



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, October 31, 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)**

1. Welcome and Call to Order
2. Roll Call
3. Review and Approval of Minutes
4. Old Business
 - a. Parks and Green Spaces – Eric Eby, City Engineer
 - b. Committees/Ordinances Review
5. New Business
 - a. Donations Policy
 - b. Upcoming Committee Topics
 - Sidewalk Policy
 - Review of Conflict of Interest
 - Rule 43A
6. Public Comment
7. 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/82896289935>

Meeting ID: 828 9628 9935
Passcode: 394972



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

MONDAY, OCTOBER 17, 2022 – 10:00 a.m.

Conference Room A

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

- 1. Welcome and Call to Order at 10:09 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 and City Attorney Susan Morrell.
- 3. Committees/Ordinances to Review**
 - a. Committee Appointments Rotation Policy.**

Councilor Cook reviewed draft language for section 1.302 to improve the stagger of terms on several boards and committees.

Councilor Lombardi suggests deference should be paid to alternates and letting them have an opportunity to apply for open positions; otherwise, supports stagger language in the current draft.

Councilor Tabor is generally supportive of trying to improve stagger.

Councilor Cook emphasized that this proposed change would not affect the term of anyone who is currently sitting on a board, committee or commission. It is for future appointments.

The suggestion was made to add language that Mayor should consider alternatives when making appointments. In addition, the Deputy City Manager proposed additional language to the current draft, specifically “to the extent permitted by law” to accommodate the variety of boards, committees and commissions. Councilor Cook will work on developing a next version based on comments.

b. Appointments Schedule

Councilor Cook summarized the concern about appointments to boards, committees and commissions post-election of a new City Council, but prior to swearing-in in January. She seeks opinion from other councilors on topic.

In response to Councilor Lombardi's question, City Attorney Susan Morrell explained there is no date set in the State statutes for when terms for the land use boards in particular expire and new appointments get sworn in.

Councilor Tabor tends to lean toward adjusting termination so that an incoming City Council makes more appointments rather than the outgoing City Council.

Councilor Lombardi suggested that June is a good date for expiration of terms of board members.

Councilor Tabor expressed there was no consistency in what we have now.

Councilor Cook advised that Audit Committee, EDC, Planning Board, Trustees of Trust Funds, and Board of Adjustment all have members whose term expires between election and swearing in of new City Council.

Discussion about how to shift these appointments.

Councilor Lombardi suggested appointments be later than January so as not to overburden new Mayor.

Discussion of whether to get input of former Mayor Spear and Ferrini.

4. Agenda for Parks Discussion with Recreation Board, Conservation Commission, Trees and Public Greenery, and possibly the Planning Board

Committee discussed how to best get input from those boards, committees and commissions that have input on green spaces.

Councilor Lombardi would like the City to look at open space holistically.

Committee identified the questions they see to answer to help frame a further consideration of parks and greenspaces.

- a. How should the City best use or best manage the spaces; and specifically who advocates to add green space view scapes, etc.
- b. What is the right mix of active and passive uses of our green spaces?
 - i. Need a better understanding of what we have for green spaces.
 - ii. How do we take advantage of an opportunity to acquire property when then it arises?
- c. Who should be responsible, at a committee level, for supporting parks and greenspaces?

Committee also discussed briefly how the master planning process will be starting up likely next year and how consideration of greenspaces would fold into that. Committee also discussed how the City's bike/pedestrian planning efforts also factor into this discussion of green and passive recreation spaces. The Deputy City Manager offered to reach out to the Planning Director and Transportation Engineer to see if either one or both is available to attend next meeting to update the committee and provide perspective.

5. Other Business

The Deputy City Manager distributed and briefly discussed the flyer that will be distributed to board, committee and commission members summarizing public records and public meetings requirements. Governance Committee members indicated their support for that effort and also reiterated support for videos and other means for describing the operations and processes of the City.

- a. Next meetings: November 21, 2022; December 12, 2022; Tentatively January 9, 2022 and January 23, 2022.
- b. Upcoming Committee Topics
 - Sidewalk Policy
 - Donation Policy
 - Conflict of Interest

6. Public Comment

There was no public comment.

7. Adjournment

Councilor Lombardi moved to adjourn, seconded by Councilor Tabor. All in favor, the meeting adjourned at 11:26 a.m.

