



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, MAY 12, 2025 AT 11:00 A.M.
City Hall Complex, 1 Junkins Avenue
Conference Room A
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 of the March 31, 2025 meeting
 4. Draft Encumbrance Ordinance
 5. Follow-up from IT and HR Discussion – Draft Language
 6. Other Business
 7. Public Comment
 8. Announcements
 9. Adjournment

***Join Zoom Meeting**

When: May 12, 2025 11:00 AM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/DsLnZTXtSTWhlwAJNSWCmg>

After registering, you will receive a confirmation email containing information about joining the meeting.



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
MEETING MINUTES

Monday, March 31, 2025
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH

1. **Welcome and Call to Order:** The meeting was called to order at 11:12 a.m.

2. **Roll Call:**

Councilor Katherine Cook; Councilor Vincent Lombardi; and Councilor John Tabor were present. Assistant Mayor Joanna Kelley was absent.

Staff: Suzanne Woodland, Deputy City Manager / Regulatory Counsel, (DCM); Susan Morrell, City Attorney (CA); Jane Ferrini, Senior Assistant City Attorney (Ferrini) were present. Also present was Ryan Babcock, Chief Information Officer (Babcock); Zack McLaughlin, Superintendent of Schools (Superintendent); Tom Lotz, IT Manager - School Department (Lotz); Kelly Harper, Director of Human Resources (Harper); Nathan Lunny, Finance Director (Lunny); Deputy Police Chief Michael Maloney (Deputy PD Chief); Daisy Lavoie, IT Manager of the Police Department (Lavoie)

3. **Review and Approval of the Minutes of the March 10, 2025 meeting:** Councilor Tabor moved to accept the minutes of the March 10, 2025 meeting. Seconded by Councilor Lombardi. All in favor. The motion was approved.

4. **Report back on IT Integration:**

- a. **IT and HR Report Back on Coordination with Charter Departments:** DCM provided an update regarding the revisions to Chapter 1, Section 1.106 which deals with the Administrative Code and regarding HR and IT. Babcock provided data regarding the IT staff of the School and Police Department, a comprehensive list of the software used by the departments and the respective IT staff and their duties. Discussion ensued with questions from the Councilors regarding experience of users serving as “go to” people, policies regarding software being downloaded by employees, citywide polices and cyber security. Superintendent and Lotz from the School Department provided information on the tools and school department’s policy regarding cyber security and topics such as email phishing focusing on the safety of the students. A discussion ensued regarding incident response for data breaches, firewall protection and workforce to handle. Harper reviewed the human resource matrix which detailed the Human Resource involvement with all the City departments at certain levels regarding the employment application through employment process, along with HR related issues, benefits and training.

- b. **Report back on Legal Authority and City Charter Interpretation:** DCM provided a brief history of the City Charter. In 2000, the Committee made two amendments which were adopted to the City Charter relating to IT and Human Resources which focused on leadership and efficiencies in those departments. The changes now proposed to Chapter 1 of the Administrative Code are in line with the intention of the Committee in 2000 and as we now have many more resources available across the departments, we can look for opportunities to globally provide more leadership, training and assistance across all the departments by leveraging the resources that we now have.
- c. **Update from Finance on New Financial and Human Resources Software Coordination:** Lunney provided an update on the new procurement software which has been implemented in line Clarification of the procurement process, including standardized language, indemnifications, expectations, rights reserved to the City has resulted in a safer process and has helped to process the RFQs/RFPs, also creating more competition, therefore saving money. Lunney gave a detailed update on the selection of new finance software including programs with AI, a citizen portal and detailed reporting were presented. Finance plans to make a decision and in contract discussions by the end of April. Planning, integration and training will take a substantial amount of time.
5. **Administrative Code, Chapter 1 on City Department Structure:** Deputy PD Chief and Lavoie brought forth concerns about the removal of language regarding the uniqueness of the Police Department from the amended Charter language. Councilor Cook stated that the intent was not to step on anyone's toes. Superintendent stated that the School Department has more challenge with the IT language than the HR language as the School Department would like to work collaboratively to find efficiencies and be anticipatory, rather than in opposition in the development process.
- Councilor Cook advised that the Committee will work on modifications of the revised language for the next meeting for the areas which were raised for concern.
6. **City Council Encumbrance Policies:** Ferrini advised that the City Attorney, the City Clerk, Kelli Barnaby and Peter Rice, Director of Public Works met to review the encumbrance policies discussed at the last meeting. It was discussed that all encumbrance matters should be under one ordinance in a new section of Chapter 6 vs. a policy and that any fees matters should be referred to the Fee Committee.
7. **Other Business:** None
8. **Public Comment:** None
9. **Announcements:** The next Governance Committee meeting will be scheduled for Monday, May 12, 2025 at 11:00 a.m.
10. **Adjournment:** Motion by Councilor Tabor to adjourn the meeting, seconded by

