



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE  
WEDNESDAY, September 28, 2022  
10:00 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)\**

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1. Welcome and Call to Order
2. Roll Call
3. Committees/Ordinances Review
  - a. Public Art Ordinance/Public Art Review Committee
  - b. Cable Television and Communications Commission – Proposed Changes
  - c. Committee Appointments Rotation Policy
4. Other Business
  - a. Auditor Rotation Policy
5. Public Comment
6. 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/88025729216>**

**Meeting ID: 880 2572 9216**  
**Passcode: 311590**



## CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-06

### PUBLIC ART REFERAL and ACQUISITION POLICY

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

The City Council shall establish a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all city departments<sup>1</sup>.

Whenever from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the standing committee.

The standing committee will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

All donated, acquired or commissioned works of *outdoor* art shall include a cash stewardship donation of at least 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The standing committee will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

<sup>1</sup> The Trustees of the Portsmouth Public Library have their own policy for art acquisition. The committee will defer to the Trustees of the Library for art acquisition at the Library.

The committee, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time-to-time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is decommissioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **December 21, 2009**.

Ratified by the Portsmouth City Council on January 19, 2010.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.

Ratified by the Portsmouth City Council on January 16, 2018.

Ratified by the Portsmouth city Council on January 8, 2020.

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Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk



## CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014 - 02

**REMOVE**

### POLICY REGARDING PUBLIC ART

**WHENEVER** from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the Public Art Review Committee (PARC).

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **June 16, 2014**.

Ratified by the Portsmouth City Council on January 11, 2016.

Ratified by the Portsmouth City Council on January 16, 2018.

Ratified by the Portsmouth City Council on January 8, 2020.

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Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

## **ARTICLE XVII: FUNDING OF PUBLIC ART**

### **Section 1.1700: STATEMENT OF PURPOSE**

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

### **Section 1.1701: DEFINITION OF PUBLIC ART**

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

#### **This definition shall not include:**

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

### **Section 1.1702: PUBLIC ART COMMITMENT**

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

**Section 1.1703: PUBLIC ART TRUST**

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

**Section 1.1704: EXEMPTION**

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section 1.1701 if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors. In those cases, the public art associated with the project should be placed on other publicly owned property within the city, at the determination of the Council. Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project. (Amended 06/19/2017)

**Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS**

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
  - 1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
  - 2. Refer the question to a standing committee for public art which may be created by the City Council under such terms and conditions as it may establish, or;
  - 3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
  - 4. Seek such other advisory recommendation as the City Council deems appropriate
- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

**Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART**

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

**Section 1.1707: FUNDING ACCEPTED**

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

This ordinance also authorizes the Council to accept donations with a designated purpose to commission works of public art to be placed on public property. The commissioning process shall follow the same procedures outlined in the ordinance for public art associated with capital expenditures by the City.

(Adopted 9/18/2006 to become effective August 21, 2007, Edited 6/21/2022)

## PUBLIC ART REVIEW COMMITTEE (PARC) – Draft Ordinance

- A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager’s appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

- B. Public Art Defined: For purposes of this Public Art Review Committee, “public art” shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

Public art does not include objects that are mass-produced from a standard design or reproductions of original art works unless of limited edition; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage or color coding except where these elements are integral parts of an original work of art; and logos, corporate identifiers or other forms of branding and advertising.

- C. Powers and Duties: The PARC shall have the following responsibilities:

1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.



2. To ~~assist the city as requested through~~accept referrals from the City Council ~~and land use boards in the review of applications including~~or any other public body concerning public art, ~~and preparation of planning documents including guidelines, master plans, zoning ordinance, and strategic planning documents where they relate to~~ and art: issues generally.

~~3.3.~~ To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.

4. To collaborate with the city on the acquisition, maintenance and marketing of ~~the Public Art Collection,~~its public art<sup>[SMW1]</sup> and develop a stewardship policy.

45. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.

56. Initiate public forums where appropriate for determining thematic approaches and location options for public art.

67. Determine recruitment strategies to attract qualified artists for public art projects.

78. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art. ~~This should include, but is not limited to, participating in the review project briefings organized by the city and Project Planning Committee that describe the construction project, context, timeline and funding.~~

89. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.

910. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council.

~~1011.~~ To recommend to the City Council, as requested, replacement members to the PARC when they arise.

12. Identify and solicit funds to supplement the public art budget.

13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.

€D. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.

€E. Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited, to:

1. Assessing available and potential resources in the Public Art Trust.

2. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.

3. Emphasizing public art projects that advance economic development opportunities.

- F. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art. ~~The PARC shall not, however, be authorized to expend any such funds without the consent of The Trustees of Trust Funds.~~<sup>[SMW2]</sup>

## **PUBLIC ART REVIEW COMMITTEE (PARC) – Draft Ordinance**

- A. **Membership and Term:** The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager’s appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

- B. **Public Art Defined:** For purposes of this Public Art Review Committee, “public art” shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

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1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.

2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.
  3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.
  4. To collaborate with the city on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.
  5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.
  6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.
  7. Determine recruitment strategies to attract qualified artists for public art projects.
  8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art.
  9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.
  10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council.
  11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.
  12. Identify and solicit funds to supplement the public art budget.
  13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.
- D. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.
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1. Assessing available and potential resources in the Public Art Trust.
  2. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
  3. Emphasizing public art projects that advance economic development opportunities.
- F. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.



