



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
FRIDAY, April 29, 2022
10:00 a.m.

Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801

*Members of the public also have the option to join the meeting over Zoom(See below for more details)**

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1. Welcome and Call to Order
 2. Roll Call
 3. Presentation by Councilor Josh Denton
 4. Review of the Charter Provisions with Legal Counsel
 5. Discussion of Proposed Charter Amendment
 6. Discussion of Further Charter Review Process
 7. Public Comment
 8. Other Business
 9. Adjournment

****Members of the public also have the option to join this meeting over Zoom using the link below:***

Join Zoom Meeting

<https://us06web.zoom.us/j/84148329038>

Meeting ID: 841 4832 9038

Passcode: 736455

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: February 1, 2022
TO: KAREN S. CONARD, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: CHARTER AMENDMENTS



At the City Council meeting on January 24, 2022, on a motion of Councilor Josh Denton, the City Council "voted to instruct City Attorney Sullivan to draft a memorandum outlining the Charter Amendment process for review by the newly formed Governance Committee." This memorandum will outline that process.

The topic of municipal charter amendment and revision is governed by RSA 49-B HOME RULE-MUNICIPAL CHARTERS. <http://www.gencourt.state.nh.us/rsa/html/III/49-B/49-B-mrg.htm>. The statute is complex and has been subject to frequent and substantial change by the state legislature in recent years. However, the salient features of the statute as of this date are as follows:

1. The statute lays out two distinct pathways for charter revisions versus charter amendments. The key difference being that a charter revision will always call for the creation of a charter commission consisting of nine (9) members who shall be elected at either a regular or special municipal election. See RSA 49-B:4.
2. A charter revision as defined as "any change to an existing charter that results in a change in the municipalities form of government to any of the following forms:
 - i. Traditional town meeting
 - ii. Official ballot town meeting
 - iii. Town council
 - iv. Official ballot town council
 - v. Budgetary town meeting
 - vi. Representative town meeting
 - vii. City under Mayor/Alderman plan
 - viii. City under Council/Manager plan
 - ix. Any other form thereafter expressly authorized by statute.

See RSA 49-B:4-d

3. Because Councilor Denton's motion, which has led to this memo, specifically referenced charter amendments and it is not believed that he is interested in charter revisions as described above, there will be no further discussion of charter revision in this memorandum.

4. A charter amendment “shall mean any change to an existing charter that does not constitute a revision [as described above]”. See RSA 49-B:4-f.
5. The procedural steps necessary to effectuate a charter amendment are described in RSA 49-B:5. That statute outlines both a relatively simple process under which the City Council can propose amendments to the municipal charter and a process by which a written petition of a number of voters equal to at least 15% of the number of ballots cast at the last regular municipal election may propose amendments to the charter. This memorandum will focus on the procedure which may be initiated by the City Council.
6. If the City Council wishes to propose amendments to the charter, a general statement of the process is as follows:
 - a. The City Council shall provide for notice and hearing on the proposed amendment(s) in the manner described at RSA 49-B:5 I.
 - b. Within seven (7) days of the last public hearing, the City Council shall file with the City Clerk a report containing the proposed amendment(s).
 - c. The City Clerk would then forward the proposed amendment(s) to the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration under RSA 49-B:4-a.
 - d. After the state agencies described above have reviewed and approved the proposed amendment(s), which by statute should occur within 45 days after the receipt of the amendment(s) from the City Clerk, then within seven (7) days the City Council may order the proposed amendment(s) to be placed on a ballot at the next municipal election or at a special election that occurs not less than 60 days after the Council vote.
 - e. As described by Councilor Denton at the City Council meeting of January 24, 2022, alternative statements of a single amendment are prohibited. Therefore, each proposed amendment must be drafted to be a simple yes or no vote. RSA 49-B:5 II(b)
 - f. As noted, submission of the amendment(s) to the voters at a municipal election is mandatory, and is regulated in form and timing by statute. RSA 49-B:6.
 - g. There are critical notice and scheduling provisions.

The foregoing is a brief overview of the charter amendment process, which is narrowly tailored to meet the understood intent of the motion made by Councilor Denton. For more detail members of the Council or the Governance Committee are either referred to the statute at the link described above or invited to ask further questions of the Legal Department.