

A meeting is defined by having a quorum and being duly noticed, that is, a meeting has been appropriately posted as a meeting. Only during such a meeting may there be discussion or action upon a matter or matters over which the board has supervision, control, jurisdiction or advisory power.

Based on the above, if two members discussed an issue (a quorum was not present), the conversation would not be considered a meeting and subject to the "Right-to-Know" laws (RSA 91A). Personal one-on-one communication such as direct voice and telephone conversations has generally been considered private and not subject to the "Right-to-Know" laws for this reason. However, it is inappropriate to hold a personal discussion with a few members (less than a quorum) and then hold an additional personal discussion with a different group (also less than a quorum) on the same subject if the total makes up a quorum. Although "leap frogging" from member to member has always been possible, it now has become much easier because of electronic communications.

One of the purposes of the open meeting is to have an open discussion of issues. If issues are discussed prior to a meeting, there is little need for discussion at the meeting. This is not consistent with RSA 91A. With electronic communications it is easy to discuss issues as a group. Electronic communications may also be used to facilitate and enhance the meeting process, such as by sending a document via e-mail and asking for comments on line.

Board of Trustees members should be aware that using electronic communication to hold discussions may be inconsistent with RSA 91A. Information disseminated in any manner without discussion is not inconsistent with RSA 91A.

Law Reference:

Appendix Reference:

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