



Outlook

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Proposed Suggestions for BOS Rules & Procedures - 10/21/2025 Meeting

From bobholmes1953@gmail.com <bobholmes1953@gmail.com>

Date Mon 10/20/2025 10:00 AM

To Judy Newman-Rogers - Select Board Admin <selectboard@warnernh.gov>

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Dear Selectboard:

I read the proposed suggestions for BOS rules & procedures submitted by residents including the cover letter and proposed amendments for the 10/21/2025 meeting and have the following comments.

The proposed amendments use the term "citizen" in a number of places, apparently referring to "citizens" of Warner. The term citizen refers to a member of a sovereign state. The State of NH is a sovereign state, but no NH town or municipality is sovereign state. Nobody is a citizen of Warner. A less legally dense term should be used, for example, "member of the public".

There is a fine balance between respecting the 1st Amendment and running a smooth meeting. The 1st Amendment generally protects critical and even offensive commentary at a selectboard meeting. Although a selectboard can enforce reasonable "time, place, and manner" rules to maintain order and ensure the meeting can proceed, the proposed amendments go far beyond this. I suggest that the list of conduct amendments be phased as "suggestions" or "guidelines", not firm rules, and that the entire provision be preceded by the following.

"As a limited designated public forum, the Select Board does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, we encourage any speakers to be accurate in their statements and avoid making personal, rude, or provocative remarks and to follow the guidelines below."

The attempt to prohibit personal complaints against town employees at public session probably can't be enforced. The 1st Amendment probably protects the right to complain during a public session.

The amendments use the terms "meeting" and "session" interchangeably. The proposal should be modified to clarify what is meant.

One proposal is to give the Select Board the power to vote to remove a member of a committee for "just cause". RSA 673:13 governs the removal of members of a local land use board. "Just cause" is not a ground for removal. A member can be removed only "upon written findings of inefficiency, neglect of duty, or malfeasance in office". The attempt to make absence automatically a deemed "resignation" probably is inconsistent with RSA 673:13. Similar NH restrictions on removal may apply to members not on a land use board.

Thank you for your patience.

Bob Holmes
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