



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, March 13, 2023
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. Review and approval of the Minutes from the February 13 and 27, 2023 meetings
 4. Old Business
 - a. Donations Policy Review
 5. New Business
 - a. Cemetery Committee Requested Ordinance Change
 6. Public Comment
 7. Announcements
 - a. Current Committee Schedule
 - Conflict of Interest, Parks – March 27
 - Conflict of Interest, BR Committee Conversions – April 10
 8. Adjournment

****Members of the public also have the option to join this meeting over Zoom using the link below:***

Join Zoom Meeting
<https://us06web.zoom.us/j/89379528608>

Meeting ID: 893 7952 8608
Passcode: 867682



**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
DRAFT MEETING MINUTES
MONDAY, FEBRUARY 13, 2023 – 10:00 a.m.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801**

1. **Welcome and Call to Order** - 10:05 a.m.
2. **Roll Call** – Councilor Cook, Councilor Lombardi, Councilor Tabor all present. Also present was Deputy City Manager/Deputy City Attorney Suzanne Woodland (DCM), Peter Loughlin on behalf of the Trees and Greenery Committee, Tom Watson on behalf of the Prescott Park Master Plan Implementation Committee, Barbara McMillan on behalf of the Portsmouth Conservation Commission, Michael Griffin on behalf of the Trees and Greenery and Cemetery Commission, and Carl Diemer, Chairman of the Portsmouth Recreation Board.
3. **Review and Approval of Minutes** – No action taken.
4. **Old Business**

- a. **Park Discussion**

Councilor Cook shared that that Governance Committee started a discussion about parks about a year ago. Staff input was received previously. Discussion currently centers on getting input from several different committees, those represented here today to evaluate who at the citizen-level is taking a look at strategic planning with regard to parks and open spaces.

Carl Diemer spoke on the history of the Recreation Board. Regarding parks, from his perspective, they typically have someone from the Department of Public Works (DPW) sit on their board for input on maintenance and repairs of fields and buildings. As a Board, they would decide what needed more attention first and that would be something that would be open to public input. The Board would then communicate that to DPW. The Board also suggests programming in some of the parks for recreation purposes, whether it be for adults or children.

The DCM gave input as to where the Recreation Board is established under Chapter 1, section 1.304 Recreation Board. It is a very short ordinance, and it speaks on the Recreation Board's functions. The Recreational Needs Study will also be completed soon. Mr. Diemer highlighted the anticipation for a work session with City Council.

Councilor Lombardi spoke on the health of areas that are not necessarily recreational oriented, but conservation, i.e. the trees, and the health of the spots that have

natural paths or animals paths going through them that people use for passive recreation also need to be looked at and maintained to make sure those are all healthy.

Mr. Watson asked if the Needs survey covered passive recreation like trails and walking trails, and things of that nature. Mr. Diemer said it was to look at not so much new trails, but existing trails and parks. There was additional discussion on future trails.

Councilor Tabor spoke about adding more parks and green spaces within the City. He asked who the advocate amongst the committees is for looking around and asking where there could be more green space. He asked Ms. McMillan if it is the Conservation Committee. He asked who provides input if a person wants to donate land.

Ms. McMillan answered saying part of the Conservation Commission's mission is to protect greenspaces for conservation purposes as authorized by State statutes. She described the efforts made to-date to preserve the Great Bog and acquire other conversation easements within the City. Lately, they have been working with City Council and Planning to secure some funds through the Capital Improvement Plan (CIP) to have funds for conservation and identifying parcels.

Councilor Cook stated all input is helpful to find out who is thinking about a comprehensive plan very broadly with the Master Plan coming up.

Ms. McMillan reported briefly on the Conservation Commission's Open Space Plan and the use of volunteers to monitor properties.

Councilor Cook wanted to ensure everyone knew there was no prejudgment of what will be coming out of the Governance Committee. That is why all were asked to come and have these discussions, sharing thoughts and views so they can make a more informed decision.

Tom Watson spoke on this history of the Prescott Park process. He handed out the Policy Committee Report and a summary of the Master Planning report and spoke about each. He summarized that from his perspective the Recreational Board has been doing well supporting activities and programming. The Conservation Commission had an overview of City greenspace assets. Prescott Park has had the benefit of extensive study in the last 5 years. Maybe of benefit is to determine which committee could look at and create a comprehensive approach to overseeing policies in parks throughout the City (not focused on programming). He also added the committee he presently is attending on behalf of, is designed to sunset as soon as the Park's Master Plan is built out which is a few more years. His view is that moving Prescott Park's responsibilities over to the City Manager with direction has been useful.

Mr. Griffin asked Mr. Watson if the Master Plan takes into consideration the effects of climate change and with what impacts.

