

**Nonpublic Session Minutes Checklist**  
**[INSERT NAME OF TOWN AND BOARD]**

Date: \_\_\_\_\_

**Members Present:**     [board member name] \_\_\_\_\_  
                              [board member name] \_\_\_\_\_  
                              [board member name] \_\_\_\_\_  
                              [board member name] \_\_\_\_\_  
                              [board member name] \_\_\_\_\_

**Motion to enter Nonpublic Session** made by \_\_\_\_\_ seconded by \_\_\_\_\_

**Specific Statutory Reason** cited as foundation for the nonpublic session:

\_\_\_\_\_ RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

\_\_\_\_\_ RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

\_\_\_\_\_ RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

\_\_\_\_\_ RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

\_\_\_\_\_ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed **by or against** this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.*

\_\_\_\_\_ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

\_\_\_\_\_ RSA 91-A:3, II(l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

\_\_\_\_\_ RSA 91-A:3, II(m) (Effective 1/1/2022) *Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. (However, any vote on whether to disclose minutes must take place in public session.)*

|   |        |   |   |
|---|--------|---|---|
| <b>Roll Call vote</b> to enter nonpublic session: | [name] | Y | N |
|   | [name] | Y | N |
|   | [name] | Y | N |
|   | [name] | Y | N |
|   | [name] | Y | N |

**Remove public meeting tape** (if applicable).

Entered nonpublic session at \_\_\_\_\_ a.m./p.m.

Other persons present during nonpublic session: \_\_\_\_\_

Description of matters discussed and final decisions made: \_\_\_\_\_

**Note:** RSA 91-A:3, III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

**Motion to leave nonpublic session** and return to public session by \_\_\_\_\_, seconded by \_\_\_\_\_.

**Motion: PASSED / DID NOT PASS** (circle one)

**Nonpublic meeting tape removed, public meeting tape replaced** (if applicable).

**Public session reconvened** at \_\_\_\_\_ a.m./p.m.

**Motion made to seal these minutes?** If so, motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, because it is determined that divulgence of this information likely would...

- \_\_\_\_\_ Affect adversely the reputation of any person other than a member of this board;
- \_\_\_\_\_ Render a proposed action ineffective; or
- \_\_\_\_\_ Pertains to preparation or carrying out of actions regarding terrorism.

|   |   |   |
|---|---|---|
| <b>Roll Call Vote to seal minutes:</b> [name] | Y | N |
| [name]  | Y | N |
| [name]  | Y | N |
| [name]  | Y | N |
| [name]  | Y | N |

**Motion: PASSED / DID NOT PASS** (circle one)

**NOTE:** If the minutes are going to be sealed, they must be added to the public body's list of sealed minutes as required by RSA 91-A:3, III.

**These minutes recorded by:** \_\_\_\_\_