



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
FRIDAY, July 1, 2022
11:00 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)**

1. Welcome and Call to Order
2. Roll Call
3. Committees/Ordinances Review
 - a. Discussion of Parks/Recreation Options – Staff Briefing
 - b. Audit Committee
4. Committee Rotation Schedule – Review Appointment Timeline
5. Mid-Year Council Report – Review Slides
6. Public Comment
7. Other Business
 - a. Public Art Ordinance/Public Art Review Committee
 - b. Historical Archive Blue Ribbon Committee
 - c. Review Sidewalk Policy
 - d. Review and Establish Donations Policy
 - e. Recommend Community Campus Process
 - f. Other Business
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/85815833850>

Meeting ID: 858 1583 3850
Passcode: 845164

Board/Commission/Committee	Established by	Reporting to	Terms	BR or Standing	Challenge
Arts & Nonprofits	Council	City Council	2 years by Mayor	BR	not reappointed
Audit Committee	Ordinance	City Council	3 years	Standing	rotation?
African Burying Ground Stewardship Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	not reappointed
Board Of Health	Ordinance	City Council			defunct
Board of Plumbing Examiners	Ordinance	City Council			defunct
Building Code Board of Appeals	Ordinance	City Manager	5 years	Standing	rotation?
Building Commission	Ordinance				defunct?
Cable Television and Communications Commission	Ordinance	City Council	2/3 years	Standing	
Cemetery Committee	Ordinance	City Council	2 years by Mayor	Standing	rotation?
Citizens Advisory Committee	CDBG/HUD	City Manager		Standing	
Citywide Neighborhood Committee	Council	City Council	2 years by Mayor	BR	
Conservation Commission	RSA - Ordinance	State	3 years	Standing	rotation?
Demolition Committee	Ordinance	City Council	as necessary	as necessary	appointment
Economic Development Commission	Ordinance	City Council	4 years	Standing	rotation?
Ethics Board	Ordinance	City Council	Elected Drawn	Standing	
Fee Schedule Study Committee	?	City Council	Elected Appointed	Standing	
Governance Committee	Council	City Council	Elected Appointed	Subcommittee	
Historic District Commission	RSA - Ordinance	State	3 years	Standing	rotation?
Housing Authority Board	RSA - Ordinance	PHA - City Council	5 years	Standing	one vacancy?
Land Use Committee	Council	City Council	Elected Appointed	Subcommittee	
Legislative Subcommittee	Council	City Council	Elected Appointed	Subcommittee	
Library Board of Trustees	Ordinance		3 years	Standing	rotation?
Microenterprise Advisory Committee	Ordinance	City Council	3 years	Standing	defunct
Parking and Traffic Safety Committee	Ordinance	City Council	3 years	Standing	rotation?
Pease Development Authority	RSA	State	Appoint Member	Standing	
Pease Development Authority Port Subcommittee	PDA	PDA	Appoint Member	Standing	vacant
Peirce Island Committee	Ordinance	City Council	2 years by Mayor	Standing	voted to sunset
Personnel Appeals Board	Ordinance/Charter		as needed	Active - as Needed	In Charter
Planning Board	RSA - Ordinance	State	3 years	Standing	
Planning and Development Council	Ordinance			Standing	staff recommends sunset
Prescott Park Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	
Portsmouth Economic Development Loan Program Board	?	City Manager	3 years	Standing	defunct
Portsmouth Energy Advisory Committee	Council	City Council	2 years by Mayor	BR	
Portsmouth Heritage Museum Board	Ordinance				new historical archive
Portsmouth Housing Endowment Fund Advisory Board	Ordinance	City Manager	3 years	Standing	BR Committee
Prescott Park Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	
Prescott Park Master Plan Implementation Committee	?	City Manager		Standing	
Public Access Financial Advisory Committee (telecommunications)	Ordinance	City Council		Standing	
Recreation Board	Ordinance	City Council	3 years	Standing	
Renewable Energy Policy Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	defunct
Rockingham Planning Commission	RSA	State	Appoint 2 Members	Standing	only 1 appointment
Safe Water Advisory Group	Council	City Council	?	?	
Sister City Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	
Skateboard Park Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	
Site Review Technical Advisory Committee	?	Planning Board	Staff Only	Standing	
Strategic Planning Committee for Vaughn-Worth Bridge Revitaliz	Council	City Council			staff recommends sunset
Sustainable Practices Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	no re-appointments?
Trees and Public Greenery Committee	Ordinance	City Manager	3 years	Standing	rotation?
Trustees of the Trust Funds	RSA	State/City Council	3 years	Standing	
Vaughan Mall Blue Ribbon Committee	Council	City Council	2 years by Mayor	BR	staff recommends sunset
Veteran Organization	?				
Zoning Board of Adjustment	RSA - Ordinance	State	5 years	Standing	rotation?/vacancies
Seacoast MPO-Technical Advisory Committee*	?	City Manager		Standing	remove from list

