



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, December 9, 2024
11:00 a.m.

Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801

*Members of the public also have the option to join the meeting over Zoom.
(See below for more details)**

1. Welcome and Call to Order
2. Roll Call
3. Review and approval of the Minutes from the November 12, 2024 meeting
4. Volunteer Training Review
 - a. Volunteer Training Manual
 - b. Volunteer Training and Standards of Conduct and Ethics Policy
5. Administrative Ordinance Review
 - a. Division into Chapters 1 and 2
 - b. Review of fees
6. Encumbrance Ordinance and Policy
7. Public Comment
8. Announcements
9. Adjournment

***Join Zoom Meeting**

When: Dec 9, 2024 11:00 AM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/tZYpduisrzoig9ABguky0dq1Qil9--F7w2-x>

After registering, you will receive a confirmation email containing information about joining the meeting.



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
MEETING MINUTES

Monday, November 12, 2024
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH

1. **Welcome and Call to Order:** The meeting was called to order at 11:00 a.m.
2. **Roll Call:** Councilor Cook (Cook), Councilor Lombardi (Lombardi), and Councilor Tabor (Tabor) were present.
Assistant Mayor Kelley was absent.
Staff: Deputy City Manager / Regulatory Counsel Suzanne Woodland (DCM) and Senior Assistant City Attorney Jane Ferrini (Ferrini)
3. **Review and Approval of the Minutes of the October 15, 2024 meeting:** Tabor moved to accept the minutes of the October 15, 2024 meeting. Seconded by Lombardi. All in favor. The motion was approved.
4. **Volunteer Training Review:**
 - a. **Volunteer Training Manual, which includes:**
 - i. **Updated Robert's Rules Guide**
 - ii. **Standards of Conduct and Code of Ethics Policy for Elected and Appointed Officials and Volunteer Members of Boards, Commissions and Committees**

The Committee reviewed the latest draft of the Volunteer Training Manual which was prepared by Legal Staff with prior input from the Committee. The review was led by Ferrini, who asked the Committee for clarification of some outstanding questions and if the document met the Committee's expected purpose and requirements. A detailed discussion ensued as to whether the Committee was ready with the additional edits to move forward to presenting to the City Council. Review of the remainder of document continued, additional edits were made, including adding links to some information. The Committee asked to receive the manual in final form to review over the next few weeks and present to friends who are laymen who are not familiar with the subject matter to get their opinion if it makes sense to them. The final handbook and policies and any input will be discussed at the next meeting and plans to include in the packet for the December 16, 2024 City Council meeting. Cook will discuss further with the Mayor.

iii. **Non-Discrimination and Anti-Harassment Policy:** There were no revisions made to this policy and the Committee had no further comments.

iv. **Acceptable Use Policy:** There were no further revisions requested on this policy.

b. **Volunteer Training Policy:** It was decided to move this section in with the other policy section.

5. **Administrative Ordinance Review:**

a. **Division into Chapters 1 and 2**

b. **Ongoing and Additional Work**

DMC advised that staff is recommending an update to certain sections of the ordinance relating to licenses and encumbrances to fix inconsistencies in the ordinances, such as for outdoor dining.

6. **Public Comment:** There were no public comments.

7. **Announcements:** The next Governance Committee meeting will be on Monday, December 9, 2024 at 11:00 a.m.

8. **Adjournment:** Motion by Lombardi to adjourn the meeting, seconded by Tabor. All in favor. Motion was approved. Meeting adjourned at 12:02 p.m.

DRAFT Meeting Minutes prepared by:
Barbara Zulkiewicz

Minutes approved: _____

**BOARD, COMMISSION &
COMMITTEE HANDBOOK
FOR VOLUNTEERS**



Revised: 11/26/24

INTRODUCTION

Without the dedication of the many volunteers who serve and contribute countless hours as board, commission, and committee (collectively “Boards” or “Board”) members, the City would be unable to function. These volunteers help make the City of Portsmouth a great place to live, work, and play.

Citizen knowledge, interest and action are important ingredients to the delivery of top-quality public services. More than ever, citizen participation is playing an important role in local government. The richness that comes from citizens serving on City Boards is one of the things that makes Portsmouth exceptional.

The City has established Boards to advise and assist the City Council in dealing with specific projects, policies, and issues of concern. Boards play an integral and important role in the City's decision-making process. The City benefits from the expertise of the dedicated individuals that make up these Boards.

Being a member of a City Board requires work and commitment, and it is hopefully a very rewarding experience. It offers a means to participate in community affairs, to work with interesting people, and an opportunity to help shape City policy.

This handbook has been prepared to:

1. Outline the role and function of City Boards;
2. Review important guidelines for all Boards;
3. Provide information about the history and composition of the City’s organizational structure; and
4. Provide members with the information necessary to understand areas of responsibility for their respective Board and their role in serving their Board and the City.