Mr. Watson stated it does. There would be need for adjustment for climate changes, for example, the height of the seawall is impacted by climate change and there are plans to move buildings and add subsurface drainage.

Peter Loughlin spoke for the Trees and Greenery Committee. First stating their committee advocates for trees and greenery in public spaces. He gave some history background on what their committee does. Spoke on the 400th anniversary. They are planting 400 trees for the anniversary and 200 extra trees are available for the public. The information and instructions are on the City's website.

Michael Griffin spoke regarding the Cemetery Committee. He gave background about the committee and their upcoming events. DCM added that the public does use the cemetery grounds to walk their dogs to have that greenspace and its serving as a greenspace component within the City. It also serves as a connectivity space for those passive recreation users/walkers. Mr. Griffin also added during COVID shutdown there were many family using the cemeteries for exercise and to be outdoors.

Councilor Lombardi asked to be able to filter "cemeteries" on MapGeo. He believes it would be a good thing to add.

Councilor Tabor asked if there was a key to all the historic gravesites so someone could walk though and see Levi Woodbury? Mr. Griffin answered a member of the Athenium does walk-throughs of the South Cemetery (which is a collection of several cemeteries) twice a year to highlight the historical significance and the people that are there. Sue Polidura provides guided walks at the North Cemetery on a frequent basis, but also we are hoping to erect signage at South Cemetery identifying all the notable people there.

Councilor Tabor spoke further about the advocacy for adding green space. Which is the best entity to advocate for that; what is the policy body for parks. What if there were an expansion of the Recreation Committee to "Parks and Recreation" which would look beyond programming. That is an idea common in other communities. Prescott Park is a unique case that might not fall under a general parks category.

In terms of programming, Councilor Tabor spoke of the open space at Jones Avenue that has a lot of land and some trails. Noted other parks in the City. He visited parks during National Night Out and there was good community attendance. There are hidden gems like the water access on Sagamore Ave, dock behind Seacoast Mental Health and people don't know about that.

Mr. Diemer spoke on the Sagamore Creek area. There are nice trails we could have out there. It's currently underutilized. The Banfield Road access to the Rail Trail is

another spot for expanding trail access. Also Route 33, Great Bog – there are a lot of things we could expand on.

Ms. McMillan put out the question as to what would be the Conservation Commissions role with all of that?

Mr. Diemer suggested that once an idea is created and a site is suggested that the Conservation Commission is brought in as to viability and the Recreation Board would communicate with Conservation when there is an idea or vice versa. Ms. McMillan and Mr. Diemer spoke on working together with lots of communication.

Councilor Cook reminded everyone this is why this group was called together. To reiterate, there is a role for all to jointly work on the planning in advance of the Master Plan. It would be worthwhile to have some joint meetings with the different committees involved in a project. She also suggested having public meetings to get residents to come forward from neighborhoods that maybe do not have resources and want them. It would be helpful to have that open forum discussion around the bigger plan of open space and parks so that individuals could give their ideas and wants.

Councilor Lombardi brought to the attention that most urban places have plazas as well. They are an important piece that may not be green, but are an important public space.

The DCM commended the great work the Conservation Commission has done to look at conductivity, the green spaces and wildlife corridors we have, and future acquisitions. The challenge, in part, is not the lack of good ideas, but a lot of these good ideas cost money. She spoke on how to prioritize the money available keeping in mind all the different costs involved in a specific project. It might be acquisition and maintenance of a building, conservation easements on a property, manpower to run a program, etc. The DCM also made the committee aware that City staff often become aware of available properties for acquisition and do vet them and bring them forward to the City Council if they appear of value.

Tom Watson spoke on the larger committee idea is that you have everyone in room who is balancing competing interests and it's already filtered and has already had public input. This is the case with the Master Plan for Prescott Park; it has two functions: to make recommendations to the City Manager and allow for public input.

Councilor Cook asked the panel if they would like to continue discussions together. Michael Griffin said the Cemetery Committee would like to be kept in the loop. Tom Watson said Prescott Park's future is already planned out and is uniquely situated as to how they would fit in. Councilor Lombardi suggested that Tom Watson would have the experience in creating a plan and thinks that's valuable. Mr. Watson said he would be happy to help.

Ms. McMillan understands the public process but wanted to talk about and understand City staff's role in all of this because they have been handling this and know the background. Councilor Cook said the Council approach City staff first and they are all responsible for all different areas for what are currently park and open areas. There was no clear consensus from the City staff as to what the recommendation should be. That's why you all were brought here to see if you had insight from citizens serving on your boards, committees, commissions. The City staff will be included in further discussions as well for their valuable insight.

The DCM asked Ms. McMillan to send her materials that she may want to have distributed to the Governance Committee.

