

BELKNAP COUNTY COMMISSIONERS

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David DeVoy
Chairman
Sanbornton

Hunter Taylor
Vice-Chairman
Alton

Richard Burchell
Clerk
Gilmanton

Commission Meeting Minutes
June 1, 2015

In Attendance: Commissioners David DeVoy, Hunter Taylor and Richard Burchell and County Administrator Debra Shackett.

Minutes: Commissioner Burchell proposed some revisions he would like made to the May 20, 2015 minutes. Commissioner DeVoy and Taylor would like to delay approving until the video of the meeting can be reviewed.

Prisoner Housing Agreement: Signed by all three commissioners.

Violence Against Women Grant: The original grant from 2014 was found to have not been signed. All three commissioners agreed to sign it.

Transfer Request #2015.04: Nursing Home Administrator Logue stated the staffing problems have been resolved that were causing the overtime. Commissioner DeVoy asked if the issue was filling the part-time positions. Nursing Home Administrator Logue agreed that it is hard to fill 16 & 24 hour positions. If they were all full-time positions it would cut down on employee turnover. Commissioner DeVoy stated that the Executive Committee met last week to approve transfers and asked if this was a new line being close to over budget. Nursing Home Administrator Logue stated he was not aware the line was so close to being over budget. M/DeVoy, S/Taylor to approve the transfer. Unanimous. **Motion passed.**

Nursing Home Budget Review: Nursing Home Administrator Logue stated revenue and occupancy is good. The Medicare A census is above projections. The expenses at the nursing home are well below budget, partly due to the staffing shortage. The laundry department had an employee retire which caused an unexpected payout.

Email Security Procedures: Commissioner Burchell was made aware in January of some potential missing emails. He was in contact with Mainstay in regards to this. He thinks we should be able to track who has access to emails. Administrator Shackett stated there is an IT Committee that meets monthly and Mainstay has a representative on the committee. Commissioner Burchell was told that there are different levels of security. Commissioner Taylor asked if anyone has access to emails. Administrator Shackett stated to her knowledge there is no

one in the county that has access to others emails. There are different levels of security within the network but that has nothing to do with emails. Commissioner DeVoy questioned if there are employees bringing in personal computers and using them. Administrator Shackett stated it should not be allowed and will look at the policy to see if that is covered. Nursing Home Administrator Logue stated no one is using a personal computer to connect to the county network.

Monthly Department Head Meetings: Commissioner Burchell was not aware that these were taking place. Commissioner DeVoy stated he was aware and has asked Nursing Home Administrator Logue to start attending these meetings again. He stated we are a team and these meetings are very informative. Commissioner Taylor does not have a problem with these meetings taking place.

RSA 651:19 and 651:19a: Commissioner Burchell requested this item be added to the agenda to let the public know what the RSA is. He stated that there is some overlap between the County Attorney and the Department of Corrections. Superintendent Ward stated these RSA's will be very important moving forward with the jail planning. They cover home confinement, electronic monitoring, work release and day reporting. Superintendent Ward stated everyone needs to be on the same page. He stated that the court orders programs at the counties expense without any input from the Department of Corrections. They are wondering if recommendations from a judge are orders. Commissioner Taylor stated he has heard that the whole community corrections program will not work due to the County Attorneys view. Commissioner Taylor asked County Attorney Guldbrandsen to speak in regards to this. County Attorney Guldbrandsen stated the recovery program shows her willingness to work together. She would like to know where the Department of Corrections policies are. There was a process to get policies approved at the monthly department head meetings and then Administrator Shackett would bring them to the commissioners. There were two cases where an inmate was released and the County Attorney's office was not notified. The County needs to consider the liability of this happening as the victim has a right to know when a defendant is released. Attorney Guldbrandsen encouraged the Commissioners to have a written policy stating if the Superintendent and the County Attorney disagrees that nothing changes until a judge can weigh in on the case. Steven Hankard, Chief of Sanbornton police department, stated what Dan is doing is fantastic. He stated that there needs to be a policy about inmates being released on electronic monitoring. One of the two cases talked about previously involved his department and they were not aware that the inmate was released either. Commissioner Taylor stated it would be good for Superintendent Ward and Attorney Guldbrandsen to get together and come up with a policy. Superintendent Ward agrees a collaborate approach is good and can be done. The Department of Corrections policies are on the intranet and at some point they will be put on the internet. It was the jails error that the County Attorney was not notified in the two previously discussed cases. These RSA's are very clear that the Superintendent has the authority to allow an inmate out. Commissioner DeVoy stated we will work through this.