Councilor Lombardi. All in favor. Motion was approved. Meeting adjourned at 1:00 p.m.

DRAFT Meeting Minutes prepared by:
Barbara Zulkiewicz

Minutes approved: _____

DRAFT

ARTICLE __: LICENSE AND ENCUMBRANCE PERMITS FOR USE OF PUBLIC PROPERTY

Section ____: **STATEMENT OF PURPOSE**

The purpose of this ordinance is to establish a comprehensive framework for the licensing and encumbering of public property within the City. This ordinance aims to ensure the responsible use and management of public assets, create an efficient and transparent approval process and safeguard the interests of the community while promoting economic development. By regulating the use of public property, the City seeks to:

1. **Enhance Efficiency and Transparency:** Establish efficient and transparent procedures for issuing licenses and encumbrance permits for use of public property.
2. **Promote Fair Access:** Provide equitable access to public property for all individuals and organizations.
3. **Preserve Public Assets:** Maintain and preserve the integrity of public property.
4. **Facilitate Economic Development:** Support local businesses and economic activities by providing clear guidelines for the use of public property.
5. **Maintain Public Safety:** Ensure that public property is used in a manner that protects the health, safety, and welfare of residents and visitors.

Section ____: **AUTHORITY**

The City Manager is authorized to oversee City property and to establish and publish rules, regulations, and procedures, including general permit instructions, related to all permits and licenses that regulate the temporary placement, installation or location of any structure, fixture, object, equipment or other encroachment within the limits or in the airspace above any public property, which includes but is not limited to public road, right-of-way, sidewalk, parking space, loading zone and other City property. The City Manager, or their designee, shall prescribe the forms necessary for the issuance and management of encumbrance permits and licenses under this Chapter. These rules, regulations and procedures shall be subject to review and approval by the City Manager and will be published on the City's website and filed with the City Clerk. The City Manager shall provide regular updates to the City Council regarding the issuance of encumbrance permits and licenses under this Chapter.

Section ____: **ENCUMBRANCES PERMITS AND LICENSES**

The following encumbrance permits and licenses are regulated under this Chapter:

- A. Projecting Signs;
- B. Projecting Flags;
- C. Sidewalk Encumbrances (A-frame signs, tables, chairs, planters and benches);
- D. Outdoor Dining;
- E. Hawkers and Peddlers;
- F. Vendor Parking Space; and
- G. Construction Encumbrance Permits and Licenses (excludes excavation, flagging and other permits administered by the Department of Public Works)

Section ____: **FEES**

Fees for all permits and licenses shall be established in accordance with Chapter 1, Article XVI, Section 1.1601, relative to the adoption of fees by City Council budget resolution, or by the City Council at such other times as the City Council may determine to be in the best interest of the City.

Section ____: **REQUIRED AND PROHIBITED CONDUCT OF APPLICANT**

Every Applicant that is issued an encumbrance permit or license shall:

- A. Agree to permit the City to conduct all reasonable inspections of the encumbrance area;
- B. Comply with all applicable governing laws, codes, City ordinances, State statutes, and City rules, regulations and policies;
- C. Maintain the encumbrance area in a safe, clean and appropriate manner and take all action necessary to protect public safety;
- D. Refrain from damaging the encumbrance area and restore it to its original condition upon termination of the permit or license except as may be otherwise approved;
- E. Refrain from occupying the encumbrance area after the expiration of the permit or license or at any time during periods of revocation or suspension; and
- F. Remove all structures, fixtures, object, equipment or other encroachments ("Encroachments") from the encumbrance area after the term of the permit or license has expired. If not removed, the City may remove and store all Encroachments and assess a \$250 removal and storage fee. If the fee is not paid, or the Encroachments are not retrieved, ownership of the Encroachments may be forfeited to the City.
- G. Comply with all terms, conditions and other additional requirements set forth in the encumbrance permit or license, including when applicable, an agreement to indemnify the City, to name the City as an additional insured in an amount prescribed and to pay all permit and license fees.