All Committee Invitees left meeting.

b. Administrative Ordinance

Councilor Cook stated she is still working with the legal department as to what is feasible and what is not. There is research being done and she will bring it back for discussion when she has information from the legal department.

Mr. Tabor asked for a short break. Councilor Cook agreed. (The Committee took a 5-minute break.)

c. Committee Structure

Councilor Cook spoke on committee structure and presented a slideshow in PowerPoint. She noted that when the entire structure is looked at it could be confusing to people. Not all committees report in the same manner.

During the presentation, there was discussion about the Mayor's Blue Ribbon Committees and how they are established. Councilor Lombardi added it may be worthwhile to investigate whether to make some of the existing Blue Ribbon Committees permanent.

General discussion on the several types of committees described in the presentation.

New Business:

Fee Study - Councilor Cook brought a draft motion for discussion. There may be need for a third person on the Fee Committee to avoid a tie-vote.

Councilor Lombardi made a motion to add a third person to the Fee Study Committee. Councilor Tabor seconded the motion for discussion.

Councilor Lombardi asked the Chair if she wanted to suspend rules for public comment on this motion. Councilor Tabor seconded the motion. All in favor.

Public Comment: Petra Huda, 280 South Street: She was on Fee Committee with Councilor Tabor. She gave information as to why this committee is important to forming a budget. She had no opinion as to having a third person.

Councilor Cook seeing no one on Zoom closed public comment and resumed Fee Study draft motion that is on the table.

Councilor Cook asked if there were any other thoughts. Councilor Tabor confirmed fact that a couple of councilors need to look at the fee schedule so that is ready to roll into the budget. I'm not sure we have to burden a third person, other than one incident that occurred. Councilor Lombardi said he would agree with the majority.

Councilor Cook discussed issue. Asked legal question because in the event a third person was required could there be an "alternate" or "standby" person. Or perhaps we say to Council there is no need for a third person on the Fee Study Committee, if anything is referred to the Fee Study Committee beyond its regular scope of work, then it's a simple motion to add a person.

The DCM agreed that would be easiest. Councilor Tabor asked if we could do that on an ad hoc basis. The DCM confirmed, yes given the nature of the committee.

Councilor Lombardi withdrew his motion with the agreement of the second.

Councilor Cook will report back to the Council at next meeting that the Governance Committee has discussed this and the consensus is that the current structure is adequate to deal with its regular tasks but if there is a need to address a task that falls outside its regular order of business, the Mayor should appoint a third member to the committee.

5. Public Comment

No additional public comment.

6. Announcements

Discussed the next series of meetings and topics.

7. Adjournment – Councilor Lombardi moved to adjourn, seconded by Tabor, all in favor. Adjourned at 12:00 p.m.

Draft Meeting Minutes prepared by
Donna D. Splaine, Admin Assistant/Paralegal and DCM Woodland, Deputy City Manager



**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
DRAFT MEETING MINUTES
MONDAY, FEBRUARY 27, 2023 – 10:00 a.m.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801**

1. **Welcome and Call to Order** - 10:02 a.m.
2. **Roll Call** – Councilor Cook, Councilor Lombardi, Councilor Tabor all present. Also present was the Deputy City Manager/Deputy City Attorney Suzanne Woodland (DCM).
3. **Review and Approval of Minutes** – Councilor Lombardi moved to approve the January 29, 2023 minutes. Councilor Tabor seconded. All in favor.
4. **Old Business**

- a. **Donations Policy**

Councilor Cook shared that the DCM is helping to shepherd and draft this policy. The DCM indicated she received input from staff and then reviewed with the Governance Committee changes to the current draft.

During the review of the draft there was an exchange between Councilor Lombardi and the DCM regarding the benefit of a policy versus an ordinance. The DCM indicated that conflict of interest might be best addressed through an ordinance, a policy allows more flexibility and is a bit more forgiving. A policy is easier to adjust if something is not working as planned. Councilor Tabor indicated a preference for a policy.

There was a discussion about how the City handles fundraising events such as silent auctions, and the like, and as to how those are treated within the policy. The DCM will be following up with the Finance Director and others and report back.

General agreement that the City participating in fundraisers is problematical and best to have an outside entity conducting the event and a single check from the fundraiser being delivered to the City for a particular purpose.

Discussion on the language related to lobbyists in section 6 under ineligible donors. Discussion of donations from labor organizations and how that might be impacted. The DCM will try to get additional information.

A bullet point was added for persons and entities with pending applications for permits or other municipal approvals. Councilor Lombardi's question on this is how a developer who offers to give a piece of land and as part of the contract or a swap.