*part of Rockingham Planning Commission

DRAFT
6/23/2022

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III – **BOARDS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE III: BOARDS

Section 1.301: CREATION

There shall be established the following Boards in the City of Portsmouth:

- A. Planning Board
- B. Recreation Board
- ~~C. Board of Health~~
- ~~D. Board of Plumbing Examiners~~
- EC.** Board of Library Trustees
- FD.** Personnel Advisory Board
- GE.** Board of Trustees of the Trust Funds
- HF.** Zoning Board of Adjustment
- IG.** Building Code Board of Appeals
- ~~J. Portsmouth Heritage Museum Board (Adopted 9/19/88)~~

Section 1.302: APPOINTMENTS, TENURE AND REMOVAL

- A. All appointees to Boards shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term or until a successor shall have been appointed and qualified.
- B. Records of attendance shall be kept by the Chairmen of Boards and Commissions appointed by the City Council. The attendance records of Boards and Commissions shall be reported to the City Council on an annual basis. If a member notifies the Chairman of the Board or

Commission prior to a meeting that he will not be able to attend the meeting due to sickness, vacation or out of town business travel, such absence will be considered an excused absence and so noted in the minutes of the meeting and the attendance sent to the Council. The City Council shall declare vacant the office of any member who has unexcused absences from more than one-third of the regularly scheduled meetings of the board or commission in any calendar year.

- C. In the case of appointees who must be removed pursuant to State Statute, the Chairman of the Board or Commission shall notify the City Council in writing of any members in violation of the previous paragraph and such violation may be found by the City Council to be neglect of duty and may be grounds for dismissal.
- D. Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper.
- E. Eligibility for appointment to Municipal Boards 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 Municipal Board shall become ineligible to remain on that Municipal Board in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

Section 1.303: PLANNING BOARD

- A. Membership: The Planning Board of the City shall consist of nine (9) members and two (2) alternate members, specifically; (Adopted 1/23/95)
 - 1. The City Manager, or the designee of the City Manager with the approval of the City Council, who shall be an ex-officio member;
 - 2. An administrative official of the City selected by the City Manager who shall be an ex-officio member;
 - 3. A member of the City Council selected by the Mayor with the approval of the Council, who shall be an ex-officio member;
 - 4. Six residents of the City appointed by the Mayor with the approval of the City Council.
 - 5. Two (2) alternates who shall be residents of the City appointed by the Mayor with the approval of the City Council. (Adopted 1/23/95)

- B. Term: All Planning Board members shall serve as such without compensation and the appointed members shall hold no other municipal office except ward official, election official and checklist supervisors. The term of each appointed member shall be three (3) years. The Mayor shall apportion appointments so that no more than three appointments occur annually. (Amended 6/3/2002)
- C. Powers: The Planning Board shall have those powers and perform those duties identified by State law and local ordinance. (Amended 3/22/93)

Section 1.304: RECREATION BOARD

- A. Membership: The Recreation Board shall consist of ten members, namely the City Manager as a member ex-officio and nine persons appointed by the Mayor.
- B. Term: All board members shall be residents of Portsmouth and shall serve for a three year term without compensation. Appointments will be apportioned and appointed members shall hold no other municipal office.
- C. Functions: The Recreation Board shall perform the following functions:
 - 1. Assist the Recreation Director in planning a city wide recreation program.
 - 2. Advise the City Manager in regard to recreational policy.

