



## ORDINANCE

### Participation in a Meeting by Telephone

#### *CITY OF NASHUA*

*In the Year Two Thousand and Six*

*The City of Nashua ordains* that Chapter 5 entitled "Administration of Government," Part 2 "Board of Aldermen," Article II "General Provision," Section 5.7 "Meetings," of the Nashua Revised Ordinances, as amended, is hereby amended by deleting the struck-through language and adding the new language in italics, as follows:

#### **§ 5-7. Meetings.**

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- E.** *The board of alderman or a committee of the board may allow a member or members of the body to participate in a meeting without attending in person only under the following conditions:*
- (1) Participation shall be limited to voice telephone.*
  - (2) Any member participating by telephone shall sign a declaration under oath or affirmation attesting that the member was the actual person participating in the meeting, and stating the reason why the member's attendance in person was not reasonably practical. The minutes of the meeting shall include that declaration.*
  - (3) If the member participating by telephone is the board president or the committee chairman, then the vice president or vice chairman, respectively, shall assume the role of presiding officer for the purposes of conducting the meeting. In the absence of the vice president or vice chairman, the board or committee shall nominate a pro-tem presiding officer.*

- (4) *Arrangements for participation by telephone shall be made with the aldermanic staff prior to the meeting as soon as the reason for the request is known to the member, with notice to the presiding officer.*
- (5) *The board or committee shall by majority vote of the members physically present for the meeting permit participation of a member by telephone.*
- (6) *The board of aldermen shall establish and maintain an account to pay for the expenses of participation by telephone.*
- (7) *Meetings with members participating by telephone shall be conducted in accordance with the Nashua Revised Ordinances, the City Charter and the state's Right-to-Know law.*

*E. F.* The Mayor shall deliver an annual state-of-the-City address before the Board of Aldermen at a meeting of that body held on the third Tuesday of February. The only business of that meeting shall be the Mayor's address and the provisions of §5-14 shall not apply.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall take effect following its passage.

LEGISLATIVE YEAR 2008

ORDINANCE: 0-08-42

PURPOSE: Participation in a meeting by telephone

ENDORSER(S): Alderman-at-Large Fred S. Teeboom

COMMITTEE  
ASSIGNMENT:

FISCAL NOTE: Fiscal impact cannot be determined at this time.

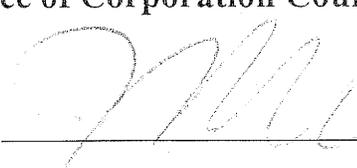
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**ANALYSIS**

This ordinance would amend §5-7 by including a new section relative to participation of members by telephone. It establishes a procedure to permit the board and its committees to allow that participation, which is now permitted under recent changes to the right to know law, RSA 91-A.

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**Approved as to form: Office of Corporation Counsel**

By: 

Date: 10/31/08



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  - (3) If the member participating by telephone is the board president or the committee chairman, then the vice president or vice chairman, respectively, shall assume the role of presiding officer for the purposes of conducting the meeting. In the absence of the vice president or vice chairman, the board or committee shall nominate a pro-tem presiding officer.*

- (4) *Arrangements for participation by telephone shall be made with the aldermanic staff prior to the meeting as soon as the reason for the request is known to the member, with notice to the presiding officer.*
- (5) *A quorum of the public body shall be physically present at the location specified in the meeting notice.*
- (6) *The board of aldermen shall establish and maintain an account to pay for the expenses of participation by telephone.*
- (7) *Meetings with members participating by telephone shall be conducted in accordance with the Nashua Revised Ordinances, the City Charter and the state's Right-to-Know law.*

**E. F.** The Mayor shall deliver an annual state-of-the-City address before the Board of Aldermen at a meeting of that body held on the third Tuesday of February. The only business of that meeting shall be the Mayor's address and the provisions of §5-14 shall not apply.

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**ORDINANCE**

0-08-42

**Participation in a meeting by**  
**telephone**

Endorsed by

*[Handwritten signatures and names: Teeton, Clemons, WILSHIRE]*

**IN THE BOARD OF ALDERMEN**

1<sup>ST</sup> READING OCTOBER 14, 2008

Referred to:

**PERSONNEL & ADMINISTRATIVE AFFAIRS**

2<sup>nd</sup> Reading DECEMBER 23, 2008

3<sup>rd</sup> Reading \_\_\_\_\_

4<sup>th</sup> Reading \_\_\_\_\_

Other Action \_\_\_\_\_

Passed \_\_\_\_\_

Indefinitely Postponed DECEMBER 23, 2008

Defeated \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President

Approved \_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
Date

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Vetoed: \_\_\_\_\_

Veto Sustained: \_\_\_\_\_

Veto Overridden: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President