



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE  
MONDAY, May 22, 2023  
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. Review and approval of the Minutes from the April 24, 2023 meeting
  4. Old Business
    - a. Administrative Ordinance  
Non-Public – It is anticipated that the Governance Committee will move into non-public session for consideration of legal advice as per RSA 91-A:3 II (I)
    - b. Conflict of Interest  
Review Draft Language - Please see Administrative Ordinances 1.801, 1.901, and 1.902, Council Rule 21, and City Charter Sections 3.8, 3.14 and Amendment C
  5. New Business
    - a. Sustainability BR Committee Conversion Ordinance
    - b. Economic Development Committee Ordinance Change
  6. Public Comment
  7. Announcements
    - a. Current Committee Schedule
      - Conflict of Interest, BR Committee Conversions – June 12
  8. 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/83224765637>

**Meeting ID: 832 2476 5637**  
**Passcode: 496557**



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE  
DRAFT MEETING MINUTES  
MONDAY, APRIL 24, 2023 – 10:00 a.m.  
Conference Room A  
City Hall Complex, 1 Junkins Avenue  
Portsmouth, NH 03801**

1. **Welcome and Call to Order** - 10:02 a.m.
2. **Roll Call** – Councilor Kate Cook, Councilor Vincent Lombardi, Councilor John Tabor all present. Also present was Deputy City Manager Suzanne M. Woodland and Of Counsel Robert P. Sullivan.
3. **Review and Approval of Minutes** – Councilor Tabor moved to approve the April 10, 2023 minutes. Councilor Lombardi seconded. All in favor.
4. **Old Business**
  - a. **Conflict of Interest** – The Committee Members provided general comment arising from the discussion last month. Councilor Tabor talked about the potential value of a preamble to the conflict-of-interest ordinance (with reference to the Charter). Councilor Tabor also mentioned perhaps needing more attention to travel and entertainment. Councilor Cook suggested that any rewrite should be sensitive to the roles – employees versus elected officials.

Robert Sullivan, Of Counsel and the Committee Members discussed various provisions of the existing ordinance and what changes might be made. The Committee provided Attorney Sullivan with guidance on sections that they would like to see him prepare proposed edits for consideration. Those sections include the following:

- Adding a preamble and consider creating a definition section which would define private interest.
- In addition, the Committee discussed possible amendments to Section B. Councilor Cook would like to see a change to this section to prohibit a City Councilor or other elected official from speaking to a matter before a land use or other board unless that Councilor has a direct interest (owner or abutter as defined by State law). There was substantial discussion but no direction to Attorney Sullivan. The committee members were going to reflect further for the next meeting.
- The Committee also discussed section C and whether to amend this section. One option, some type of language that states “No elected official or officer

who is a plaintiff against the City should participate in their official capacity in discussion or decisions relative to that same action.”

- Committee Members agreed Section D seems fine. But additional discussion evolved about whether to develop a disclosure form for elected officials and board members to complete upon election or appointment and to publish such completed form.
- Committee Members also discussed Section F relative to the acceptance of gifts etc. They discussed the \$100 limit, creating a waiver option, or otherwise. Suggestion to strike the campaign language in the last sentence as it is addressed elsewhere. The Committee Members will think about it and discuss further.

**b. Administrative Ordinance – Anticipated Non-Public Session**

This section was postponed for the next meeting.

Councilor Tabor was required to leave the meeting for another commitment at 11:25 a.m.

**5. Public Comment:**

Petra Huda (conflict of interest changes, disclosure and risks, councilors speaking to matters); Sue Polidura (look at other policies, federal government standards, disclosures); Esther Kennedy (State law relative to conflicts and disclosures and Local Government Center advice)

**6. Announcements**

**a. Current Committee Schedule**

- Conflict of Interest, BR Committee Conversions, Parks, Administrative Ordinance Clean-Up – May 22
- Conflict of Interest, BR Committee Conversions – June 12

Councilor Cook asked for a motion to adjourn. Councilor Lombardi so moved. Councilor Cook seconded. All in favor. Meeting adjourned at 11:42 a.m.

Meeting Minutes prepared by

Suzanne Woodland, Deputy City Manager/Deputy City Attorney

Minutes Approved: \_\_\_\_\_

## ARTICLE IV: COMMISSIONS AND AUTHORITIES

### Section 1.401: RESIDENCY REQUIREMENT

Eligibility for appointment to Commissions and Authorities of the City of Portsmouth shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Commission or Authority shall become ineligible to remain on that Commission or Authority in the event that the individual shall discontinue residency in the City. [This residency requirement does not apply to students on a Commission or Authority that attend, or could attend, classes in the Portsmouth School District.](#)

### Section 1.413: SUSTAINABILITY COMMITTEE

A. **Membership and Term:** The Sustainability Committee will consist of a City Councilor to be designated by the Mayor, a School Board Member to be designated by the School Board Chair, one member of city staff to be designated by the City Manager, two students to be designated by the Portsmouth School District, and initially of all the interested community members on the Blue Ribbon Committee on Sustainable Practices. The City Councilor will serve for the duration of their two-year City Council term, the School Board Chair will serve for a term to coincide with the City Councilor's term, the designated students from the Portsmouth School District will rotate, and the community members from the Blue Ribbon Committee on Sustainable Practices will be appointed to staggered three-year terms. After attrition causes the number of former Blue Ribbon Committee on Sustainable Practices community members to fall under ten, the Mayor with the approval of the City Council can appoint new community members to three-year terms on the Sustainability Committee. Afterwards, the Sustainability Committee will have between six and ten community members that have a demonstrated experience in or passion for sustainability, mitigating climate change, and protecting our eco-system. The Blue Ribbon Committee on Sustainable Practices member who has the most seniority will be the Chair of the Sustainability Committee, until the Sustainability Committee votes for a Chair at their first meeting. The Sustainability Committee will then vote for a Chair to serve a two-year term at their first meeting in all even years.