~~Section 1.305: BOARD OF HEALTH~~

~~The Board of Health shall consist of 5 voting members appointed by the Mayor and City Council. The Health Officer shall serve as an ex-officio member of the Board and shall vote only in the case of tie votes. (Amended 5/3/93)~~

- ~~A. Term: The appointed members of the Board shall serve three year terms.~~
- ~~B. Composition: The Board shall represent a cross section of the community health delivery system. One member shall be a physician, one member shall be a nurse with public health background, one member shall have a background in environmental sanitation and one member shall be consumer oriented.~~
- ~~C. Meetings: The Board shall meet at least semi-annually. Additional meetings may be called by the Mayor, City Manager, City Attorney, or at the request of the three members of the Board on five days notice;~~

~~which notice may be waived in an emergency. Minutes of all meetings shall be filed with the City Clerk.~~

~~D. Functions: The Board shall perform the following functions:~~

- ~~1. Formulate general policies regarding public health in the City.~~
- ~~2. Act as an advisor to the Environmental Health Officer and the City Manager.~~
- ~~3. Propose for adoption by the City Council ordinances pertaining to environmental health and/or health consistent with State and Federal law.~~
- ~~4. Prepare an annual report concerning public health in Portsmouth and submit the same to the City Council at the end of each calendar year.~~
- ~~5. Perform other health related duties which the City Council assigns to the Board from time to time.~~

~~(Section 1.305 amended 9/22/97 by deletion of Subsection C Qualifications.)~~

~~Section 1.306: BOARD OF PLUMBING EXAMINERS~~

~~A. Membership: The Board of Plumbing Examiners shall consist of three members, namely the Plumbing Inspector as Chairman, and two persons appointed by the City Manager.~~

~~B. Term: One of the appointed members shall be a master plumber who has been engaged for at least five years in the plumbing business in New Hampshire and the other members shall be appointed from the Department of Health. Each member shall serve for a term of three years without compensation. All members of the Board shall be residents of Portsmouth.~~

~~C. Functions: The Board of Plumbing Examiners shall perform the following functions:~~

- ~~1. Examine and pass upon all applicants, whether as masters, employing plumbers or journeymen plumbers in the City.~~
- ~~2. Issue a license valid in the State to such person who shall successfully pass the required examination for plumbers.~~

~~3. Maintain a register of the names and places of business of all persons to whom a plumber's license has been granted.~~

~~D. Issuance of Licenses: The Board of Plumbing Examiners shall issue a license valid for one year, which license shall be renewed yearly upon proper application. The license shall not be transferable and examination shall not be required of the same person more than once in the City.~~

Section ~~1.307~~ 1.305: BOARD OF LIBRARY TRUSTEES

- A. Membership and Term: The Board of Library Trustees shall consist of nine members and at least one of these members shall be a member of the Board of Education. All members shall be approved by the Mayor and shall be subject to the approval of the City Council. With the exception of the first appointments made under this authorization, all appointments shall be for a three year term and no member shall be eligible for more than two consecutive terms. First appointments made under this authorization shall be for such terms as will provide for three member's terms to expire each year.
- B. Powers and Duties of the Board of Library Trustees:
1. Adopt bylaws, rules and regulations for the conduct of its own business and choose its own officers.
 2. To determine objectives which will result in the continuing growth and improvement of library services and to establish policies necessary for the attainment of these objectives.
 3. Establish policies necessary for the operation of the library.
 4. Finances:
 - a. Prepare the annual budget for the Library in consultation with the librarian and present the same to the City Manager.
 - b. Receive and expend the income from all trust funds, donations and bequests made to the City for the benefit of the Library in accordance with the wishes of the done.
 - c. Expend all monies received from fines, payments for lost or damaged books, fees for providing non-resident services and other miscellaneous income.

5. To recommend to the City Manager the appointment of the City Librarian and staff librarians.
6. To prepare and present annual reports to the City covering all phases of the operation of the Library and to make an annual report to the N.H. State Library as may be required by the State Library Commission.
7. Saving Clause: To perform all other acts necessary for the management and control of the Library.