CITY ADMINISTRATION

Board members need to be familiar with the City’s organization and develop an understanding of City departments and their operations. The easiest way to do this is to review the organizational chart attached.

RELATIONSHIPS

Relationship with the City Council

A good relationship with the City Council is essential. The primary responsibility of City Boards is to advise and make recommendations to the City Council. Boards are responsible for providing additional avenues of communication for the general public. As they provide their recommendations to the City Council, Board members should keep in mind that no Board has the final authority to establish City policy or administrative direction. It is the City Council's role to receive the recommendations made by the Boards and to consider them as part of its decision making. Regardless of one’s individual position, it is helpful for a Board member to understand that the policy decisions of the City Council are final once they are made.

Official communications with the City Council should be in written form, or by public report, from the entire Board. Communications will then be forwarded through the Staff Liaison to the City Council and the City Manager. The role of Staff is typically to *communicate* the position of the Board rather than to *advocate* for it. Whenever a Board has an item before the City Council, the Chair or a representative of the Board is not usually required to attend the Council meeting, but is encouraged to be present to speak about the issue or answer questions, especially when Staff recommendations differ from those of the Board. Staff will indicate in the agenda report if Staff recommendation differ from the recommendations of the Board.

When a Board member addresses the City Council at a public meeting, it should be made clear whether or not he/she is speaking on behalf of the Board or as an individual. If the member is speaking on behalf of the Board (normally this would be the Chair or Vice Chair), only the majority position of the Board should be advocated. If

the member is expressing his/her own personal viewpoint on a particular subject, it should be stated as such.

Board members assist the City Council and Staff by:

1. Focusing attention on specific issues of community concern;
2. Encouraging citizen participation and involvement in the ongoing management of their community;
3. Providing a grass roots perspective on issues of importance; and
4. Making recommendations considering citizens' input and perspective.

Citizens seeking to provide comment at Board meetings on non-agenda items should be directed to do so during public comment at those meetings, or at City Council meetings so that the City Council is aware of citizens' concerns. The Council may refer items back to the Board for greater policy development.

Generally, Roberts Rules of Order are followed for Board meetings and the Chair has some discretion in running meetings. Fairness is very important. (If a Board allows public comments on agenda items, then it should be very judicious in doing so, similar to the City Council rule of three minutes.) A few sample motions are provided below:

<u>You Want to</u>	<u>You say</u>	<u>Interrupt</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Enforce Rules	Point of Order	Yes	No	No	No	None
Suspend Rules	Move to suspend Rules	No	Yes	No	No	2/3 vote
Make a Motion	I move	No	Yes	Yes	Yes	Majority
Amend a Motion	I move to amend	No	Yes	Yes	Yes	Majority
Postpone	I postpone to time certain	No	Yes	Yes	Yes	Majority
Close debate	Move the Question	No	Yes	No	No	2/3 vote
Take a break	Move to recess	No	Yes	No	Yes	Majority
Close meeting	Move to adjourn	No	Yes	No	No	Majority

Relationship with City Staff

Staff Liaisons to Boards are valuable resources. They do research and provide relevant information that enhances the Board's ability to get things done. Staff are available to answer questions and follow-up on items brought before the Board. Members should be aware of the time involved on the part of Staff in preparing studies and reports and should make sure that all requests to Staff are consistent with the Board's approved role.

Board members may not direct Staff to initiate major projects without approval from the City Council or City Manager, and individual members may not direct Staff to initiate any program or study. In addition, members should not become involved in the operational matters of City departments unless part of Board's advisory responsibility (e.g. the Library Board of Trustees). For more information about the powers and duties of the Portsmouth Library Board of Trustees, please see the Trustee section of the Library website at: <https://www.cityofportsmouth.com/library/library-trustees-board>.

Relationship with Fellow Board Members

Cooperation among fellow Board members plays an important role in the successful efforts of City Boards. In order to build consensus around common goals and objectives, members should first show a willingness to define the issues at hand and then work to reconcile opposing viewpoints. When members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with other members are:

1. Respect an individual's viewpoint, even though it may be different from your own;
2. Allow other members adequate time to present their views before making comments;
3. Be open and honest;
4. Welcome new members and help them become acquainted with the Board; and
5. Accept responsibility, voice opinions, be fair and factual.

Relationships with the Public

Good relations with the public are vital for all City Boards. In many cases each Board serves as a link between the City Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain City programs and policies. Members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. Each Board provides a channel for citizen expression by listening to comments, opinions, and concerns from the public. Therefore, it is important to be responsive and in tune with the community.