Attorney Fitzgerald: Attorney Fitzgerald was present to discuss the Right-to-Know Law, RSA Chapter 91-A. The law was passed in 1969 but has been amended several times since. Basic principles are discussions should be in public and recorded. When any two commissioners meet, even if by chance, do not discuss county business as it is considered a quorum. Discussion about

scheduling or requests for agenda items would be allowed. When two commissioners communicate electronically then that can be considered having an electronic meeting. To have a meeting it requires 48 hours notice unless it is an extreme emergency. When emails are created outside of the county domain about county business then they need to be preserved. The amount of time depends on law and our retention policy. When commissioners are discussing negotiations of labor contracts and legal matters they are considered non-meetings. Any communication about government matters becomes public record, even if it is with someone outside of the county. Any record needs to be available immediately to the public if requested. We are allowed up to 5 days to produce documents if not immediately available with notification to the requestor. It is customary to let a requestor know if there will be any fees incurred for the copies and the staff time. When preserving emails they need to be treated like a hard copied document. Commissioner DeVoy asked for advice about the request he received from Commissioner Burchell asking for any email communications between himself and Administrator Shackett. Attorney Fitzgerald stated he is not comfortable discussing this subject in a public meeting and stated he would get back to the commissioners in writing. Administrator Shackett asked if a commissioner is directing a department head to do something does that constitute a meeting. Attorney Fitzgerald stated it would. He also stated that it can be cumbersome due to us having a small board and it is natural that government business would come up. County Attorney Guldbrandsen asked if it was ok for all three commissioners to be cc'd on emails. She also asked if it was ok if one commissioner replied to all. Attorney Fitzgerald stated it is ok to cc all, but if one replies to all then it could be considered a meeting. He gave the following example: if Administrator Shackett emailed all commissioners about wanting to discuss x at the next meeting and one responds to all and states yes we should discuss x and do this about it, then that could cause a problem. Commissioner Burchell would like Attorney Fitzgerald to attend a nonpublic meeting.

Ratification of Previously Signed Documents: M/Burchell, S/ Taylor to ratify previously signed documents. Unanimous. **Motion Passed.**

Previously Signed Documents

<u>Document Date</u>	<u>Document</u>
5/21/2015	Payroll Manifest
5/21/2015	Accounts Payable Manifest
5/21/2015	Ford lease agreement (Sheriff's cruisers)
5/21/2015	Courthouse lease agreement
5/21/2015	Transfer requests-2015.01, 2015.02 & 2015.03
5/28/2015	Payroll Manifest
5/28/2015	Accounts Payable Manifest

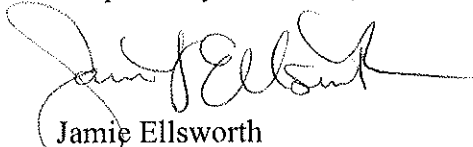
Commissioner DeVoy commented that what is said in nonpublic meeting needs to stay nonpublic.

Nonpublic session: M/DeVoy, S/Taylor to enter into nonpublic session per RSA 91-A: 3, II (a). Commissioner Taylor called the roll: Taylor-Y, Burchell-Y and DeVoy-Y. At 4:32 pm, the board entered nonpublic session.

Nonpublic session concluded at 4:47 pm and the board returned to a public meeting.

Adjourn: At 4:47 pm.

Respectfully submitted,



Jamie Ellsworth
Administrative Assistant