

**Minutes**  
**City Council Legislative Subcommittee Meeting**  
**4<sup>th</sup> Floor Conference Room, City Hall**  
**9:00 a.m.**  
**Monday, March 13, 2017**

I. Greeting: Mayor Blalock

Mayor Blalock opened the meeting at 9:00 a.m.

Present: Mayor Blalock, Assistant Mayor Splaine, Councilor Dwyer, City Manager Bohenko, Finance Director Belanger, Assistant City Attorney Ferrini

Absent: Councilor Spear

II. Discussion of distribution of City's testimony. Assistant Mayor Splaine.

Assistant Mayor Splaine explained that he feels that the staff does a great job with drafting memos for legislative testimony on various issues but there is no exposure for these documents and would like to see them posted to the website.

Councilor Dwyer stated she agrees and feels that citizens are becoming much more aware and interested in these issues.

City Manager Bohenko stated he will have this information posted to the website under the Mayor/Legislative Issues. He stated he will continue to send the information to the Council via e-mail as well.

Discussion ensued regarding the new website that is currently being worked on with City Manager Bohenko stating that he will ask Brenna Woodman to make a brief presentation to the Council.

City Manager Bohenko then asked to bring forward discussion regarding HB144 – relative to procedures for adoption of the budget for Rockingham County. He asked Finance Director Judie Belanger to give an update.

Finance Director Belanger explained that this bill will change the Fiscal Year for Rockingham County budget from the current annual calendar year to the July 1-June 30<sup>th</sup> Fiscal Year which will have a financial impact to 37 communities in Rockingham County. She continued that if passed, it will take effect July 1, 2018 which will mean that we will be for billed for 18 months, an additional \$2.9 million. She further explained that this would equate to a 60 cent increase on the tax rate for the City of Portsmouth, and similarly affect tax rates for other communities. She stated that there is an RSA 31:94 which addresses communities who wish to transition to a June to July fiscal year, specifically financing the 18 month budget. She explained that RSA 31:94-d, Debt during Transition Period, allows the county to incur debt in an amount not to exceed 1/3 of all taxes assessed for a period of not more than 20 years. This would mean that the increase could be bonded over a 10 year period and would lessen the burden for communities, with the City of Portsmouth obligation going down to \$320,000 per year, or 7 cents on the tax rate.

Discussion ensued regarding the potential impact to the budget, concluding that the County should be requested to bond the increase over 10 years.

Next, City Manager Bohenko requested to bring forward for discussed the proposed Ordinance to eliminate Single-use Plastic Bags.

Attorney Ferrini read the report of the legislative committee regarding the committee's and House floorvote to not pass the enabling legislation. She stated that she feels that it was clear that the house understood it would be enabling legislation.

Councilor Dwyer asked if it then effectively kill our proposed ordinance.

Attorney Ferrini stated that it is her conclusion that the statute doesn't allow us to impose the ban and we would be subject to litigation and any ordinance would be easier to challenge in light of the vote.

Discussion ensued regarding other ways to curb plastic bag use including requiring recycling and cleaning up around stores etc. as there are still concerns regarding littering and impacts on wildlife.

V. Discussion of bills of interest and submission of testimony including but not limited to HB 579 regarding the registration of semi-trailers; SB 240 relative to monitoring contaminated wells and responsible party's responsibility to supply alternative supply of drinking water; HB 144 regarding Rockingham County budget adoption process, hearing scheduled for Wednesday, March 15, 2107.

IV. Status update of how bills of interest to the City were voted on by House and Senate on March 8 and 9, 2017.

Attorney Ferrini gave a brief update of some of the bills of interest as outlined in attached reports.

III. Discussion of additional Legislative Principles for further submission to the City Council. Councilor Dwyer.

Councilor Dwyer stated she would like to make some additions/changes to the Legislative Principles that were adopted by the City Council on January 25, 2016 to reflect instances that the City maybe in opposition to issues.

### **1. Protect the safety of first responders**

Councilor Dwyer explained that this would relate to funding issues as well as gun laws which can be controversial, but feels it is important to support their positions.

Assistant Mayor Splaine stated that he would trust the staff and City Manager to come to the Council on controversial issues.

Mayor Blalock clarified that the purpose of the principles is so staff can act quickly on issues without coming to the Council for approval first.

Councilor Dwyer stated it is important to state that we support of fire and police personnel.

City Manager Bohenko suggested adding the language to existing principle 10.

## **2. Encourage citizens to vote and make is easier to vote**

Assistant City Attorney Ferrini stated there were over 50 bills regarding voting in this session and would require a lot of staff time and monitoring to track.

Assistant Mayor Splaine explained that as the session goes along, many of the bills will be eliminated or added to others so it will be easier to track them at that point.

City Manager Bohenko stated that people have their own civic responsibilities as citizens. He stated this is similar to the right-to-know issue which we do not take a position on.

Mayor Blalock stated that a lot of these issues are partisan and feels that the fiscal issues are more black and white in regards to these principles.

Councilor Dwyer stated that if bills have barriers to voting, we should oppose them.

City Manager Bohenko stated that the media brings important legislation to our attentions as it come up.

Assistant Mayor Splaine stated that we could also talk to our legislators to get their opinions on certain issues to see if they feel they will go very far in the process or not.

Deputy City Clerk French stated that the City Clerk's office is currently tracking a list of election/voter related bills which the NH City and Town Clerk's Association is watching.

## **3. To rely on locally generated financial data for decisions relating to local taxes and assessments**

Councilor Dwyer stated that this relates to information being presented by lobbyists to committees.

City Attorney Ferrini stated that this concern was just raised to her by our City Assessor in that utility companies were recently invited to make a presentation to a committee and sit in on the meeting, although they are not able to vote.

Mayor Blalock stated that is one we would want to weigh in on.

## **4. Protection local decision making about local zoning**

Councilor Dwyer stated we are a varied State and must be able to make zoning decisions locally.

## **5. Honor existing financial commitments to communities before new ones are awarded**

## **6. Protecting rights of individuals**

Assistant Mayor Splaine stated this falls in line with the transgender bill and all civil rights.

## **7. Don't privilege non-residents over residents**

Councilor Dwyer stated this is related to the recent bill regarding out-of-state semi-trailer legislation that would have had a financial impact.

## **8. Promote the use of expertise**

## **9. Support incentives related to affordable housing**

Assistant Attorney Ferrini asked if she could add "health" to existing number 10 as well as the first responders' language.

The committee agreed.

State Representative Cali-Pitts joined the meeting briefly at which time she was updated on the County Fiscal Year change issue. She suggested various legislators that could be contacted.

## **VI. Schedule Next Meeting.**

City Attorney Ferrini will reach out to members regarding scheduling of the next meeting.

## **VII. Adjournment.**

Meeting adjourned at 10:10 a.m.

Respectfully submitted:

Valerie A. French  
Deputy City Clerk

**For further information on the content or status of bills and the Senate and House Calendars, see <http://www.gencourt.state.nh.us>. For information regarding the New Hampshire Municipal Association's Bulletin, see <http://www.nhmunicipal.org/LegislativeBulletins>**