Relationship with Other Boards

From time to time, an issue will come before the City that involves two or more Boards. When this occurs, each Board should focus on their own advisory responsibilities, not on areas that are under the jurisdiction of the other Board. The responsibilities of Boards are, at times, very close to one another, and care should be taken to avoid overlapping to the greatest degree possible. For example, the Conservation Commission, Trees and Greenery Committee and Recreation Board can all easily become involved in the consideration of a single project around parks. This can get confusing, and it is often difficult to resist getting involved in decisions that are the responsibility of another Board. On a particularly complex project, or when members' objectives contradict one another, it may be appropriate to have joint meetings to improve communication to facilitate a mutual understanding of the issues.

Business Relationships

Members of Boards may not participate in a discussion or vote if they have a direct financial interest in the vote to be taken (such as a contract). For more information, See Volunteer Training and Standards of Conduct and Ethics Policy.

APPOINTMENT PROCESS & EXPECTATIONS

Board Member Requirements and Appointment Process

Members of almost all City Boards must be residents of the City of Portsmouth. Interested applicants apply for an appointment to a specific Board. Appointments are made by the Mayor and confirmed by the City Council.

Oath of Office

Every officer of the City, including members of City Boards, may be required to take an oath of office administered by the City Clerk.

Training for Board Members

Continuing education to further one's knowledge of the various issues that face New Hampshire municipalities is essential to serving the public interest. Board members are encouraged to attend conferences and workshops, read relevant publications, and utilize other opportunities for personal and professional training that will bring new ideas into the community. New Board members will be required to participate in member orientation and training. Failure to complete this orientation and training will result in the member's inability to begin his/her term and participate in meetings. Land use board members may be required to attend specialized training during their term.

General Guidelines for Board Members

The Council encourages active citizen participation in the business of City government. Boards provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Boards can improve the quality of City government by providing the Council with resources to make better-informed decisions. Other benefits of these Boards include improved lines of communication between the public and Council, greater opportunities for discussion of public issues and more citizen involvement in City government.

Appointment to a City Board is an honor. It provides an opportunity for genuine public service. Each Board member should be aware of the responsibilities that go along with officially serving the City. The specific duties of each Board vary with the purpose for which it was formed.

There are, however, many responsibilities common to all Board members:

1. Understand the role and responsibility of the Board. Be informed of its functions, scope and authority and relationship to other Boards;
2. Represent the overall public good, not the exclusive point of view of a sole group or interest;
3. Keep all lines of communication open. Each member serves as a communication link between the community, the City Council, and Staff;
4. Do your homework and be prepared. Members should become familiar with items under consideration prior to meetings in order to be fully prepared to discuss, evaluate, and act on matters scheduled for consideration. Reviewing the materials in your agenda package in advance of each meeting is crucial. It will give you a sense of the potential impacts that recommended actions may have on the community, and any potential issues surrounding those actions. Not being prepared hinders a Board member's ability to represent your community, make informed decisions, and explain your position with confidence. Feel free to seek Staff's advice and assistance in advance of a meeting;
5. Ask questions in advance. If you have a question about a matter that is not on the agenda (or perhaps it's regarding an agenda item but it relates to technical details), contact the Board Chair or Staff Liaison before the meeting. If you ask your questions during the meeting without prior notice, Staff may not have the resources on hand to provide a clear and concise answer. Asking questions in advance of the meeting will provide Staff with the necessary time to do their homework and better prepare for the conversation;
6. Be a participant, an active representative, and be enthusiastic. If you are not able to attend the meeting, or must attend via Zoom or Teams, please let your Staff Liaison or the Board Chair know in advance. Board members are reminded that physical attendance is vital to ensure a quorum during meetings. Without a quorum, the Board is unable to have an official meeting and cannot pass recommendations to Council or Staff. Specific attendance requirements, along with provisions regarding the appointment, tenure and removal of Board members are set forth in Chapter 1, Administrative Code, Article III, Boards, Section 1.302, Appointments, Tenure and Removal. For City Ordinance: <https://www.cityofportsmouth.com/cityclerk/city-ordinances;>
7. Establish a good working relationship with fellow Board members, the City Council, and your Staff Liaison; and
8. Understand the scope and authority of your Board's responsibility and strive to work within that scope.

Being appointed as a Board member by the City Council carries with it a significant responsibility. As an "ambassador" of the City, the City Council expects that you will conduct yourself with politeness and courtesy with the public and Staff and whenever in the public eye. Yours is a position of service that is charged with maintaining the public trust. It is important that you do not abuse that trust.

MEETINGS

Attendance

Regular attendance at meetings is critical to the effective operation of City Boards. Therefore, all members are expected to attend all of their Board meetings, including work sessions. If you are unable to attend a meeting, call your Chair or Staff Liaison prior to the meeting.