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

Approved by Governance Committee on: _____

DRAFT

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 Library Trustees
- D. Personnel Advisory Board
- E. Board of Trustees of the Trust Funds
- F. Zoning Board of Adjustment
- G. Building Code Board of Appeals

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. **The Mayor shall first consider those alternate members of Boards, Commission, and Authorities who are interested in a full term before appointing others. If the rotation of membership terms is not staggered, the Mayor shall shorten the term of the subsequent appointee, by whatever timeframe necessary, to maintain the rotation of terms envisioned in the ordinance, to the extent permitted by law. The terms of appointees shall fall on schedule with the assigned date of term end, whether or not an appointee stays in the role until a successor is appointed. In accordance, the successor shall fill the remainder of the term no matter the date of appointment.**
- B. **At the first meeting of the Board, Commission, or Authority in January of each year, the committee shall elect a Chair, unless a procedure is otherwise specified in the enabling Section of the Ordinance.** Records of attendance shall be kept by the Chair~~men~~ 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 Chair~~man~~ 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 Chair~~man~~ 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, **and in accordance with Section 1.302A of this ordinance.** (Amended 6/3/2002) **All new appointments to the Planning Board following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on June 31.**
- 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 **in accordance with Section 1.302A of this ordinance. All new appointments to the Recreation Board following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on April 1.**

- 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 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, **in accordance with Section 1.302A of this ordinance.** 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. **All new appointments to the Board of Library Trustees following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on October 1.**

- B.

- C. 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 1.306: 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 1.307: 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 1.308: 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, **in accordance with Section 1.302A of this ordinance**, and the Board

shall annually elect a Chair **man** 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) **All new appointments to the Zoning Board of Adjustment following the adoption of this amendment to the ordinance shall end on June 1.**

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 1.309: 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)

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: 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, **and in accordance with Section 1.302A of this ordinance**, 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) **All new appointments to the Economic Development Commission following the adoption of this amendment to the ordinance, except ex officio appointments, shall end on October 1.**
- 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 1.403: HISTORIC DISTRICT COMMISSION

There is hereby established an Historic District Commission and it shall have the powers prescribed in RSA 31:89a - 31:89(l) 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, **in accordance with Section 1.302A of this ordinance**, 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) **All new appointments following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on June 1.**
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 Chair**man** 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 Chair**man**, Vice- Chair**man** 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 Chair**man** 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 Chair~~man~~ 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 Chair~~man~~ or Vice- Chair~~man~~ 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 1.404: HOUSING AUTHORITY

- A. Membership, Qualifications, Tenure: The Housing Authority shall consist of five commissioners appointed by the Mayor to apportioned five year terms, **in accordance with Section 1.302A of this ordinance**. 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. **All new appointments to the Housing Authority following the adoption of this amendment to the ordinance shall end on April 1.**
- 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 1.405: 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, **and in accordance with Section 1.302A of this ordinance**, 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) **All new appointments to the Conservation Commission following the adoption of this amendment to the ordinance shall end on April 1.**

Section 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, **and in accordance with Section 1.302A of this ordinance**, 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) **All new appointments to the Cable Television and Communications Commission following the adoption of this amendment to the ordinance shall end on April 1.**

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 sub-committees 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 1.407: 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, **and in accordance with Section 1.302A of this ordinance**, 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 1.408: 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. **[FIX IN CHAPTER 7]**

Section 1.409: TREES AND PUBLIC GREENERY COMMITTEE (Adopted 10/21/2013; Amended 08/01/2022)

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of ten (10) voting members including the following: a City Councilor, the City Manager or designee; the 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 staff members listed above, shall be appointed by the Mayor, **and in accordance with Section 1.302A of this ordinance**, with the approval of 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. **All new appointments following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on June 7.**

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 1.410: 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 in accordance with Section 1.302A of this ordinance**, 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. **All new appointments to the Audit Committee following the adoption of this amendment to the ordinance, except ex-officio appointments, shall end on October 1.**

- 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 1.411: 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.

Donations Policy Considerations - Governance

- 1) Donations Fall into Two Overarching Categories
 - a. Donations to Trusts
 - b. General Donations (All Others)
- 2) Types of Donations the City Council Should Vote to Approve
 - a. By law, donations with stipulations must be voted; this includes all grants and designated donations. Others do not require a vote.
 - b. What, if any, is the determining requirement for voting on donations without stipulations?
 - c. Should there should be a stipulation that donations can be refused for any reason? Where are the Conflict of Interest pitfalls?
 - d. What categories of donations should be excluded from Council consideration?
 - i. By Governing Body? Schools, Library, Fire, Police
 - ii. By Type of Donation? In Kind, Physical Items, Cash, Securities
- 3) Fundraising for City Projects Complicates Donations
 - a. Should the policy stipulate a donations procedure when employee or city volunteer has role in fundraising?
 - b. Should we require a pass-through person/organization outside the city for fundraising efforts?
 - c. Developing a process through Finance for approved fundraising donations