

Michael Sylvia  
216 Farrarville Rd.  
Belmont, NH 03220

November 2, 2020

Belknap County Board of Commissioners  
34 County Drive  
Laconia, NH 03246

Dear Commissioners,

Over the past month or so I have called your attention to violations of RSA 91-A in the hope that you might correct your errors and offer an apology to the citizens of the county. To the contrary, my concerns have been dismissed. The administrator supplied me with a statement from attorney Fitzgerald which accurately states the law yet it does not address the facts related to my concerns. It is clear from attorney Fitzgerald's language that he was not speaking to an event where the board took action to implement a policy and later voted in a public meeting to 'ratify' their votes. Attorney Fitzgerald speaks of the board being polled for an opinion toward a policy which might allow for preparations ahead of a formal vote. That would be fine, but that is not the situation of which I am concerned.

The agenda for the public meeting of August 27, 2020 lists "Ratify vote to implement stipend for mandated overtime.

- Commissioner DeVoy voted to approve 8/17 @ 10:05 am.
- Commissioner Waring voted to approve 8/17 @ 10:33 am.
- Commissioner Taylor voted to approve 8/17 @ 2:15 pm."

If we follow attorney Fitzgerald's proper instruction, this policy would have been effective at some time after the meeting held at 5:15 pm on Aug. 27. The interoffice memo to the nursing employees states that the policy was effective Aug. 14, 2020. As you can see, this brings up another question; how could a county policy become effective 3 days before the commissions took a vote, in violation of RSA 91-A, outside of a public meeting?

You should also take note that no motion was made to adopt a policy. Lacking a policy any monies paid in this scheme have no basis in law for having been taken from the county treasury.

I hope that you will address the issues raised here promptly and responsibly for the citizens of the county.

Sincerely,

Michael Sylvia  
Representative Belknap Dist. 6



# Belknap County Commission Meeting Agenda 08/27/20 @ 5:15pm

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- Pledge of Allegiance
- Minutes
- Calendar
- Previously Signed Documents
- Departmental Update: Restorative Justice
- Financial Update
- Ratify vote to implement stipend for mandated overtime.
  - Commissioner DeVoy voted to approve 8/17 @ 10:05 am.
  - Commissioner Waring voted to approve 8/17 @ 10:33 am.
  - Commissioner Taylor voted to approve 8/17 @ 2:15 pm.

Relevant section from attorney Fitzgerald's letter:

Part of your inquiry specifically asked me to address the ratification by the Commission of action that the individual members had previously advised you that they were in favor of. As we discussed telephonically, the informal communication to you individually by separate Commission members that they would be in favor of a particular action is of no legal effect and did not constitute a binding vote. It did, however, allow the Administration to appropriately prepare to take action if the tentative approval became a reality through a formal vote at a properly noticed meeting. My understanding is that the matter was raised at the actual meeting, an explanation of the proposed action was provided by Chairman DeVoy and then a vote was taken which resulted in unanimous approval. Given the fact that the meeting was apparently properly noticed and conducted in accordance with the procedures outlined above, along with the lack of a legal requirement for the providing of a detailed agenda, I believe that that particular vote was appropriate under the current version of RSA 91-A.



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## **BELKNAP COUNTY INTEROFFICE MEMO**

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PART TIME AND REGISTRY NURSING EMPLOYEES

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### INCENTIVE TO WORK AN UNSCHEDULED DOUBLE SHIFT

Effective 8/14/2020 – as long as it's a full-time benefit

In order to reduce the burden on our full-time staff and to recognize the inconvenience of staying for an unscheduled shift, the County will pay a stipend of \$50 to any part-time or registry nursing staff who agree to stay and work an additional shift when asked.

This is a voluntary opportunity, and not a mandate. If you are able & willing to help in this way when needed, the County will pay an additional \$50 for the inconvenience.