

MINUTES
City Council Legislative Subcommittee
Rescheduled to Monday, February 9, 2026, at 8:30 a.m.
Conference Room A, 1 Junkins Ave., Portsmouth, NH

1. Greetings. Mayor McEachern began the meeting at 8:32 a.m. In attendance were Mayor McEachern, Assistant Mayor Kelley, Councilor Cook and Councilor Flynn. Staff in attendance were Nathan Lunney, Deputy City Manager of Finance and Administration and Jane Ferrini, Senior Assistant City Attorney.
2. Approval of April 4, 2025 Minutes. Assistant Mayor Kelley moved and Councilor Cook seconded a motion to approve the April 4, 2025 minutes. The motion passed unanimously.
3. Review of City's Legislative Principles – The Committee discussed amending the existing Legislative Principles and adding several new principles that align with the recently adopted City Council goals.

Assistant Mayor Kelley moved and Councilor Flynn seconded a motion to amend (*shown in italics*) Legislative Principle #7 as set forth below. The motion passed unanimously:

7. Support *policies that encourage resiliency and sustainability, protect, enhance and preserve the natural and built environment* and increase energy efficiency and renewable energy production.

Assistant Mayor Kelley moved and Councilor Flynn seconded a motion to add Legislative Principle # 21 as set forth *in italics* below. The motion passed unanimously.

21. *Support legislation that expands the development, availability and affordability of childcare.*

Assistant Mayor Kelley moved and Councilor Cook seconded a motion to add Legislative Principle # 22 as set forth *in italics* below. The motion passed unanimously.

22. *Support legislation that supports public transportation.*

Councilor Cook moved and Assistant Mayor Kelley seconded a motion to add Legislative Principle # 23 as set forth *in italics* below. The motion passed unanimously.

23. *Support policies or legislation that support local businesses and nonprofits.*

Council Cook moved and Assistant Mayor Kelley seconded a motion to approve the Legislative Principles as amended. The motion passed unanimously.

Council Cook moved and Councilor Flynn seconded a motion to approve the Legislative Subcommittee's Procedures for Submission of Testimony. The motion passed unanimously.

Assistant Mayor Kelley stated that she would put the Legislative Principles as amended and the Procedures for Submission of Testimony on the February 17, 2026 Agenda under her name for Council approval.

4. Discussion of bills for the City to register in support or opposition:
 - A. The Mayor discussed his testimony in support of SB 634 - Hotel Occupancy bill. The Mayor gave some history of the City's support of similar bills over the years. Councilor Flynn asked if other Mayors supported the bill, and the Mayor said that there had been broader support in prior years for other versions of the bill that targeted funds to first responders or tourism, but the current version did not include those provision so there was less support this year. The Mayor noted that the bill is not supported by the Mayors' Roundtable due to the Mayors' split opinions on the bill. (Senate voted ITL)
 - B. ECC2: HB 1800 and HB 1787 – The Committee noted the ECC2's written testimony in opposition for payment of excess SWEPT to the State in both bills.
 - C. School Board Chair Lisa Rapaport was invited by the Committee to discuss a draft of an open letter to the Governor on the risks of statewide open enrollment (HB 751). The Committee discussed how the path for approving the bill without hearings was highly unusual and Councilor Cook stated that it was a nongermaine amendment made on the Floor. Chair Rapaport said that the letter was drafted by the School Board Adequacy Network. The Committee discussed how, if an open enrollment bill passed, it would cause chaos with area agreements. The Committee asked Chair Rapaport if the bill passed, could a municipality prohibit students from leaving the district and prohibit out of district students from coming in. Chair Rapaport said that theoretically they could. Deputy City Manager Lunney stated that it is likely that the "0" in and "0" out vote would create legal standing to challenge the law.

The Committee discussed its concerns: the bill fails to address transportation of special ed students; the negative financial impact to receiving schools if sending schools are only obligated to pay between 80 to 100 percent of receiving district's cost per public; and the negative impact on schools losing a large number of students. Councilor Cook noted that open enrollment works very differently in other states because those states contribute a significant amount of per public education costs and NH does not. The Committee thanked Chair Rapaport for bringing the letter, and the list of unanswered questions on the bill compiled by various school districts, to its attention.

5. Mayors' Roundtable update – Mayor:
 - A. The Mayor discussed the Mayors' Roundtable written testimony in support of two risk pool bills, SB 605 and HB 1474, that would create two different risk pools (assessment and nonassessment) and require separate oversight and governance provisions for each risk pool and a longer time to pay assessments.
 - B. The Mayor discussed the Mayors' Roundtable written testimony in support of SB 626, a bill that would define citizens in Right to Know statute as New Hampshire Residents.
6. The Committee discussed the bills on the attached bill list. Senior Assistant City Attorney Ferrini noted that the list is just a recommendation to the Committee.

The Committee discussed three bills that would have allowed Newington to be exempt from last year's law that permits multi-family development in commercial zones (HB 1010, HB 1065 and HB 1349). Assistant Mayor Kelley was particularly concerned that Representative Meuse and Representative Mandelbaum sponsored HB 1349 because the majority of their constituents are from Portsmouth, and she requested that they report back to the Committee either by coming to the next meeting or in writing their reasons for sponsoring the bill.

The Committee discussed HB 1474, a bill that would substantially reduce the City's meals and rooms distribution by approximately 72 %. Staff noted that the towns with the biggest reductions are identical to the "donor town" communities.

The Committee asked for further information on HB 1648, a bill regarding homestead exemptions and SWEPT before supporting or opposing it. The Committee had a discussion about how this bill might redistribute the SWEPT burden throughout the state, with higher value homeowners and commercial property bearing an increased burden for SWEPT. The Committee requested more information on how the bill would apply given the City's current assessed property values before deciding whether to support or oppose the bill. The Committee also wanted more information about HB 1648, a bill regarding the regulation of homestead foods before taking a position on the bill.

Councilor Cook proposed that the Committee change HB 1303 from track to support. It is a bill that authorizes municipalities to adopt zoning ordinances related to the protection, management, or replacement of tree canopy. The Committee agreed that this bill is supported by the amendment to Legislative Principle #7 as amended. Councilor Cook also proposed that the City support, rather than track SB 633, a bill that would permit arts organizations to charge a surcharge to fund the Council on the Arts. The Mayor noted that this bill would be supported by proposed Legislative Principle # 23 above and the Committee agreed.

Assistant Mayor Kelley moved and Councilor Cook seconded a motion to approve the bill list as amended. The motion passed unanimously.

7. Adjournment: Assistant Mayor Kelley made a motion to adjourn seconded by Councilor Cook. The meeting adjourned at 10:05 a.m.

Meeting minutes prepared by:

Jane Ferrini
Senior Assistant City Attorney