DCM advised that she did not see that as a donation. It's part of a land use approval process. Like we did in the West End Yards for that development to build the new road. So it's mutual consideration. Councilor Lombardi stated he thinks of Mark McNabb who generally wants to improve the sidewalks and things around his buildings and that is similar to that. DCM advised that she doesn't see it as a donation as it is part of development. Councilor Tabor said that it is probably part of a conditional use permit or an exaction process.

In follow-up to an inquiry from Councilor Cook, the DCM indicated that the language as to ineligibility was intentionally narrow by saying "pending applications for permits or other municipal approvals" and does not extend to litigation that can last for years. The City sometimes has residents or entities before a board and we would like to say, finish that approval process first then come to us with whatever donation you want to make. Even though we know the Boards are quasi-judicial, there is just having that bit of separation that might be beneficial.

Councilor Tabor referenced an article by Terry Knowles who has been with the Charitable Division of the Attorney General explaining the different classes of gifts: unrestricted, temporarily restricted (i.e. campaign for Prescott Park) and permanently restricted (i.e. Prescott Park sisters' trust fund). She stated it was important with large gifts to have clarity about the purpose of the gift and who administers it.

The DCM will make copies of article and circulate to the committee members.

5. Parks Discussion and Next Steps

Councilor Cook asked for reflections on last meeting. Councilor Tabor would like to continue the conversation with the various committees represented at the prior meeting. Councilor Lombardi suggested the various committees form some sort of subcommittee. The DCM advised that the Recreation Department is reconsidering its goals and mission as their governing ordinance is thin and they are having conversations beyond programming. The DCM will follow-up with Recreation Board regarding their timeline.

Councilor Cook would like to continue getting input from the Conservation Commission. Councilor Tabor agreed the Conservation Commission knows the most about the land and the inventory of land. He would support a multi-party meeting again. General conversation of when to bring these committees together again. Discussion of how the Climate Action Plan, the Open Spaces Plan, the Cultural Plan interplay in this conversation. Councilor Cook will reach out to the committees and try to facilitate the scheduling of another meeting without the Governance Committee's presence. Councilor Tabor suggested a framing question for them to answer such as: How does the City increase its open space for public use and activate its existing space for recreation and enjoyment?

6. Committee Structure

Councilor Cook suggested focusing on providing more guidance relative to Blue Ribbon Committees – perhaps creating some guidelines as it currently is an informal structure and tradition. Should there be a definition of a Blue Ribbon Committee? Should the Governance Committee look at the current list of Blue Ribbon Committees and see if they should be transformed into a standing committee through ordinance. Councilor Lombardi asked what are the legal requirements with Blue Ribbon versus standing committee. The DCM replied Blue Ribbon committees can be created quickly without three readings of an ordinance. They may also have non-Portsmouth members which can be an advantage. They generally only make recommendations. A checklist could be created to help ensure that Blue Ribbon Committees are launched well. The checklist may include: identification of a specific mission or deliverable; number of members and qualifications; identification of a chair.

Some discussion regarding requirement of residency status to serve on a committee and looking at organizations that serve as members (ex-officio).

There was brief discussion about working with the Clerk's Office and the new Communications Director to make improvements to the Clerk's page as it relates to committees.

7. New Business: No new business.

8. Public Comment:

Jackie Cali-Pitts commented on and had a question about the Recreation Board to which Councilor Cook responded.

9. Announcements:

Next meeting the Committee hopes to conclude the conversation regarding the draft donation policy. Councilor Cook will also follow-up further with regard to the parks conservation with the other committee representatives. Discussion on parks open space. March 27th will be getting into the three different sections of conflict of interest. Councilor Lombardi advised Committee he will need to appear by Zoom on the 27th.

Councilor Cook asked for motion to adjourn. Tabor so moved. Lombardi seconded. All in favor. Meeting adjourned at 11:30 a.m.

Draft Meeting Minutes prepared by
Donna D. Splaine, Admin Assistant/Paralegal and Suzanne Woodland, Deputy City Manager



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2023 -

Donation Policy

1. Objective and Purpose

Donations of every type are offered to the City of Portsmouth for general or specific purposes. This policy will guide the review and acceptance of such donations, confirm that the City has relevant and adequate resources to manage such donations, and ensure that the City appropriately acknowledges the generosity of the donor. Partnership opportunities for donations for community benefits should respect relevant statutory limitations and guidance, honor policy goals and occur within an ethical framework that preserves the integrity of municipal decision-making processes.

The purpose of this policy is to:

- Establish guidelines that ensure donations occur at arm's length from any City decision-making process;
- Provide criteria and process for the acceptance of donations; and
- Confer upon and confirm the authority of the City Manager, the School Board, the Police Commission, the Fire Commission and the Library Board of Trustees, to accept and spend donations consistent with State law, the parameters contained herein, and their adopted policies and practices.