Quorum

A quorum is a simple majority of the voting members of a Board physically present at the meeting and is necessary to pass any motions. In the event of a lack of quorum, or if quorum is lost during a Board meeting, the Board's official business will cease.

Role of the Chair

The principal role of the Chair is to manage the Board meeting. This includes helping to set meeting agendas, maintaining the order of business during the meeting, focusing discussion on the issues at hand, and ensuring that the public appearing before the Board are treated courteously. The Chair must make certain that discussions do not get sidetracked. Duties of the Chair also include review of the agenda with the Staff Liaison before the meeting, representing the body at City Council and community group meetings.

Role of the Staff Liaison

Boards are often assigned a Staff Liaison to provide information, professional or technical advice and support as required. A Staff Liaison will support the Chair in their facilitation of Board meetings, including the wording of motions and determining next steps on various agenda items.

Role of the Staff Liaison or Secretary

Boards often assign a Secretary or Staff Liaison to help with administrative tasks. These tasks typically include:

- Attending meetings and recording minutes;
- Operating Zoom or Teams during a meeting;
- Preparing and distributing minutes to Board members;
- Posting agendas and minutes to the City's website (through the Staff Liaison);
- Maintaining the Board member contact list; and
- Coordinating various meeting logistics including room bookings and public notices of Board meetings (through the Staff Liaison).

Role of the City Council Liaison

A City Council Liaison may be appointed to your Board as a voting or non-voting member. A voting City Council Liaison serves as a full member of the Board.

The City Council Liaisons serve as a communication channel between the City Council and the Board to deliver information, both to and from the City Council, and to provide clarification as required. A Council Liaison's role is not to assess or align with the decisions of the Board, but to act as a conduit of information.

Open Meetings

Effective citizen oversight of the workings of government is essential to our democracy and promotes confidence in it. Public access to meetings of governmental bodies is a vital aspect of this principle. Please consider reading New Hampshire's Access to Governmental Records and Meeting Laws

(<https://www.gencourt.state.nh.us/rsa/html/indexes/default.aspx>) It offers explanations of some of the

fundamental principles in New Hampshire Open Meetings Law, and answers questions that arise on a regular basis.

City Boards are public bodies under the Right-to-Know law and are therefore held to the same standard of transparency as City Council meetings. As such, Board meetings are open to the public, unless the meeting has been closed as part of consultation with the Legal Department on matters that are allowed under state law.

Notification of Board meetings is posted in two locations at public notice posting places as defined through state law, which are often the bulletin board in the City Hall foyer and the City's website.

COMPLIANCE WITH CITY POLICIES

Board members interact with members of the public, other members and City Staff. The City has established several policies, more fully described and incorporated by reference below, that you are required to abide by during your term. Prior to your term beginning, you will be required to review this Volunteer Handbook and acknowledge that you have reviewed and will abide by these policies as a condition of being a member of a City Boards. Failure to sign off on these policies will result in your inability to begin your term and participate in meetings.

Volunteer Training and Standards of Conduct and Ethics Policy

All Board members are required to be familiar with and comply with the City's Volunteer Training and Standards of Conduct and Ethics Policy which provides standards for performance of your duties and standards of conduct that require respectful interactions with each other, the public and Staff. The City's Volunteer Training and Standards of Conduct and Ethics Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgment that you have reviewed and will abide by this policy as a condition of being a member of a City Board.

In addition to the Volunteer Training and Standards of Conduct and Ethics Policy, all Board members are subject to the City's Code of Ethics and Conflict of Interest ordinance set forth in Chapter 1, Administrative Code, Articles VIII, Code of Ethics, and some members are subject to Article IX, Conflicts of Interest/Mandatory Financial Disclosure <https://www.cityofportsmouth.com/cityclerk/city-ordinances>

Non-Discrimination and Anti-Harassment Policy

All Board members are required to be familiar with, and comply with, the policy of the City of Portsmouth prohibiting sexual (or other forms of unlawful) harassment in the workplace. The City's Non-Discrimination and Anti-Harassment Policy prohibits harassment of any kind and requires reporting incidents of harassment and discrimination. The City's Non-Discrimination and Anti-Harassment Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgement that you have reviewed and will abide by the policy as a condition of being a member of a City Board. The references to "employees" shall include Board members and the reference to "supervisors" shall include the Chair of the Board. However, all questions and reports relative to violations of the City's Non-Discrimination and Anti-Harassment Policy (Reporting Procedures and Investigations) should be made to the Director of Human Resources or the Legal Department, not the City Manager's office.

Acceptable Use Policy for Electronic Media

The City encourages the use of technological resources and computing systems "electronic media" and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City, including Board members, should remember that electronic media and services provided by the City are City property and their purpose is to facilitate

and support City business. The City's Acceptable Use Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgment that you have reviewed and will abide by the policy as a condition of being a member of a City Board.

Social Media Policy

Social media consists of networks and online publications that enable individuals and groups to communicate between and among one another for different purposes (e.g. Facebook, Twitter, LinkedIn, YouTube, blogs, etc.). The City of Portsmouth uses various social media in order to reach out to the public and educate individuals on certain events, activities, awards, and other news releases.

The City does not provide social media platforms for Board members to communicate amongst one another, to Staff or to members of the public. When using social media posts, and other online interactions ("electronic communication") regarding matters before their Board, members are reminded that although they are not acting on behalf of their Board, they should maintain a standard of professional and respectful communications in all their public electronic communications. When posting to public pages, members should be mindful of their responsibilities under the Non-Discrimination and Anti-Harassment, Volunteer Training and Standard of Conduct and Ethics Policies described above.

Expressing opinions on social media or engaging in contentious public online discussions can lead to perceived or actual conflicts of interest for some Boards with quasi-judicial roles. Posts on various social media sites have been the focus of court cases here in New Hampshire where conflicts arose, and decisions were overturned because someone posted something on a social media platform. If you choose to use social media, please do so with caution.

Adherence to City Council Policy

Board members should not approve projects that violate adopted City policies. Members can make recommendations to the City Council about exceptions to a City policy and can also recommend policy changes when appropriate.

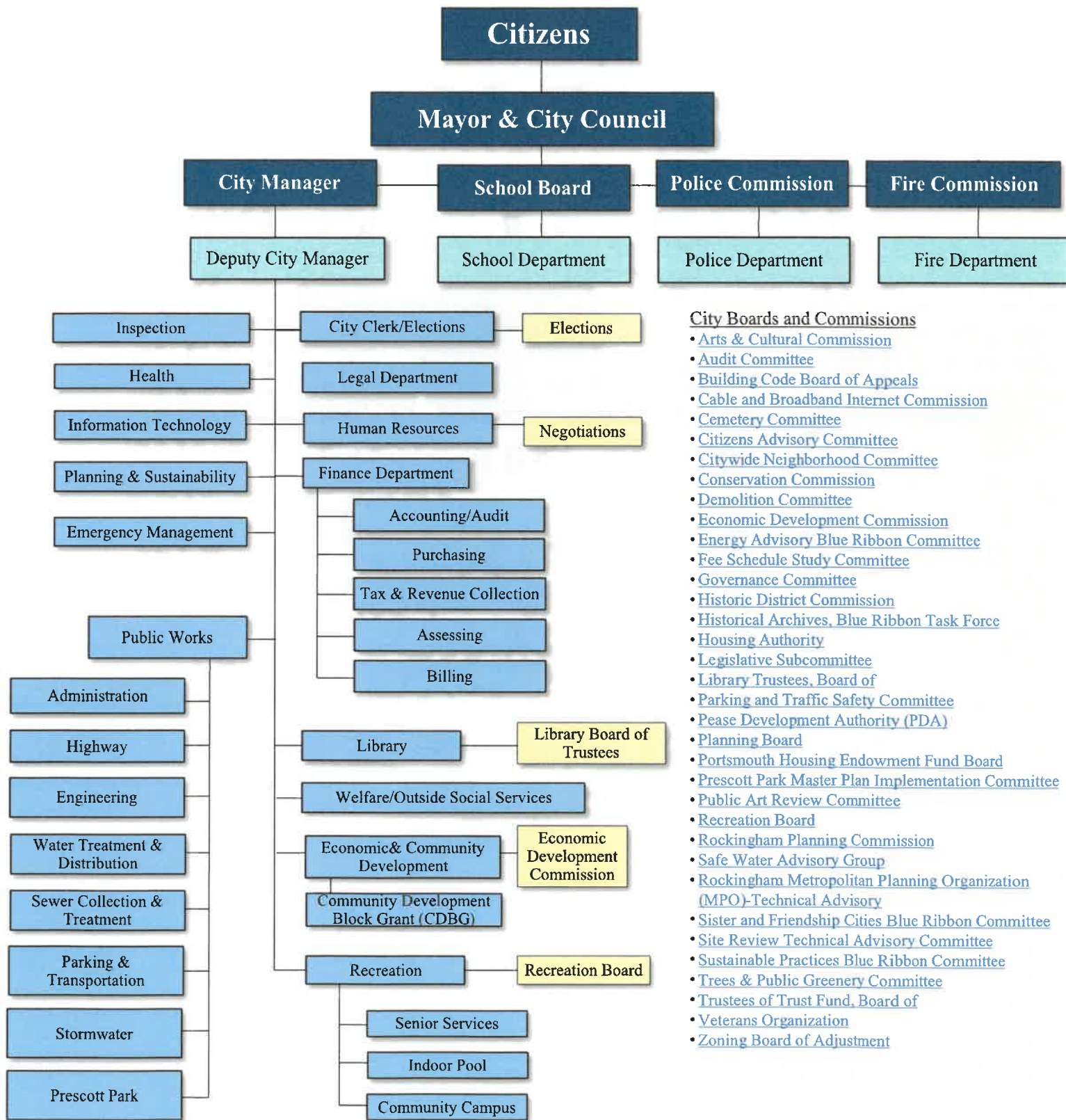
Open Records

Meaningful access to public records plays a vital role in facilitating government oversight. All communications to City Staff and to elected officials are subject to Right-to Know requests. Please review New Hampshire's Access to Governmental Records and Meetings Law, link to NH RSA (<https://www.gencourt.state.nh.us/rsa/html/indexes/default.aspx>) for more information.

VIOLATIONS OF CITY POLICIES AND BOARD RULES AND PROCEDURES

A member's failure to adhere to City policies and Board rules and procedures can create a lack of trust in City government and hinder the effectiveness of the Board's work. It may also subject the decisions of the Board to legal challenges. A Board member's failure to adhere to these policies, rules and procedures could negatively influence a member's reappointment or change in role from alternate to permanent member and may be grounds for removal.

City of Portsmouth, New Hampshire Citywide Organizational Chart



- City Boards and Commissions**
- [Arts & Cultural Commission](#)
 - [Audit Committee](#)
 - [Building Code Board of Appeals](#)
