

LEGISLATIVE SUBCOMMITTEE  
MINUTES

MEETING DATE: JANUARY 20, 2016

MEETING LOCATION: City Manager's Conference Room, City Hall, Portsmouth, NH

MEETING TIME: Called to Order 10:59 a.m. Adjourned 12:45 p.m.

PRESENT: Committee Members: Mayor Jack Blalock, Assistant Mayor Jim Splaine, Councilor Chris Dwyer, Councilor Eric Spear. Staff attending meeting: City Manager John Bohenko, Assistant City Attorney Jane Ferrini.

EXCUSED: None

1. The Committee discussed its authority to submit testimony on behalf of the City and issues raised regarding getting timely approval for submission of testimony. The Committee discussed how testimony had been submitted to House and Senate Committees in the past. Assistant Mayor Splaine discussed right to know issues.
2. The Committee discussed the creation of a Standing Policy for Legislative Positions/Principles.

The Committee discussed the following proposed Principles for Legislative Positions:

- 1) Advocate to maintain local authority.
- 2) Authorize local options.
- 3) Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth.
- 4) Advocate for municipal representation on state committees.
- 5) Support incentives for regional cooperation.
- 6) Support plans to fund/support infrastructure.
- 7) Support incentives for sustainability.
- 8) Support directing revenues to the purposes for which they are raised.
- 9) Support measures that increase the efficiency of local government operations;
- 10) Maintain and improve life and safety issues.

Councilor Spear moved that the Committee adopt the 10 principles for legislative positions. Councilor Dwyer seconded the Motion. The Committee voted unanimously to approve the 10 principles 4-0.

Assistant Mayor Splaine emphasized that if testimony was to be submitted on behalf of the City it would be important not to indicate support of a

particular bill number because bills are amended throughout the session and can evolve into something altogether different than what was originally proposed. Assistant Mayor Splaine emphasized that staff can give information and state information that supports above principles if those principles are adopted by City Council, but not state support of a particular bill.

3. Committee Authority. Committee discussed its authority.

Councilor Spear moved that the Legislative Sub-committee may take positions on legislation it believes to be in the best interest of the City of Portsmouth using the legislative principles on behalf of the City Council. Councilor Dwyer seconded the Motion. The Committee voted unanimously in favor of the Motion 4-0.

The Committee discussed the need for more frequent meetings to address providing testimony using the legislative principles at State Legislative Subcommittee hearings that are scheduled with short notice. The Legislative Subcommittee will meet on Mondays one half hour before regular City Council meetings and at 8:00a.m when the City Council is not meeting.

4. The Committee discussed the authority of the Mayor and City Staff to submit testimony if time is not sufficient for Subcommittee or Council Vote.

Councilor Spear moved that the Mayor and City staff act on behalf of the City Council to provide testimony regarding State legislation when time does not permit a full discussion and vote by the Legislative Subcommittee or whole Council. Councilor Dwyer seconded the Motion. Mayor Blalock, Councilor Dwyer, Councilor Spear voted in favor, Assistant Mayor Splaine voted against. The Motion passed 3-1.

5. The Committee Discussed staff membership in State Associations and Professional Boards that take positions on pending legislation. The Committee discussed that City staff members should be able to submit testimony on behalf of their State Associations or Professional Boards. The Committee discussed recommending to the City Council that City staff members who are members of State Associations or Professional Board be allowed to testify on behalf of their Association or Professional Board. The Committee further recommended that this testimony will specifically state that the testimony is not on behalf of the City but is submitted on behalf of the Association or Professional Board. All such testimony will be reviewed by City Staff before submission.
6. The Committee reviewed and discussed the draft Agenda for Legislative Subcommittee meeting with Delegates on January 25, 2016. Assistant Mayor Splaine requested that several copies of all bills listed on Agenda be available for the meeting.

7. The Committee again discussed the right to know issue raised by Assistant Mayor Splaine at length. Assistant Mayor Jim Splaine discussed his email raising the right to know issue in response to email sent by Jane Ferrini requesting approval and comment on draft testimony on behalf of City for submission the following day. Assistant Mayor Splaine read his email to the Committee. The email stated that if the Committee voiced approval through email would circumvent the right to know law, his preference for the City Council to consider positions set forth in the testimony and relayed his approval of the City's ability to provide general factual information about each bill without taking a position on the bill. A discussion ensued. City Manager John Bohenko stated that no right to know law was violated because the original testimony was not submitted, no meeting was held, no violation took place and no motions were made. Copies of revised testimony from Mayor as Mayor and business owner on HB 1214 and testimony from Councilor Dwyer on HB 1428 were distributed, along with testimony from Councilor Dwyer on HB 1697 regarding uber that had been approved by City Council.
  
8. The Committee discussed presenting a Report of the Legislative Subcommittee regarding its recommendations and votes at today's meeting on the next City Council Agenda. The Committee also discussed that it would propose that the City Council vote to support legislation regarding the Hotel occupancy fee and restoration of SAG funding. The Committee agreed to meet every Monday while the House and Senate are in session. The meetings will take place one half hour before a City Council meeting and at 8:30 a.m. when there is no Council meeting.