2. Scope

2.1 This policy is intended to encompass all donations made to the City, its boards, committees and commissions, and programs as well as donations requested or encouraged by staff directed to other organizations or community agencies. That stated, this policy is not intended to interfere with or displace the policies and procedures of the School Board, and Library Trustees which have certain authority granted to them under Charter, ordinance, and law. The City of Portsmouth desires to encourage donations, while at the same time considering fiscal impacts and on-going maintenance and operational costs. While this policy predominantly focuses

on material donations, this policy should be considered to have broad applicability for unseen future donations.

2.2 This policy does not apply to:

- a. Donations of public art which are the subject of a separate ordinance and policy;
- b. Individual volunteers who may serve in various capacities within municipal departments as part of an academic or other program, or individual volunteers who assist at various municipal-sponsored or run events, functions or programs;
- c. Gifts to individual employees which are governed by Ordinance under Chapter 1, Article 8 and subject to the policies and procedures implemented by the City Manager;
- d. Grants from any source are not covered by this Donation Policy and must be brought forward to the City Council for acceptance; and
- e. Trust instruments which must be brought forward to the City Council for approval (although the general policy considerations expressed in this policy may be applicable and useful).

2.3 **Definition**

“Donations” are cash and other monetary instruments, tangible property including land, or in-kind contributions directed to the City or its boards, commission, committees, or programs. ~~Donations include items to be auctioned as part of a fundraising event.~~ Donations do not constitute a business relationship since no reciprocal consideration is sought.

2.4 **Examples of Donations:**

- **Memorials:** trees, park benches, plaques
- **Monetary:** including cash from event ticket sales and payments for auction items associated with fundraisers that may be conducted by third parties and donated to the City, as well as gift certificates and discount deals from local businesses and nonprofits
- **In-kind services:** this includes organized multi-person volunteer activities by businesses and non-profits to repair, improve municipal facilities and properties
- **Tangible Items other than Art:** laptops and other equipment, instruments, food

2.5 **Donation Process**

The City Manager shall develop and implement such forms and processes necessary to comply with this policy and work with the Charter Departments and Library Trustee to align their policies and practices as needed for consistency of implementation. If the

donation is for a restricted purpose, that purpose should be clearly defined or described and any time limitation on the expenditure of those restricted funds identified.

3. Accepting Donations

3.1 General Authority

The City may elect to accept or decline any donation. ~~If the donation is not accepted, the City may, at its discretion, notify the donor of the reason the donation was declined.~~

3.2 Accepting Authority

- The School Board shall have authority to accept donations directed to the School Department and its programs provided it is consistent with this policy.
- The Library Board of Trustees shall have authority to accept donations directed to the Portsmouth Public Library and its programs provided it is consistent with this policy.
- The City Manager shall have the authority to accept donations of value of \$100 or less without action by the City Council. The City Manager shall prepare for informational purposes only a quarterly report to the City Council identifying all such donations so accepted. Generally, the name of the donor and the amount of the donation and any program or trust to which the donation was directed will be identified in the report.
- All other donations shall be submitted to the City Council for acceptance.

3.3 Occasionally the City receives cash donations in circumstances in which it is unable or impractical to identify the donor. Such examples include when staff is directed to “keep the change” or to “round up” ~~when making a payment or when there are ticket sales for a fundraising event.~~ Nothing in this policy limits the City’s ability to accept these donations.

3.4 There are donors and situations where it is preferred that the donation be treated as anonymous, to the extent possible, and as may be permitted by the State’s open meeting and public records laws. In addition, some departments, such as the Police Department, prefer to limit certain donor information to the Chief and the Police Commission due to their officers’ enforcement role. Nothing in this policy limits the City Manager’s authority to accept donations in instances where the donation is to be treated as anonymous to the extent allowable by law.

4. General Conditions:

4.1 No advantage is to accrue to the donor (donor's family, business or other close relations or interests) as a result of the donation.

4.2 No donation shall be accepted which violates this policy, the City Charter or ordinances, or any State, federal law or order.

5. Eligible Uses

5.1 Eligible donations are those that support approved programs and services, durable assets; capital facilities or projects; asset improvement, restoration or capital maintenance; or cash for such purposes.

5.2 Donations must be for purposes consistent with the receiving Departments' mandate, programs, services and activities and must be deemed to be in the public interest of the City.

5.3 Donations are only to be accepted if the receiving Department has the capacity to meet the initial and ongoing costs and obligations associated with the gift.

5.4 Donors who wish to make donations that support special purposes to be provided by an organization independent of the City should be directed, where possible, to the intended organization.