## CITY OF PORTSMOUTH

**DRAFT**

CITY COUNCIL POLICY No. 2022-

### AUDITOR ROTATION POLICY

The City of Portsmouth is committed to transparent financial processes. The City Council is committed to providing accountability over city financials to foster public confidence in local government.

The City Council oversees a full accounting of all financial information of the city annually through an independent, comprehensive external audit. As a result, the City Council shall require an RFP process for selection of an auditor every five years or earlier, if needed. The City Council shall also require the Principal Auditor and engagement team, and the audit partner responsible for reviewing the audit, be changed every five years, at a minimum, to maintain audit independence.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on \_\_\_\_\_.

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Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

**Section 1.408: CABLE TELEVISION AND COMMUNICATIONS BROADBAND INTERNET 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 as well as the delivery of broadband internet services via multiple physical transport methods.

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

Such subcommittees shall serve in an advisory capacity to the Cable and Broadband Internet 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.~~ Powers: The Commission shall oversee the operation of the existing Cable Television Franchise Agreement and any future agreements, which the City Council may approve as well as assist in the negotiation of such agreements. The Commission may, as the need arises, consider the availability and quality of Broadband Internet services delivered via any physical transport (which includes physical cabling or over-the-air delivery) and work to understand the needs and desires of the citizens of the city of Portsmouth. Further, the committee may work with relevant providers to meet those needs and desires as appropriate and as guided by the City Council.
- 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.



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE  
DRAFT MEETING MINUTES**

**MONDAY, August 29, 2022 – 10:00 a.m.**

**Conference Room A**

**City Hall Complex, 1 Junkins Avenue Portsmouth, NH  
03801**

1. **Welcome and Call to Order at 10:03 am**
2. **Roll Call:** Councilor John Tabor, Councilor Vincent Lombardi and Councilor Kate Cook present. Also present was the Deputy City Manager / Deputy City Attorney Suzanne M. Woodland.
3. **Approval of Committee Minutes from meetings of June 13, 2022, July 1, 2022, and July 25, 2022.**  
Motion by Councilor Lombardi, seconded by Councilor Tabor to accept the meeting minutes. All in favor.
4. **Committees/Ordinances to Review**
  - a. **Public Art Ordinance/Public Art Review Committee.**

Councilor Cook invited Nancy Pearson to provide history on the development of Art-Speak and public art guidelines and policies over the years. Big issue/challenge is that there is currently no entity to help the City implement its percent for art ordinance or provide other input on art-related donations or issues.

Councilor Tabor asked Ms. Pearson about art donations and how that was handled historically. Ms. Pearson summarized the past process and the guidelines for accepting public art.

Councilor Cook reviewed the draft Public Art Review Committee (PARC) ordinance and identified key points regarding membership and committee purposes and powers.

There was an exchange among committee members, the Deputy City Manager and Nancy Pearson regarding PARC accepting referrals from the land use boards and how PARC might bring a helpful perspective when there is a question as to whether art is “signage” or “advertising”.

Councilor Lombardi supports the PARC weighing in on public art to be installed on public property. He expressed concern about PARC opining on art on private property.

Councilor Cook reviewed the remainder of the proposed PARC ordinance in terms of meetings, reports and revenue development.

Councilor Cook reviewed proposed changes to Article XVII §1.1704.

Councilor Tabor suggested that it be made clearer that the Chair of PARC would be elected by the committee annually.

Councilor Cook reviewed proposed changes to §1.1707 and there was discussion of how it might be a benefit by triggering a process with regard to donations of art.

Councilor Cook reviewed proposed changes to City Council policy 2009-06. Changes include incorporating policy 2014-02 so there is just one art-related policy. There was discussion about returning to the language of “must” rather than “should” with regard to stewardship funds.

#### **b. Cable Television and Communication Commission Ordinance Change**

Jason Huett introduced himself as a member of the Cable Commission. He reviewed internet delivery methods and current issues. He reviewed the proposed changes to Chapter 1, Article IV §1.408.

Mr. Huett explained the potential benefits to an expanded mission to look at how to encourage competition and remove barriers to better internet delivery.

Governance Committee members were favorably disposed to broader mission. Governance Committee will take this up again at their next meeting.

#### **c. Portsmouth Historical Archives**

Councilor Lombardi reviewed the draft document he prepared with the assistance of the Library Director which outlines membership and mission of a potential blue ribbon committee. Suggests inviting representatives of the Portsmouth Historical Society, Strawberry Banke Museum and Athenaeum to the next Governance Committee meeting to get input.



Discussion of imaging of records.

Councilor Cook opined that from her perspective the purpose of this blue ribbon committee is to have it make recommendations as to next steps.

**5. Other Business**

Councilor Cook inquired when the committee might consider proposed ordinance changes to address stagger / rotation issues. The Deputy City Manager reported that Attorney Robert Sullivan should have a draft for the Governance Committee to consider at its next meeting.

Next meetings: Wednesday, 10:00 a.m. September 21<sup>st</sup>; Monday, 10:00 a.m. October 17<sup>th</sup>; Monday, 10:00 October 31<sup>st</sup>.

**6. Public Comment**

Petra Huda (commented on PARC and proposed changes to Article XVII)

Susan Sterry (support for archives discussion)

**7. Adjournment**

Councilor Lombardi moved to adjourn, seconded by Councilor Tabor. All in favor, the meeting adjourned at 11:30 a.m.

Meeting Minutes prepared by  
Suzanne M. Woodland  
Deputy City Manager / Deputy City Attorney

Approved by Governance Committee on: \_\_\_\_\_