 - [Cable and Broadband Internet Commission](#)
 - [Cemetery Committee](#)
 - [Citizens Advisory Committee](#)
 - [Citywide Neighborhood Committee](#)
 - [Conservation Commission](#)
 - [Demolition Committee](#)
 - [Economic Development Commission](#)
 - [Energy Advisory Blue Ribbon Committee](#)
 - [Fee Schedule Study Committee](#)
 - [Governance Committee](#)
 - [Historic District Commission](#)
 - [Historical Archives, Blue Ribbon Task Force](#)
 - [Housing Authority](#)
 - [Legislative Subcommittee](#)
 - [Library Trustees, Board of](#)
 - [Parking and Traffic Safety Committee](#)
 - [Pease Development Authority \(PDA\)](#)
 - [Planning Board](#)
 - [Portsmouth Housing Endowment Fund Board](#)
 - [Prescott Park Master Plan Implementation Committee](#)
 - [Public Art Review Committee](#)
 - [Recreation Board](#)
 - [Rockingham Planning Commission](#)
 - [Safe Water Advisory Group](#)
 - [Rockingham Metropolitan Planning Organization \(MPO\)-Technical Advisory](#)
 - [Sister and Friendship Cities Blue Ribbon Committee](#)
 - [Site Review Technical Advisory Committee](#)
 - [Sustainable Practices Blue Ribbon Committee](#)
 - [Trees & Public Greenery Committee](#)
 - [Trustees of Trust Fund, Board of](#)
 - [Veterans Organization](#)
 - [Zoning Board of Adjustment](#)

Last Reviewed: 1/4/2021
Effective: 4/1/1993
Revised: 3/6/2014, 12/17/2020
Primary Approver(s): City
Manager

City of
PORTSMOUTH
New Hampshire

The seal of the City of Portsmouth, New Hampshire, is circular and features a central image of a ship on the water. The text around the seal reads "CITY OF PORTSMOUTH, NEW HAMPSHIRE" at the top and "SETTLED 1630" and "INCORPORATED 1838" at the bottom.

Page: 1 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

1 PURPOSE

The City of Portsmouth (“City”) will not tolerate any form of discrimination and harassment, including sexual harassment. The purpose of this policy is to affirm the City’s commitment to these important goals, provide guidance to prevent unlawful conduct, describe the means of reporting complaints and concerns, and to identify consequences. Adherence to this policy will promote a productive, safe and professional organization in which all persons are treated with fairness and respect.

Employees with any questions about this policy should not hesitate to contact their supervisor or the Human Resources Department.

2 SCOPE

This policy applies to all departments and divisions. It applies to all employees, full and part-time, as well as all interns (collectively “employees”). This policy covers employees’ interactions with each other as well as with the public, vendors and contractors. Employees shall not engage in discriminatory or harassing conduct and equally as important, employees shall report discriminatory or harassing conduct regardless of whether that conduct is committed by a co-worker, member of the public, vendor or contractor so that the issue may be addressed promptly.