6. Ineligible Donors: and Donations

To the extent reasonably practical, donations from ineligible donors should be declined. Ineligible donors include, but are not limited to:

- Persons who may be suffering from mental illness, disability or duress;
- A party, committee, association, fund, or other organization (regardless of incorporation) that is regulated by election laws;
- Any organization that is required to be registered with the secretary of state under the lobbyist registration act;
- Proven or suspected criminal organizations;
- Organizations that promote hatred against individuals or groups; and
- Individuals, businesses, or organizations when adverse to the City in pending litigation.
- Persons and entities with pending applications for permits or other municipal approvals.

Donations from certain persons and entities such as arms manufacturers, certain drug manufacturers/distributors, and tobacco companies ~~that~~are not ineligible donors but donations from such entities may require special attention and consideration and evaluation of potential conflicts.

Donations shall not be accepted for programs, projects or other purposes which would be in violation of any anti-discrimination policies of the City of Portsmouth or any local, state or federal laws.

7. Authority to Accept and Spend Cash Donation

The City Manager (and as applicable the department heads by extension) and Charter Departments shall have the authority to expend accepted donations for the purposes intended.

8. Declining Donations

As stated above under Section 3, the City reserves the right to decline any donation for any reason. If the donation is not accepted, the City may, at its discretion, notify the donor of the reason the donation was declined.

~~8.9.~~ Costs Associated with the Proposed Donation:

The City also has an interest in knowing in advance the full cost that may be associated with a donation, namely those which may relate to purchase, installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the donation should be sufficient to cover all such expenses.

- Neither purchase nor installation shall commence until the donor's donation has been ~~completed~~accepted and funds have been received by the City for such purposes.
- As to donations requiring on-going operation and maintenance, amounts which are estimated to exceed \$1,000 on an annual basis, the donation shall include an endowment sufficient to cover them, i.e. 20x the estimated amounts.

In rare and unusual circumstances where the City has determined that the value of the donation substantially exceeds the cost associated therewith, these requirements may be waived.

~~9.~~ Procedure Approvals General:

~~Donations will not be accepted by any party, including a group, organization, company or person or any individual belonging to a group or organization or company with a pending application or matter before any City's Boards or Commissions.~~

10. Procurement Decisions:

- 10.1** Voluntary donations for community benefits may not be solicited and offers may not be made by or accepted from a bidder, proponent or applicant to procurement, or their representative, concurrent to the procurement solicitation and award process.
- 10.2** The City shall not accept donations that are conditional upon the endorsement of any product, service or supplier. Current and prospective suppliers to the City that decline solicitations for donations shall not be penalized in procurement decisions of the City.

11. Donations of Personal or Real Property

- 11.1** Donations of real property should include consideration of any future or ongoing obligations arising from the donation. Where appropriate, approval of a donation of real property is to include the use and disposition of the real property including the net proceeds arising from a property transaction. Donations of real property will be held in the name of the City.
- 11.2** Donations of personal property will also be reviewed and considered by this policy and subject to approval by the appropriate department head.

12. Managing and Reporting Donations

To cultivate an ongoing relationship with donors:

- Treat individual donors' names and amounts given, and any other private or personal information, with respect and, except where the donor authorizes release of such information, with confidentiality to the extent provided by the law;
- Reasonably limit the frequency of solicitations; and
- Respond promptly to a donor's question or complaint.

[The City shall manage and record in accord with generally accepted governmental accounting principles donations that are restricted for uses or programs, whether such restrictions are temporary or permanent.](#)

13. Acknowledgements, Forms and Receipts

The City is committed to the highest standards of donor stewardship -and- accountability. This includes appropriate acknowledgement and recognition for donations. Accordingly, for donations valued at \$100 or more, a formal letter of acknowledgement and gratitude will be sent to the donor by the ~~Department~~[City](#).

14. Accounts

- 14.1** Donations designated for specific purposes or for the general purpose of a specific program, are to be used by the program for the purpose specified by the donor. For purposes of financial control and accountability, donations are to be credited to appropriate accounts of the City.
- 14.2** Donations may not be managed informally or held in personal or external accounts or trust funds. This would not apply to independent community fundraising campaigns until such time that the campaign contributions are donated to the City.
- 14.3** Donations of cash or property to the City, where the purpose is not specified and which are not part of an approved fundraising initiative, are deemed to be undesignated and become contributions to general revenue of the City or assets of the City, unless the recipient Department seeks council approval for the requested purpose.

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

Adopted by the Portsmouth City Council on _____, 2023.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

DRAFT



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2023 -

Donation Policy

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- Provide criteria and process for the acceptance of donations; and
- Confer upon and confirm the authority of the City Manager, the School Board, the Police Commission, the Fire Commission and the Library Board of Trustees, to accept and spend donations consistent with State law, the parameters contained herein, and their adopted policies and practices.