Section _____: DENIAL, SUSPENSION, REVOCATION AND PENALTIES

A. Denial and Temporary Suspension:

The City may deny or temporarily suspend any encumbrance permit or license if it interferes with special events or for any maintenance or construction which requires closure or encumbrance of any public road, right-of-way, sidewalk, parking space, loading zone or other City property.

B. Suspension and Revocation:

Encumbrance permits and licenses will be suspended or revoked for breach of the terms and conditions of the permit or license and for failure to comply with this Chapter. The encumbrance permit or license will be suspended 48 hours after receipt of written notice from the City. No 48 hours' notice is required if it is an emergency.

C. Penalties:

Any person who violates this ordinance or the terms and conditions of the encumbrance permit or license issued pursuant to this Chapter, including those who fail to obtain permits and licenses, shall be subject to all penalties set forth in City Ordinance, Chapter 1, Article XIII and all other additional remedies permitted by law.

IT Department Language Options for Discussion:

Existing

The Information Technology Department shall be responsible for acquisition, maintenance and coordination of all computer hardware, software and related information technology for all elements of the municipal government, including the Charter Departments, except that the Charter Departments shall retain those Information Technology functions which by law or practice are unique and specific to the particular Charter Department. In its exercise of this authority, the Information Technology Department, or a Charter Department as appropriate, shall secure prior approval from the Finance Department for all technology acquisitions.

Proposed (Feb/March meetings)

The Information Technology Department shall be responsible for the acquisition, maintenance, coordination, security and regulatory compliance of the City's information technology including devices, connectivity, computer and network hardware, software and related information technology for all elements of the municipal government including the Charter Departments. The Chief Information Officer is charged with fulfilling the priorities and vision of the leadership of the Charter Departments in order to ensure the specific needs of the Charter Departments are met.

Proposed (May 12)

The Information Technology Department shall be responsible for the acquisition, maintenance, coordination, security and regulatory compliance of the City's information technology including devices, connectivity, computer and network hardware, software and related information technology for all elements of the municipal government and the Fire Department. The Police Department and School Department information technology systems are unique to their environments. The Police and School Department shall coordinate and collaborate closely with the Information Technology Department to ensure that all IT functions align with best practices, take advantage of cross-training opportunities, leverage opportunities for greater efficiency and implement the deployment of software solutions across all departments when appropriate. Nothing in this section shall be deemed to limit any authority vested in the City Council and City Manager under the Charter. All technology acquisitions must receive prior approval from the Information Technology Department, in addition to the Finance Department.

HR Department Language Options for Discussion:

Existing

The Human Resource Department shall be responsible for the development and administration of all programs and policies of the municipal government relating to the employment of the individuals who perform the work of the City. This responsibility shall extend to the Charter Departments with respect to those human resource functions common to all departments. The Charter Departments shall retain those human resource functions which by law or practice are unique and specific to the particular Charter Department. (Amended 3/19/2001)

Proposed (Feb/March)

The Human Resources and Negotiations Department shall be responsible for those functions that support the hiring, training, and retention of a skilled and effective workforce. Functions include recruitment and employee relations and records as well as benefits administration and compliance with labor laws and regulations. These human resource functions are common to all departments, including the Charter Departments. Additionally, the Department shall represent the City Manager, the School Board, the Fire Commission, or the Police Commission, as appropriate, in the negotiation and administration of all collective bargaining agreements to which the City of Portsmouth is a party.

Proposed for May 12 Meeting

The Human Resources and Negotiations Department is responsible for functions that support the hiring, training, and retention of a skilled and effective workforce. These functions include recruitment, employee relations and records, benefits administration, and compliance with labor laws and regulations. Some departments—such as the Police and School Departments—have unique environments and needs, requiring close cooperation and coordination to ensure both respect for those specific needs and adherence to best human resources practices and legal requirements. Additionally, the department represents the City Manager, School Board, Fire Commission, or Police Commission, as appropriate, in negotiating and administering all collective bargaining agreements involving the City of Portsmouth.