3 DEFINITIONS

Discrimination: For the purposes of this policy, discrimination means conduct that is based upon an individual’s protected status (as defined below) and that: adversely affects a term or condition of the individual’s employment; is used as the basis for or a factor in decisions affecting the individual’s employment; or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Harassment: Harassment is a form of discrimination and includes unwelcome verbal, written, physical, or non-physical conduct that is based on a person’s protected status that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment or otherwise negatively affects an individual’s employment opportunities or benefits. Harassment is a form of discrimination, and can take many forms.

Protected Status: A personal characteristic including race, color, religion, disability, age, sex (including pregnancy), religion, national or ethnic origin, citizenship, protected veteran status, marital status, sexual orientation, gender identity or expression, genetic information, or any other

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characteristic protected by law. Protected status is sometimes referred to as “protected class” or “protected category.”

4 DISCRIMINATION AND HARASSMENT PROHIBITED

The City expressly prohibits any form of unlawful harassment or discrimination based on an individual’s protected status. Employees shall not engage in discriminatory or harassing conduct against any person, whether a co-worker, intern, member of the public, vendor or contractor.

The conduct prohibited by this policy, whether verbal, written, physical, or visual, includes any discriminatory employment action and an unwelcome conduct that is inflicted on someone because of that individual’s protected status. Among the types of conduct prohibited by this policy are epithets, slurs, jokes, negative stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status whether that posting is physical or done through social media or other electronic means. The City prohibits that conduct in the workplace, even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment.

5 SEXUAL HARASSMENT

Sexual harassment, as a form of harassment, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical and non-physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a condition of employment;
- Submission to or rejection of such conduct is used as a basis for any employment decisions affecting the person involved; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

This policy prohibits sexual harassment regardless of whether it rises to the level of unlawfulness. Sexual harassment can occur between members of the same sex as well as different genders. Sexual harassment includes preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct.

Examples of sexual harassment forbidden by this policy also includes, but is not limited to: (1) offensive sex-oriented verbal kidding, teasing or jokes; (2) repeated unwanted sexual flirtations, advances or propositions; (3) verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual’s appearance or sexual activity; (5) offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually suggestive objects or pictures, cartoons or posters; (6) unwelcome pressure for sexual activity; (7) offensively suggestive or obscene texts, emails, letters, notes or invitations; or (8) offensive physical contact such as patting, grabbing, pinching, or brushing against another’s body.

Last Reviewed: 1/4/2021
Effective: 4/1/1993
Revised: 3/6/2014, 12/17/2020
Primary Approver(s): City
Manager

City of
PORTSMOUTH
New Hampshire

The seal of the City of Portsmouth, New Hampshire, is circular and features a central image of a ship on the stocks. The text around the seal reads "CITY OF PORTSMOUTH, NEW HAMPSHIRE" at the top and "INCORPORATED 1726" at the bottom. The words "SETTLED 1603" are also visible within the seal.

Page: 3 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

6 EMPLOYEE AND SUPERVISOR RESPONSIBILITIES

All employees are responsible for keeping the work environment free of harassment and discrimination. This means encouraging respect and fairness and avoiding the encouragement of actions that could be perceived as discriminatory or harassing. Employees are responsible for reporting incidents of harassment and discrimination as described in Paragraph 7.

Employees in a supervisory role have heightened obligation. If a supervisor observes or receives information regarding an actual or alleged incident of harassment or discrimination, the supervisor shall take immediate action to stop it, whenever possible or appropriate, and is obligated to report the incident using any of the options identified below in Paragraph 7. The supervisor shall take further prompt effective measures to ensure that no further apparent or alleged harassment or discrimination occurs pending completion of any investigation, in consultation with the Human Resources Director and the City Manager as appropriate. For example, it may be appropriate to place an employee against whom a harassment allegation has been made on administrative leave with pay pending the conclusion of the investigation. Any supervisor who is made aware of harassment or discrimination and fails to report it may be subject to disciplinary action, up to and including termination of employment.

Nothing in this Policy prohibits employees from affirmatively speaking with their co-workers about behavior, jokes, comments or other acts that they find uncomfortable or concerning if that employee is comfortable doing so in furtherance of educating their co-workers, but there is no requirement to do so.

7 REPORTING PROCEDURES AND INVESTIGATION

By Employees: Complaints of discrimination or harassment of any type shall be reported immediately to any of the following: a supervisor, the Director of Human Resources or the City Manager. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or engaging in the discriminatory conduct.

By Supervisors: Supervisors who become aware of harassing conduct and/or a complaint of harassment of any type shall report the conduct and/or complaint immediately to the Director of Human Resources or the City Manager.

Any complaint of discrimination, whether reported by an employee or received from a member of the public, vendor or contractor, will be investigated and appropriate action will be taken depending on the nature and severity of any proven incident. Investigations will be conducted as discretely as possible, consistent with the need to conduct a prompt and thorough investigation. Confidentiality cannot be promised.