2. Scope

2.1 This policy is intended to encompass all donations made to the City, its boards, committees and commissions, and programs as well as donations requested or encouraged by staff directed to other organizations or community agencies. That stated, this policy is not intended to interfere with or displace the policies and procedures of the School Board, and Library Trustees which have certain authority granted to them under Charter, ordinance, and law. The City of Portsmouth desires to encourage donations, while at the same time considering fiscal impacts and on-going maintenance and operational costs. While this policy predominantly focuses

on material donations, this policy should be considered to have broad applicability for unseen future donations.

2.2 This policy does not apply to:

- a. Donations of public art which are the subject of a separate ordinance and policy;
- b. Individual volunteers who may serve in various capacities within municipal departments as part of an academic or other program, or individual volunteers who assist at various municipal-sponsored or run events, functions or programs;
- c. Gifts to individual employees which are governed by Ordinance under Chapter 1, Article 8 and subject to the policies and procedures implemented by the City Manager;
- d. Grants from any source are not covered by this Donation Policy and must be brought forward to the City Council for acceptance; and
- e. Trust instruments which must be brought forward to the City Council for approval (although the general policy considerations expressed in this policy may be applicable and useful).

2.3 Definition

“Donations” are cash and other monetary instruments, tangible property including land, or in-kind contributions directed to the City or its boards, commission, committees, or programs. Donations do not constitute a business relationship since no reciprocal consideration is sought.

2.4 Examples of Donations:

- **Memorials:** trees, park benches, plaques
- **Monetary:** including cash from event ticket sales and payments for auction items associated with fundraisers that may be conducted by third parties and donated to the City, as well as gift certificates and discount deals from local businesses and nonprofits
- **In-kind services:** this includes organized multi-person volunteer activities by businesses and non-profits to repair, improve municipal facilities and properties
- **Tangible Items other than Art:** laptops and other equipment, instruments, food

2.5 Donation Process

The City Manager shall develop and implement such forms and processes necessary to comply with this policy and work with the Charter Departments and Library Trustee to align their policies and practices as needed for consistency of implementation. If the

donation is for a restricted purpose, that purpose should be clearly defined or described and any time limitation on the expenditure of those restricted funds identified.

3. Accepting Donations

3.1 General Authority

The City may elect to accept or decline any donation.

3.2 Accepting Authority

- The School Board shall have authority to accept donations directed to the School Department and its programs provided it is consistent with this policy.
- The Library Board of Trustees shall have authority to accept donations directed to the Portsmouth Public Library and its programs provided it is consistent with this policy.
- The City Manager shall have the authority to accept donations of value of \$100 or less without action by the City Council. The City Manager shall prepare for informational purposes only a quarterly report to the City Council identifying all such donations so accepted. Generally, the name of the donor and the amount of the donation and any program or trust to which the donation was directed will be identified in the report.
- All other donations shall be submitted to the City Council for acceptance.

3.3 Occasionally the City receives cash donations in circumstances in which it is unable or impractical to identify the donor. Such examples include when staff is directed to “keep the change” or to “round up . Nothing in this policy limits the City’s ability to accept these donations.

3.4 There are donors and situations where it is preferred that the donation be treated as anonymous, to the extent possible, and as may be permitted by the State’s open meeting and public records laws. In addition, some departments, such as the Police Department, prefer to limit certain donor information to the Chief and the Police Commission due to their officers’ enforcement role. Nothing in this policy limits the City Manager’s authority to accept donations in instances where the donation is to be treated as anonymous to the extent allowable by law.

4. General Conditions

- 4.1** No advantage is to accrue to the donor (donor’s family, business or other close relations or interests) as a result of the donation.
- 4.2** No donation shall be accepted which violates this policy, the City Charter or ordinances, or any State, federal law or order.

5. Eligible Uses

- 5.1** Eligible donations are those that support approved programs and services, durable assets; capital facilities or projects; asset improvement, restoration or capital maintenance; or cash for such purposes.
- 5.2** Donations must be for purposes consistent with the receiving Departments' mandate, programs, services and activities and must be deemed to be in the public interest of the City.
- 5.3** Donations are only to be accepted if the receiving Department has the capacity to meet the initial and ongoing costs and obligations associated with the gift.
- 5.4** Donors who wish to make donations that support special purposes to be provided by an organization independent of the City should be directed, where possible, to the intended organization.

6. Ineligible Donors and Donations

To the extent reasonably practical, donations from ineligible donors should be declined. Ineligible donors include, but are not limited to:

- Persons who may be suffering from mental illness, disability or duress;
- A party, committee, association, fund, or other organization (regardless of incorporation) that is regulated by election laws;
- Any organization that is required to be registered with the secretary of state under the lobbyist registration act;
- Proven or suspected criminal organizations;
- Organizations that promote hatred against individuals or groups; and
- Individuals, businesses, or organizations when adverse to the City in pending litigation.
- Persons and entities with pending applications for permits or other municipal approvals.

