

ARTICLE VIII: CODE OF ETHICS

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. **Charged Party:** That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.
- B. **Complaint:** Any written communication meeting the requirements of Section 1.806 (A).
- C. **Complainant:** The person making the Complaint.
- D. **Employee:** The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- E. **Ethics Investigation Officer (EIO):** That person serving in the capacity as described in Section 1.805.
- F. **Governing Body:** The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.
- G. **Officer:** The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.
- H. **Official Duties:** The term "Official Duties" shall mean the following:
 - 1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
 - 2. In the case of members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority, those duties and responsibilities set forth in the legislation that established each board and/or outlines the duties and responsibilities of each board.
 - 3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.
- B. **Representing Private Interests Before City Agencies:** No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.

Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.

- C. **Representing Private Interests Before Courts:** No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. **Disclosures of Interest in Legislation:** A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. **Disclosures by Officer or Employee of Interest in Legislation:** An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. **Gifts and Favors:** No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. **Disclosures of Confidential Information:** No officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. **Investments in Conflict with Official Duties:** Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.

- I. **Incompatible Employment:** No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for public censure, fine, suspension or removal from office or, in the case of Employees, disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from employment.

Section 1.804: BOARD OF ETHICS

- A. A Board of Ethics is hereby created. This Board shall consist of five persons: two members shall be selected from the City Council and one member each from the School Board, Police Commission and Fire Commission. The City Attorney (ex officio) or such other legal counsel (ex officio) shall provide legal advice and support for the Board. The Board members shall be selected by lot and drawn at the first meeting of the calendar year of the governing bodies.
- B. Each Board Member selected is required to serve unless the Board Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).
- C. The Board of Ethics Member shall elect a chairperson and may adopt such rules for the conduct of their business as they see fit. The Board shall have the power to draw upon City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

Section 1.805: ETHICS INVESTIGATION OFFICER

- A. The position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO shall be admitted to the practice of law in the State of New Hampshire and shall have sufficient experience and training to conduct the investigation.
- B. In the event the Complaint is against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in consultation with the Mayor.

Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARINGS

- A. **Complaint Requirements.** Any person may submit a written complaint alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge, and set forth specific facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be

delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall provide promptly a copy of the Complaint to the Charged Party.

B. Review for Sufficiency.

1. A Review for Sufficiency will be conducted within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.
2. The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either is the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.
3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party.
4. If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficiency does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

- C. Investigation Phase. The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty five days (45) unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO may take the following actions as a result of the investigation:

1. Dismiss the Complaint with a written decision describing the reasons for such action;
2. In the event of a minor or unintentional violation of this Ordinance by an Employee who is not the City Manager, or in the event of a proposed stipulation with the Charged Party, refer the matter to the City Manager with a recommendation for action which may include training or other discipline;
3. In the event of a minor or unintentional violation of this Ordinance by an Officer, with regard to the Charged Party, refer the matter directly to the Governing Body with a recommendation for action that may include training, admonition or public censure only;

4. In the event of a proposed stipulation with the Charged Person who is an Officer, refer the matter to the City Council for consideration of the stipulation and the EIO's recommendation; or
5. Refer the matter to the Board of Ethics for a hearing.

D. Board of Ethics Hearings.

1. Within 21 days of the referral, the Board shall hold a preliminary hearing at which the EIO, in the first instance, presents the EIO's initial investigation efforts, any findings, and any recommendations for next steps. At the Preliminary Hearing the Board shall set a schedule, adopt procedural rules as may be necessary including determining whether the hearing will be public or non-public and how recorded, determine the extent to which the EIO will have a continuing role, and establish any other matters necessary to conduct a fair and full hearing. The Charged Party shall be given notice at least five (5) business days in advance of this Preliminary Hearing.
2. The Charged Party shall be entitled to be represented by legal counsel at their own expense and to reasonably participate and be heard at any hearing. The Charged Party shall have the opportunity to examine the Complainant, to summon witnesses and to present evidence.
3. For any hearing on the merits of the Complaint, the Board of Ethics shall make reasonable efforts to schedule the hearing on a date and at time that is acceptable to the Charged Party and any legal counsel. The Charged Party shall be given notice at least fourteen (14) days in advance of the merits hearing. The hearing on the merits shall be held within sixty (60) days of the referral from the EIO.
4. The Charged Party and the Board of Ethics may mutually agree to waive any notice requirement or to extend any deadline in this section.
5. The Board shall issue a written decision within thirty (30) days of any final hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation has been found, the Board shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.

Section 1.807: DISPOSTION AND SANCTION

- A. In the event that the Board of Ethics determines that any Officer or the City Manager committed a violation of this Ordinance, the City Council may take any of the following actions:
- a. Vote for removal pursuant to the City Charter as amended;
 - b. Vote to publicly censure or admonish the offending member;
 - c. Vote to place the matter on file; or
 - d. Vote to overturn the finding of a violation.

- B. In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.
- C. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

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ARTICLE VIII: CODE OF ETHICS

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

A. Charged Party: That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.

B. Complaint: Any written communication meeting the requirements of Section 1.806 (A).

C. Complainant: The person making the Complaint.

D. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.

E. Ethics Investigation Officer (EIO): That person serving in the capacity as described in Section 1.805.

F. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.

A.G. Officer: The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.

~~B.A. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.~~

~~C. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.~~

D.H. Official Duties: The term "Official Duties" shall mean the following:

1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
2. In the case of members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority, those duties and responsibilities set forth in the legislation that established each board and/or outlines the duties and responsibilities of each board.

3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.

- B. Representing Private Interests Before City Agencies: No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.

Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.

- C. Representing Private Interests Before Courts: No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.

- D. Disclosures of Interest in Legislation: A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.

- E. Disclosures by Officer or Employee of Interest in Legislation: An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.

- F. Gifts and Favors: No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.

- G. Disclosures of Confidential Information: No officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.

- H. Investments in Conflict with Official Duties: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.

- I. Incompatible Employment: No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for public censure, fine, suspension or removal from office or, in the case of Employees, disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from employment.

Section 1.804: BOARD OF ETHICS

- A. ~~There~~A Board of Ethics is hereby created ~~and established a method for appointing a Board of Ethics.~~ This Board shall consist of five persons: ~~one member each two members shall be selected by lot~~ from the City Council, ~~and one member each from the School Board, Police Commission and Fire Commission~~ ~~and the~~ The City Attorney (ex officio) or such other legal counsel (ex officio) ~~that shall provide legal advice and support for the Board should decide.~~ The Board ~~member~~members shall be selected by lot and drawn at the first meeting of the calendar year of each of the governing bodies.
- B. ~~The members of Each Board Member selected is required to serve unless the Board Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).~~
- C. ~~The Board of Ethics Member shall elect a chairperson. They shall and may adopt such rules for the conduct of their business as they see fit and they. The Board shall have the power to draw upon the various City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.~~

Section 1.805: ETHICS INVESTIGATION OFFICER

- A. ~~The~~ position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO shall be admitted to the practice of law in the State of New Hampshire and shall have sufficient experience and training to conduct the investigation.
- B. ~~In the Advisory Opinions: Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of the officer or employee involved.~~
- C. ~~Hearings and Determinations: Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.~~
1. ~~Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor~~

~~or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.~~

B. event the Complaint is against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in consultation with the Mayor.

Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARINGS

A. Complaint Requirements. Any person may submit a written complaint alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge, and set forth specific facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall provide promptly a copy of the Complaint to the Charged Party.

B. Review for Sufficiency.

1. A Review for Sufficiency will be conducted within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.

The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either

2. ~~If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.~~

2.3. ~~If complaint shall~~ the Complaint is deemed insufficient, the Complainant will be notified in writing of that ~~fact~~ decision with a copy provided to the Charged Party.

4. ~~The~~ If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficiency does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

C. Investigation Phase. The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty five days (45) unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO may take the following actions as a result of the investigation:

1. Dismiss the Complaint with a written decision describing the reasons for such action;
2. In the event of a minor or unintentional violation of this Ordinance by an Employee who is not the City Manager, or in the event of a proposed stipulation with the Charged Party, refer the matter to the City Manager with a recommendation for action which may include training or other discipline;
3. In the event of a minor or unintentional violation of this Ordinance by an Officer, with regard to the Charged Party, refer the matter directly to the Governing Body with a recommendation for action that may include training, admonition or public censure only;
4. In the event of a proposed stipulation with the Charged Person who is an Officer, refer the matter to the City Council for consideration of the stipulation and the EIO's recommendation; or
5. Refer the matter to the Board of Ethics for a hearing.

D. Board of Ethics Hearings.

1. Within 21 days of the referral, the Board shall hold a preliminary hearing at which the EIO, in the first instance, presents the EIO's initial investigation efforts, any findings, and any recommendations for next steps. At the Preliminary Hearing the Board shall ~~hold a hearing which may be public or private at the discretion of the Board and set a schedule, adopt procedural rules as may be necessary including determining whether the hearing will be public or non-public and how recorded,~~ determine the extent to which the EIO will have a continuing role, and establish any other matters necessary to conduct a fair and full hearing. The Charged Party shall be given notice at ~~which the accused party~~ least five (5) business days in advance of this Preliminary Hearing.
2. The Charged Party shall be entitled to be represented by ~~Counsel~~ legal counsel at his or her ~~their~~ own expense and to reasonably participate and be heard at any hearing. The Charged Party shall have the opportunity to examine the ~~party making the complaint~~ Complainant, to summon witnesses and to present evidence ~~on his or her behalf. If the~~.
3. For any hearing on the merits of the Complaint, the Board of Ethics shall make reasonable efforts to schedule the hearing on a date and at time that is acceptable to the Charged Party and any legal counsel. The Charged Party shall be given notice at least fourteen (14) days in advance of the merits hearing. The hearing on the merits shall be held within sixty (60) days of the referral from the EIO.

~~3.4. The Charged Party and the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805 of Ethics may mutually agree to waive any notice requirement or to extend any deadline in this section.~~

4. ~~Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.~~
5. ~~Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.~~
6. ~~All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.~~
7. ~~All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.~~
 5. The Board shall issue a written decision within thirty (30) days of any final hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation has been found, the Board shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.
8. ~~The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.~~
9. ~~The statements of the findings of the Board shall be issued upon the request of any person charged.~~

Section 1.805: ~~ENFORCEMENT~~807: DISPOSTION AND SANCTION

- A. ~~Sanctions: In the event that the Board of Ethics determines that any officer~~Officer ~~or employee subject to its control, has engaged in any act prohibited by the City Manager committed a violation of this ordinance or failed to make a mandated disclosure, the governing body shall~~Ordinance, the City Council may take any ~~one~~ of the following steps~~actions~~:

1. ~~In the case of the Governing body members:~~

- a. Vote for removal pursuant to the City Charter as amended;
- b. Vote to publicly censure or admonish the offending member;
- c. Vote to place the matter on file; or
- d. ~~Vote for innocence of any wrong doing~~

- ~~2. In the case of all officers and employees the governing body, consistent with the Merit System and any applicable bargaining agreements, shall:~~
- ~~a. Vote for removal~~
 - ~~b. Vote for dismissal~~
 - ~~c. Vote for suspension for a definite period~~
 - ~~d. Vote for the censuring~~
 - ~~e. Vote to place the matter on file~~
 - ~~f. Vote for innocence of any wrongdoing.~~
- d. Vote to overturn the finding of a violation.

B. In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.

BC. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, - violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

~~(Adopted In Its Entirety 4/4/88)~~