Section ~~1.308~~ 1.306: PERSONNEL ADVISORY BOARD

- A. Establishment: The Personnel Advisory Board shall be established in conformity with Section 49 of the Amended Charter of the City of Portsmouth, 1947, as amended.
- B. Functions: The Personnel Advisory Board shall perform the following functions:
 1. Exercise all power and perform all duties as stated in Section 49 of the Amended Charter of 1947, as amended.

Section ~~1.309~~ 1.307: BOARD OF TRUSTEES OF TRUST FUND

- A. Establishment: The Board of Trustees of the Trust Funds shall be established in conformity with Section 67 of the amended charter of the City of Portsmouth, 1947.
- B. Functions: The Board of Trustees of Trust Funds shall perform the following functions:
 1. Exercise all power and perform all duties as stated in Section 67 of the amended Charter of 1947.
 2. Receive all trust funds which may donated or bequeathed to the City or any department thereof, unless otherwise provided or required.
 3. Distribute income and principle in accordance with the purpose for which the trusts were established.

Section ~~1.310~~ 1.308: ZONING BOARD OF ADJUSTMENT

- A. Membership and Term: The Zoning Board of Adjustment shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of Portsmouth, appointed for terms of five years by the Mayor with the

approval of the City Council. Appointments shall be apportioned, and the Board shall annually elect a Chairman for its membership.

Members and alternates shall serve without compensation and shall hold no other municipal office except ward official, election official and checklist supervisors. The Mayor shall submit the names of appointees to the council within thirty days after a vacancy occurs. (Amended 6/3/2002; amended 03/15/2021)

B. Functions: The Zoning Board of Adjustment shall perform the following functions:

1. Exercise all power and perform such duties as stated in Chapter 673:3 of New Hampshire Revised Statutes Annotated. In addition the Board shall have those powers as set forth in the Zoning Ordinance of the City of Portsmouth, Chapter 10, of this revised Code of Ordinances. (Amended 6/3/2002)

Section ~~1.311~~ 1.310: BUILDING CODE BOARD OF APPEALS

It is the intent of the City of Portsmouth to establish a Building Code Board of Appeals. This ordinance authorizes the City Council to establish said Board and directs the reader to Chapter 12 of these Ordinances (City Building Code), for the specifics regarding the appeal process, membership, member qualifications, conflicts of interest, hearings, board decisions, and administration of the Building Code Board of Appeals. (Adopted 7/9/90)

~~Section 1.312: PORTSMOUTH HERITAGE MUSEUM BOARD (Adopted 9/19/88)~~

~~A. Purpose: The Portsmouth Heritage Museum Board is hereby created to encourage the development of a facility which would provide the location for display, acquisition and safe-keeping of various items which in the opinion of the Board have special historical significance to the City of Portsmouth.~~

~~B. Membership: The Portsmouth Heritage Museum Board shall consist of five members. One shall be the Mayor (ex-officio), one shall be the City Manager (ex-officio), one shall be the Director of the Library (ex-officio), and two citizens of Portsmouth, one shall be appointed by the Mayor and one person shall be appointed by the Trustees of Prescott Park.~~

~~C. Term: Membership shall be for a term of two years. One appointment shall be made each year except at the initial organization of the Board.~~

~~D. Duties and Powers of the Board:~~

- ~~1. Adopt bylaws, rules and regulations for the conduct of its own officers.~~
- ~~2. Determine objectives which will result in the continued growth and improvement of the Portsmouth Heritage Museum, subject to the approval of the City Council.~~
- ~~3. Recommend to the Library Director policies necessary for the operation of the Museum.~~
- ~~4. Recommend an annual budget to the Library Director.~~
- ~~5. Promote the acquisition through loan or gift of those articles of historical significance to the City presently in private ownership.~~
- ~~6. Develop and recommend to the City a long-range plan for the preservation and safe-keeping of historically significant artifacts.~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

DRAFT
6/23/2022

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV – **COMMISSIONS AND AUTHORITIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

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. (Adopted 9/22/97)

~~**Section 1.402: BUILDING COMMISSION**~~

~~**A. Membership: The Building Commission shall be a Board consisting of five members, who shall be the head of the Health Department, the head of the Fire Department, the head of the Planning Department, the Inspector of Wires and Poles and the Plumbing Inspector.**~~

~~**B. Powers and Duties: The powers, duties and procedures of the Building Commission shall be those set forth in Chapter 14 of this Code, Sections 14:114 through 14:118.**~~

~~**Section 1.403** **1.402: ECONOMIC DEVELOPMENT COMMISSION**~~

A. Membership and Term: The Economic Development Commission shall consist of nine (9) qualified regular members and one alternate member. They shall be appointed by the Mayor subject to the approval of the City Council for a term of four years. The Mayor and City Manager shall also serve as ex-officio members of the Economic Development Commission whose terms shall correspond to their respective tenure of office. (Amended 9/22/97)

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 ~~1.404~~ 1.403: HISTORIC DISTRICT COMMISSION

There is hereby established an Historic District Commission and it shall have the powers prescribed in RSA 31:89a – 31:89(1) together with any amendments hereinafter enacted by the General Court and as further defined in this Section and in Article X, Chapter 10 of the Zoning Ordinances of the City of Portsmouth.

A. Membership and Term

1. Membership: The Historic District Commission shall consist of seven members and two alternates appointed by the Mayor with the approval of the City Council. One of the members shall be a City Council member and another may be a Planning Board member as provided by State Law. At least two members shall be residents of the Historic District and at least one member shall be a person owning or being employed in a business within the Historic District. All appointees must be residents of Portsmouth. All members are required to have demonstrated interest in and commitment to promote the purposes of historic districting as stated in this Ordinance. A member's term serving at the time of enactment of this Ordinance shall not be affected. Future appointments, however, shall be filled in accordance with the provision of this Section. (Amended 9/21/98; Amended 11/22/2010; amended 03/15/2021)
2. Term: The members of the Commission shall be appointed for three-year terms. In the event a vacancy is created, an interim appointment shall be made in accordance with the procedures

described above to complete the unexpired term. All members shall serve without compensation.

3. Attendance: Records of attendance shall be kept by the Commission. The attendance records shall be reported to the City Council on an annual basis. If a member notifies the Chairman of the Commission prior to a meeting that he will not be able to attend the meeting due to sickness, vacation, or business obligations such absence will be considered an excused absence and so noted in the minutes of the meeting. The appointed alternate shall serve in the absence of a member. The City Council shall declare vacant the office of any member who has unexcused absences from twenty-five percent or more of the regularly scheduled meetings of the Commission in any quarter.

B. Organization, Meetings and Rules

1. The Commission shall annually elect a Chairman, Vice-Chairman and Secretary from the appointed members and create and fill such other offices, as it may deem necessary to fulfill its work during the first meeting of July. The Commission shall meet at the call of the Chairman and at such other times as the majority of the Commission may determine, and shall adopt rules for the orderly conduct of meetings. Minutes of all meetings shall be kept and all records and meetings of the Commission shall be open to the public.
2. Quorum: In order for the Historic District Commission to issue a Certificate of Approval or Notice of Disapproval, at least five members must be present to constitute a quorum for the conduct of such business, and a majority of the members voting in the affirmative shall be required to issue a Certificate of Approval. (Adopted 9/25/89)

C. Powers and Duties

1. The Historic District Commission, consistent with the powers specified in the preamble of this Section, shall review and approve or disapprove all applications for construction, alteration, repair, moving and/or demolition of buildings or structures located within an historic district(s) before any building, demolition, or other permit may be issued by the Building Inspector, subject, however to the provision of the Scope of Review as specified in Article X, Section 10:1004. The review shall be limited to the exterior of the building(s) or structures and shall not apply to the interiors thereof.

2. The Building Inspector shall notify the Chairman of the Historic District Commission within seven working days after receipt of any application for permit, which is subject to the Scope of Review and conditions of this Ordinance.
 3. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority, either a Certificate of Approval or a Notice of Disapproval following the review and determination of the application. Said certificate shall be filed with the Building Inspector within thirty calendar days after the filing of the application for said certificate, unless the applicant shall agree in writing to a longer period of time. No building permit shall be issued until a Certificate of Approval signed by the Chairman or Vice-Chairman has been filed with the Building Inspector. In the case of disapproval, such notice shall be binding upon the Building Inspector and no permit shall be issued. Failure to file said certificates within the specified period of time shall be deemed to constitute approval of the Historic District Commission.
 4. The Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer and such other administrative officials who may possess information pertinent to the application. The Commission may request advice from such professional, educational, cultural or other groups as may be deemed necessary for the determination of a reasonable decision. The Historic District Commission may request the City Manager to have persons present whose input is deemed necessary.
 5. The Commission may request such technical assistance and consultants as may be deemed necessary to carry out the purpose of this Ordinance subject to funding, if necessary, by the City Council.
 6. The Historic District Commission shall have the power to adopt by-laws, rules and regulations necessary for the conduct of business providing the same have been approved by the City Council. The Commission also shall prepare and issue guidelines to assist the applicants in determining the appropriateness of the applicant's proposal.
- D. Appeal: Any person aggrieved by a final decision of the Historic District Commission shall have a right of appeal to the Board of Adjustment as provided by State Law. Any such appeal shall be filed with the Board of Adjustment within thirty days of the date of final decision of the Historic

District Commission. Any person aggrieved may apply to the Commission for a rehearing. Upon the filing of application for rehearing, which must include a written statement with reasons for the request, the Commission shall either grant or deny the same. In the event such a rehearing is granted, the Commission shall schedule the rehearing for the next regularly scheduled Commission meeting, except at the request of the Petitioner. (Adopted 9/25/89)

Section ~~1.405~~ 1.404: HOUSING AUTHORITY

- A. Membership, Qualifications, Tenure: The Housing Authority shall consist of five commissioners appointed by the Mayor to apportioned five year terms. The qualifications, tenure, and succession of the said commissioners shall be those set forth in Chapters 203-5 through 203-7 of the N.H. RSA.
- B. Power: The Housing Authority shall constitute a public body corporate and politic, exercising public and essential governmental functions within the provisions of Chapter 203-8 N.H. RSA, and all other provisions of the Housing Authority Law of N.H. as contained in said Chapter 203.

~~Section 1.406: PLANNING AND DEVELOPMENT COUNCIL~~

~~A. Membership and Terms: The Planning and Development Council shall consist of nine members:~~

~~Chairman and one member of the Planning Board;
Chairman and one member of the Economic Development Comm.;
Chairman and one member of the Portsmouth Housing Authority;
Chairman and one member of the Conservation Commission;
City Manager.~~

~~The City Manager shall be the Chairman of the Council. Members shall serve terms of four years with the exception of the first members appointed to this Commission:~~

~~2 shall be appointed for one year;
2 shall be appointed for two years;
2 shall be appointed for three years;
2 shall be appointed for four years.~~

~~B. Powers and Duties~~

- ~~1. The Council shall advise the City Council on such matters as it deems appropriate for the City Council to consider in the development of planning goals, objectives and programs for the City of Portsmouth in the several areas represented by the membership of the Council.~~
- ~~2. The Council shall act as coordinating and information exchanging agency for city planning and development.~~
- ~~3. The Council shall meet monthly and shall submit a semi-annual report of its activities including recommendations to the City Council to include record of the vote and any minority report, if the minority members wish to file such a report.~~
- ~~4. The Directors of the several departments and agencies represented by the members of the Council shall function as advisors to the Council.~~

Section ~~1.407~~ 1.405: CONSERVATION COMMISSION

- A. Authority to Establish, Purpose: The City Council of the City of Portsmouth, New Hampshire, hereby does adopt the provisions of Chapter 36-A of the RSA of the State of New Hampshire which chapter authorizes the establishment of a conservation commission, for the promotion and development of the natural resources and for the protection of watershed resources of the City.
- B. Establishment, Duties and Powers: There hereby is established the Portsmouth Conservation Commission which shall consist of seven members and two alternates to be appointed by the Mayor with the approval of the Council. The duties and powers and terms of membership shall be set forth in said Chapter 36-A. (Amended 8/16/99)