Donations from certain persons and entities such as arms manufacturers, certain drug manufacturers/distributors, and tobacco companies are not ineligible donors but donations from such entities may require special attention and consideration and evaluation of potential conflicts.

Donations shall not be accepted for programs, projects or other purposes which would be in violation of any anti-discrimination policies of the City of Portsmouth or any local, state or federal laws.

7. Authority to Accept and Spend Cash Donation

The City Manager (and as applicable the department heads by extension) and Charter Departments shall have the authority to expend accepted donations for the purposes intended.

8. Declining Donations

As stated above under Section 3, the City reserves the right to decline any donation for any reason. If the donation is not accepted, the City may, at its discretion, notify the donor of the reason the donation was declined.

9. Costs Associated with the Proposed Donation

The City also has an interest in knowing in advance the full cost that may be associated with a donation, namely those which may relate to purchase, installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the donation should be sufficient to cover all such expenses.

- Neither purchase nor installation shall commence until the donor's donation has been accepted and funds have been received by the City for such purposes.
- As to donations requiring on-going operation and maintenance, amounts which are estimated to exceed \$1,000 on an annual basis, the donation shall include an endowment sufficient to cover them, i.e. 20x the estimated amounts.

In rare and unusual circumstances where the City has determined that the value of the donation substantially exceeds the cost associated therewith, these requirements may be waived.

10. Procurement Decisions:

10.1 Voluntary donations for community benefits may not be solicited and offers may not be made by or accepted from a bidder, proponent or applicant to procurement, or their representative, concurrent to the procurement solicitation and award process.

10.2 The City shall not accept donations that are conditional upon the endorsement of any product, service or supplier. Current and prospective suppliers to the City that decline solicitations for donations shall not be penalized in procurement decisions of the City.

11. Donations of Personal or Real Property

11.1 Donations of real property should include consideration of any future or ongoing obligations arising from the donation. Where appropriate, approval of a donation of real property is to include the use and disposition of the real property including the net proceeds arising from a property transaction. Donations of real property will be held in the name of the City.

11.2 Donations of personal property will also be reviewed and considered by this policy and subject to approval by the appropriate department head.

12. Managing and Reporting Donations

To cultivate an ongoing relationship with donors:

- Treat individual donors' names and amounts given, and any other private or personal information, with respect and, except where the donor authorizes release of such information, with confidentiality to the extent provided by the law;
- Reasonably limit the frequency of solicitations; and
- Respond promptly to a donor's question or complaint.

The City shall manage and record in accord with generally accepted governmental accounting principles donations that are restricted for uses or programs, whether such restrictions are temporary or permanent.

13. Acknowledgements, Forms and Receipts

The City is committed to the highest standards of donor stewardship and accountability. This includes appropriate acknowledgement and recognition for donations. Accordingly, for donations valued at \$100 or more, a formal letter of acknowledgement and gratitude will be sent to the donor by the City.

14. Accounts

14.1 Donations designated for specific purposes or for the general purpose of a specific program, are to be used by the program for the purpose specified by the donor. For purposes of financial control and accountability, donations are to be credited to appropriate accounts of the City.

14.2 Donations may not be managed informally or held in personal or external accounts or trust funds. This would not apply to independent community fundraising campaigns until such time that the campaign contributions are donated to the City.

- 14.3** Donations of cash or property to the City, where the purpose is not specified and which are not part of an approved fundraising initiative, are deemed to be undesignated and become contributions to general revenue of the City or assets of the City, unless the recipient Department seeks council approval for the requested purpose.

DRAFT

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

Adopted by the Portsmouth City Council on _____, 2023.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

DRAFT

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section 1.411 – **CEMETERY COMMITTEE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: COMMISSIONS/AUTHORITIES

Section 1.411: CEMETERY COMMITTEE

- A. Membership and Term: The Cemetery Committee shall consist of not less than ~~twelve (12)~~**seven (7)** or more than ~~eighteen (18)~~**eleven (11)** 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. The first four (4) members appointed after adoption of this ordinance shall be appointed to terms of three (3) years commencing as of the date of completed appointment. Thereafter, all appointments shall be for terms of two (2) years. All appointments to fill vacancies shall serve the remainder of the vacant term. A quorum shall be a majority of the existing appointed members at any given time.~~
- B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.
- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

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

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

This ordinance shall take effect upon its passage.

Be it further ordained that on the adoption of this amendment, the terms of all existing members of the Cemetery Committee shall be terminated. The Mayor shall thereafter re-appoint the members to the Committee until all existing members have been offered the opportunity for reappointment.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk