

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC MEETINGS - NEW HAMPSHIRE

Sivalingam v. Newton

Supreme Court of New Hampshire - October 5, 2021 - A.3d - 2021 WL 4552444

Former member of town board of selectmen brought action for injunctive relief against town and current board members, seeking current members' dismissal.

The Superior Court granted summary judgment to current members but denied board's motion to dismiss. Former member and board appealed, and current members cross-appealed.

The Supreme Court held that:

- Information disclosed during board meeting by current members was insufficient to adversely affect former member's reputation, as would be required to state claim under statute providing for dismissal of a town officer who violates oath of office through divulgence of certain information obtained by virtue of official position;
- Trial court acted within its discretion in declining to award attorney fees to current members under a "bad faith litigation" theory;
- Trial court acted within its discretion in declining to award attorney fees to current members under "substantial benefit" theory; and
- Provision of Right-to-Know Law permitting a public body to enter nonpublic session to consider matters which would likely affect adversely a person's reputation does not require that the public body provide notice of its intent to enter nonpublic session to discuss a particular person.