B. **Powers and Duties:** The Sustainability Committee shall provide advice and guidance to the City Council, the City Manager, and City Boards with respect to:

1. Implementation of the Climate Action Plan, achieving Portsmouth's Renewable Energy Policy, and additional recommendations on increasing energy efficiency, reducing greenhouse gas emissions, and taking measures to build resiliency against climate change.

2. Increasing awareness of sustainable practices among residents, businesses, visitors, municipal staff, and other stakeholders to ensure that Portsmouth remains a leader as an Eco-municipality.

3. Standing for environmental justice while protecting our eco-systems.

C. **Limitations:** Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. Nor shall anything herein limit the

ability of the Sustainability Committee to appoint subcommittees or determine the format of how to best structure meetings.

D. Effective Date: This ordinance will take effect upon adoption of Portsmouth's Climate Action Plan.

DRAFT

# City of Portsmouth



MEMORANDUM

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**TO:** City Council

**CC:** Karen Conard, City Manager; Sean Clancy, Assistant City Manager for Economic Development

**FROM:** Phil Cohen, Chair, Economic Development Commission (EDC)

**DATE:** May 10, 2023

**SUBJECT:** EDC Powers and Duties (Section 1.402)

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The purpose of this memo is to provide an outline of requested changes to the City of Portsmouth Administrative Code Chapter One, Article IV Commissions and Authorities, section 1.402- Powers and Duties of the Economic Development Commission (the “EDC”).

Current Language:

- ~~B. Powers and Duties: The Commission shall encourage the establishment of business and industry in Portsmouth and the surrounding area and promote the welfare of local industry and general business. (Adopted as amended 12/03/90)~~
- ~~C. 1. The Commission shall make recommendations to the City Council concerning the acquisition, bonding, developing, building, leasing and mortgaging of commercial and industrial land and buildings and other matters incidental to attracting business and industry to Portsmouth. (Adopted as amended 12/03/90)~~
- ~~2. It shall be the general responsibility of the Economic Development Commission to increase and sustain the business and personal prosperity of all residents of this community while protecting and maintaining the quality of our natural environment and historic and cultural assets. This process should consist of the encouragement of a broad, productive community effort to coordinate and enhance the utilization of all community resources involved in any respect with economic development. The process should further ensure that adequate financing sources are available to those qualified enterprises, which desire to start up, expand, and/or locate in our Community. (Adopted as amended 12/03/90)~~

**Section 1.402 ECONOMIC DEVELOPMENT COMMISSION -**  
Delete existing Subsections B and C and replace with the following:

- B. Powers and Duties: The Commission shall develop and recommend to the City Council and other departments and boards and committees of the City policies, procedures, regulations, and ordinances and take such other actions that encourage and promote economic and business development, including business recruitment, retention, and growth, and the creation and maintenance of a healthy, diversified, and sustainable business community in the City and broad prosperity in the community.
- C. Functions: In furtherance of its duties set out in Subsection B, the Commission may perform one or more of the following functions:
1. Assist the City Council and staff in the formulation of economic development goals for the City.
  2. Assess existing economic development policies of the City for the purpose of recommending such modifications as may be appropriate to promote the economic development goals of the City.
  3. Formulate or assist in the formulation of new economic development strategies, policies, regulations, and ordinances for the purpose of achieving the economic development goals of the City in collaboration with the Assistant City Manager for Economic Development or as designated by the City Manager.
  4. Prepare and submit recommendations to the City Council, other boards and commissions and staff on a broad range of matters generally related to economic development, including, business development, public-private partnerships, maintenance and development of commercial, industrial and business districts, and business retention and attraction programs.
  5. Make recommendations to the City Council regarding the acquisition, bonding, developing, building, leasing, financing and mortgaging of commercial and industrial land and buildings and other matters incidental to retaining and attracting business and industry to the City.
  6. Respond to inquiries of the City Council on matters relating to economic development.
  7. Conduct research into the economic conditions and trends of the community and the greater regional economy.
  8. Survey the business community regarding its condition, needs for and obstacles to its continued health, success, and growth.
  9. Meet and confer with businesses, civic organizations, developers, educational institutions, landowners, and citizens to learn the resources and needs of the community and to promote the merits of economic development.
  10. Provide leadership and guidance to assigned department heads and staff in the planning of economic development and redevelopment.
  11. Perform such other duties as and provide such other information, assistance, and advice to the City Council, other boards and commissions and staff as is consistent with Subsection B herein.

#### **Recommendation and Action Requested**

I would recommend the City Council approve the proposed changes to Administrative Code Chapter one, Article IV Commissions and Authorities, section 1.402- Powers and Duties of the Economic Development Commission.