Section ~~1.408~~ 1.406: CABLE TELEVISION AND COMMUNICATIONS COMMISSION (amended in its entirety 2/26/96)

- A. Membership, Qualifications, Tenure: The Cable Television and Communications Commission shall consist of five (5) commissioners and one alternate commissioner appointed by the Mayor subject to confirmation by the City Council. Of the initial appointments, three shall be of three (3) years and two shall be for two (2) years. Thereafter, all appointments including the alternate commissioner shall be for a term of three years. The alternate commissioner shall attend all Commission meetings and may vote at any time when there are less than five commissioners otherwise voting. (Amended 10/3/05)

Commissioners shall be residents of the City of Portsmouth at the time and during the terms of their appointments. Commissioners shall be familiar with the general concepts underlying the operation of cable television.

- B. The Commission shall have the authority to establish standing subcommittees on matters pertaining to the operation and performance of cable companies within the City.

Such subcommittees shall serve in an advisory capacity to the Cable Commission. In the first instance, the standing Sub-committees shall consist of:

Government/Education Access Channels, I-Net System and Customer Service. The Commission shall have the right to appoint non-Commission members to subcommittees; when possible, the Commission shall attempt to use Portsmouth residents for such appointments. If the Commission wishes to appoint a non-Portsmouth resident who has skills helpful to the Commission's work; the Commission shall have the authority to make such an appointment.

- C. Powers: In addition to establishing the standing Sub-Committees referenced above, the Commission shall have the authority to eliminate such Sub-Committees and create new ones as the Commission deems appropriate. The Commission shall oversee the operation of the existing Cable Television Franchise Agreement and any future agreements, which the City Council may approve.
- D. The Commission shall meet as often as deemed appropriate and necessary to insure the proper operation of the Franchise Agreement. The Commission shall, upon request of the City Council, submit written or verbal reports of its activities.

Section ~~1.409~~ 1.407: PORTSMOUTH HOUSING ENDOWMENT FUND ADVISORY BOARD

- A. The PHEF Advisory Board shall consist of seven (7) voting members, specifically:
1. A realtor maintaining an office in the City of Portsmouth (residential real estate), who shall be a resident of Portsmouth;
 2. A residential real estate banker, who shall be a resident of Portsmouth;

3. A local appraiser, who shall be resident of Portsmouth;
4. A City resident;
5. A representative of the Portsmouth Housing Corporation;
6. An administrative official of the City from the Bureau of Community & Economic Development, who shall be an ex-officio member;
7. An administrative official of the City from the Legal Department, who shall be an ex-officio member.

All members shall be appointed by the Mayor and Council with the exception of the City officials who shall be designated by the City Manager.

B. Term: The appointed members of the Board shall serve a three-year term and shall serve without compensation.

C. Powers:

1. Formulate general policies regarding the operation of the program including application criteria;
2. Establish specific policies as the need may arise dictated by the program demands;
3. Advise the City Manager and City staff with regard to the operation of the program;
4. The Advisory Group shall not have the authority over the investment of the PHEF Trust, which function shall remain with the Trustees of the Trust Funds.

D. Meetings: The Advisory Group shall meet at least semi-annually and may be called by the City Manager, the City staff representatives or upon the request of the Advisory Board on five (5) days notice, which notice may be waived in an emergency.

(Section 1.409 Adopted in its entirety 5/20/96)

~~**Section 1.410: MICROENTERPRISE ADVISORY COMMITTEE**~~

~~**A. The Microenterprise Advisory Committee shall consist of seven (7) voting members: (Amended 9/22/97)**~~

- ~~1. An Attorney~~
- ~~2. Two (2) Accountants or Commercial Loan Officers (Amended 9/22/97)~~
- ~~3. Four (4) owners of small businesses, (businesses with ten (10) or fewer employees, including the owner) (Amended 9/22/97)~~

~~All members shall be appointed by the Mayor and City Council. Preference will always be given to Portsmouth residents unless there is an overriding reason for selecting an individual who is employed in Portsmouth, yet is not a resident.~~

~~B. Term: The members of the Committee shall serve a three-year term and shall serve without compensation.~~

