of the present facility or the building of a new facility or installation to the Chief of Police and the Commission, or their designee.

Rule 40. MEDIA/SOCIAL MEDIA POLICY

The purpose of this rule is to establish clear guidelines concerning media relations. An informed public is essential to the preservation of a democratic society. Primary responsibility for the dissemination of information to the public rests with the media. It shall be the policy of the Portsmouth Police Commission to assist the media by providing timely and accurate information while bearing in mind legal obligations of the commission.

Any member of the Portsmouth Police Commission may answer media inquiries or provide statements to the media as an individual member of the commission. Any statement made on behalf of the Police Commission as an entity must be approved by a majority of the commission. Should there be a dissenting member, the dissenting commissioner may provide a statement to the media to explain his or her own point of view.

Issues that should not be discussed with reporters are 1) confidential legal issues, 2) confidential personnel matters, 3) issues that may result in harm to others, or 4) a law enforcement crisis or emergency. Refer all such inquiries regarding #4 to the office of the chief of police.

Notwithstanding any other rule or law to the contrary, any member of the Portsmouth Police Commission shall have a full right to publicly discuss and give opinions as an individual on all matters concerning any government entity and its policies. It is the intention of this rule to balance the rights of expression of the members with the need of the police department to protect legitimate confidential records, communications, and proceedings. See RSA 98-E:1.