



**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
MEETING MINUTES
MONDAY, MAY 22, 2023 – 10:00 a.m.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801**

1. **Welcome and Call to Order** – 10:00 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 24, 2023, minutes. Councilor Lombardi seconded. All in favor.
4. **Old Business**
 - a. **Administrative Ordinance** – Councilor Cook provided a summary of where the Committee is in terms of trying to rebalance the terms of those boards where the members no longer have a good stagger of terms. One option for some of the boards, committees and commissions is to have the board initiate a change to correct a stagger. Another option is to ask the courts to help resolve the issue of stagger regarding a land use board. The Committee discussed whether to go into non-public session to discuss options more generally. If the Committee wanted to discuss legal action that would identify specific risks and sitting persons, the Committee could move into a non-public session. The Committee declined to do so at this meeting but may at the next meeting when the City Attorney is present. The Committee discussed the various pros and cons of asking the court to help the City boards come into compliance with regard to stagger. Discussion about looking board by board at the state statute as to membership, local ordinance, and existing conditions as to membership.

There was discussion about inviting the City Attorney to attend the next meeting to further discuss options.
 - b. **Conflict of Interest** –

The Committee began to review and further discuss proposed updates to the conflict-of-interest statute. Among items discussed, proposed changes to section B, and specifically the role of elected officials regarding speaking before boards and commissions when the elected official does not have a direct interest as an abutter or property owner.

Clarify the role of the City Council in speaking before land use boards when not an owner or abutter and vice versa that we codify the role of those members who sit in a quasi-judicial capacity and what the expectations are in terms of ethics.

Councilor Cook indicated that in her view, once you become an elected official you have certain responsibilities and limitations, and our ethics ordinance may need to be looked at it.

5. New Business

a. Sustainability BR Committee Conversion Ordinance –

Councilor Tabor thought the draft was a good start in terms of membership and powers. Councilor Lombardi has given his only a preliminary look but a good start. Councilor Cook noted the residency issues posed by the proposed ordinance. Her suggestion would be to redraft the membership provisions to include two representatives of the eco-club (or perhaps Portsmouth School District in case the club name changes) as full voting members regardless of residency.

Goal is to bring this back to the next meeting with all the edits if Legal Department workload allows.

b. Economic Development Committee Ordinance Change –

The committee discussed the draft ordinance change from the Economic Development Committee (EDC). There was general agreement to slightly edit the current draft to allow the stagger to be corrected. As Councilor Lombardi explained, the EDC determined it was time to update the mission of the EDC. Councilor Tabor added that he thought the EDC should have a role to look for or support grant opportunities. Edits to be made to paragraph 10 to provide leadership and guidance to the City Manager. Councilor Cook wanted to make sure the functions were not being done by other organizations or entities.

Goal is to bring this back to the next meeting with all the edits.

6. Public Comment:

Paige Trace (comment on EDC draft ordinance change, comment on land use board meetings, comment on public meetings being noticed and quorum, state law versus local law); Petra Huda (comment land use boards and City Councilors speaking before them and EDC committee draft); Richard DiPentima (conflict-of-interest and the HDC)

7. Announcements

a. Current Committee Schedule

- Next meetings: June 12 and June 26

Councilor Cook asked for a motion to adjourn. Councilor Lombardi so moved. Councilor Tabor seconded. All in favor. Meeting adjourned at 11:47 a.m.

Meeting Minutes prepared by

Suzanne Woodland, Deputy City Manager/Deputy City Attorney

Minutes Approved: June 12, 2023