~~C. Powers:~~

- ~~1. Formulate general policies regarding the operation of the program, including application selection criteria.~~
- ~~2. Establish specific policies as the need may arise dictated by the program demands.~~
- ~~3. Advise the City Manager and staff with regard to the operation of the program.~~

~~D. Meetings: The advisory Committee shall meet at least semi-annually and may be called by the City Manager, the City staff or upon the request of the Committee on five (5) days notice, which notice may be waived in an emergency.~~

~~Section 1.411: PEIRCE ISLAND COMMITTEE~~

~~A. Membership and Term: The Peirce Island Committee shall consist of not less than twelve (12) or more than eighteen (18) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council for a term of two (2) years, coterminous with the City Council term.~~

~~B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting the development and use of Peirce Island, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Peirce Island Trust Fund. Nothing herein shall~~

~~limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. (Amended 5/17/99)~~

~~C. It shall be the responsibility of the Peirce Island Committee to encourage the use and enhancement of Peirce Island in the manner which maximizes the value and use of the island for the residents of the City of Portsmouth while minimizing the impact on the environmental condition and natural beauty of the island.~~

Section ~~1.412~~ 1.408: PARKING AND TRAFFIC SAFETY COMMITTEE
(Adopted 11/21/2011)

The Parking and Traffic and Safety Committee shall be established and shall have the duties and authority as described in Chapter 7, Article I of these ordinances.

Section ~~1.413~~ 1.409: TREES AND PUBLIC GREENERY COMMITTEE
(Adopted 10/21/2013)

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

Section ~~1.414~~ 1.410: AUDIT COMMITTEE

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter- Section 7.4 INDEPENDENT AUDIT.

- A. **Membership and Term:** The Audit Committee shall have five (5) voting members who shall be appointed by the Mayor and confirmed by the City Council, two members shall be City Councilors. The City Manager shall be a member of the Committee with voice, non-voting. Audit Committee members, other than the City Councilors, shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The initial terms of the members of the Committee shall be for three (3) year terms except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2- year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B. **Duties and Powers:** The primary purpose of the Audit Committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City council as to next steps.

Section ~~1.415~~ 1.411: CEMETERY COMMITTEE

- A. **Membership and Term:** The Cemetery Committee shall consist of not less than twelve (12) or more than eighteen (18) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council for a term of two (2) years, coterminous with the City Council term.
- B. **Powers and Duties:** The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the

solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.

- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

CITY COUNCIL
PRESENTATION - JULY 11, 2022

GOVERNANCE COMMITTEE MID-YEAR UPDATE

WORK ACCOMPLISHED

- Reviewed City Council Rules and made recommendations to the Council for adoption
 - Specifically reviewed Rule 43B for improvements to the Public Dialogue Process
 - Recommended no change for Rule 41, Address by the Public, to allow flexibility
 - Codified the practice of making “friendly amendments” in Rule 13B
- Reviewed the Ethics Ordinance, revised the Ordinance, and made recommendations to the Council for adoption
- With four former Mayors, reviewed the proposal by Councilor Denton to change the City Charter to elect Councilors by ward

ONGOING WORK

- Reviewed the Ordinance for Defunct Boards, Commissions, and Committees, with recommendations forthcoming to the Council on ordinances to sunset
- Reviewing the Administrative Ordinance Chapter I, Articles III-IV for recommended changes to the Board, Commission, and Committee structure
- Reviewing Board, Commission, and Committee terms to bring in line with the rotation envisioned in the RSAs and Ordinance

FUTURE TASKS



REVIEW POLICIES OF THE CITY FOR REVISIONS AND ADDITIONS, INCLUDING BUT NOT LIMITED TO THE SIDEWALK POLICY, PUBLIC ARTS POLICIES, AND A POTENTIAL DONATION POLICY



MAKE RECOMMENDATIONS TO THE COUNCIL AROUND PUBLIC ENGAGEMENT IN THE COMMUNITY CAMPUS PROCESS



COMPLETE A FURTHER REVIEW OF COUNCIL PRACTICE AND MAKE RECOMMENDATIONS FOR AREAS OF IMPROVEMENT