Last Reviewed: 1/4/2021
Effective: 4/1/1993
Revised: 3/6/2014, 12/17/2020
Primary Approver(s): City
Manager

City of
PORTSMOUTH
New Hampshire

The seal of the City of Portsmouth, New Hampshire, is circular and features a central image of a ship. The text around the seal reads "CITY OF PORTSMOUTH, N.H." at the top, "SETTLED 1630" on the left, "INCORPORATED 1838" on the right, and "NEW HAMPSHIRE" at the bottom.

Page: 4 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

8 CORRECTIVE ACTION

Depending on the outcome of any investigation, the City will take appropriate corrective action to stop the discrimination or harassment and prevent its recurrence. Any employee who is found to have engaged in discrimination or harassment prohibited by the policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law. If the person who engaged in conduct in violation of this policy is not a City employee, the City will take whatever corrective action is reasonable and appropriate under the circumstances.

9 RETALIATION PROHIBITED

Retaliatory treatment of any employee for reporting discrimination, harassment or other prohibited behavior or for cooperating in a harassment investigation is strictly prohibited. All employees who experience or witness any conduct they believe to be retaliatory shall immediately report such conduct according to one of the options defined in Paragraph 7. Retaliation is a form of unlawful discrimination and will be handled in the same manner as other forms of conduct violating this policy.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH New Hampshire	Page: 1 of 5
TITLE: <i>Acceptable Use Policy – City Council and Board Members</i>		

ACCEPTABLE USE POLICY – CITY COUNCIL AND BOARD MEMBERS

1 PURPOSE

This policy outlines the guidelines for the acceptable use of technology resources and computing systems owned and operated by the City of Portsmouth (“City”). Council and Board members granted access to City resources and systems for completing Council work related activities shall abide by the provisions set forth in this policy.

2 PARTIES AND RESOURCES COVERED

This policy applies to all Council and Board members in regard to all technology hardware, O365 and other programs, and municipal devices including phones, laptops, multifunction devices, and storage media. Your municipal e-mail address is an IT Resource as well.

3 GENERAL REQUIREMENTS

3.1 USERS MUST:

- a. Agree to use IT Resources in an effective, efficient, ethical, secure, and lawful manner for municipal business purposes; and

3.2 USERS SHALL NOT:

- a. Attempt to access any information, data or programs contained on IT Resources for which User does not have authorization or explicit consent.
- b. Send fraudulent, harassing, or obscene messages and/or materials using IT Resources or store any such material on IT Resources.
- c. Conduct private business activities or political campaigning using IT Resources.
- d. Download, install, or run cybersecurity programs or utilities that reveal weaknesses in the cybersecurity of any IT Resources such as password cracking software or hacking utilities.

3.3 USERS SHALL:

- a. Report any weaknesses in cybersecurity or any incidents of possible misuse or violations of this policy to the CIO.
- b. Take reasonable precautions to secure the City IT resources to guard against unauthorized access.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH - New Hampshire	Page: 2 of 3
TITLE: <i>Acceptable Use Policy – City Council Board Members</i>		

4. ADDITIONAL PROHIBITIONS

- 4.1 Users shall not use IT Resources for illegal purposes or to further illegal activities.
- 4.2 IT Resources shall not be used for any unauthorized access to or use of data, systems, and networks including, but not limited to:
 - a. Probing or attempting to probe, scan, or test for vulnerabilities without the express authorization of the CIO.
 - b. Breaching of a host, network component or authentication measure without the express authorization of the CIO.
 - c. Monitoring of data on any network or systems without the express authorization.
- 4.3 IT Resource shall not be used to:
 - a. Purposefully conduct computer activities that result in damage to, or disruption of, a City network or connected device.
 - b. Forge data with the intent to misrepresent the origination user or source.
 - c. Fake electronic mail headers (including any portion of the IP packet header and/or electronic mail address) or to use any other method to forge, disguise, or conceal the user's identity or IP address (also referred to as 'Spoofing').

5. INCIDENTAL PERSONAL USE OF CITY RESOURCES AND SYSTEMS

Occasional and incidental use of IT Resources and systems for personal, non-commercial purposes does not constitute a violation of this policy provided the use is:

- a. At no cost or risk to the City, does not interfere with the City's needs and operation; and
- b. Is otherwise in accord with this policy.

6. NO EXPECTATION OF PRIVACY

Users shall have no expectation of privacy in connection with any use of IT Resources including email communications, internet browsing and storage of documents or data on IT Resources. All information including all data files, documents, videos, and photographs on IT Resources are property of the City. As the owner of this information, the City may disclose information on IT Resources to third parties as it determines is in its best interest including without limitation to supervisors and managers, law enforcement, or in response to statutory requests for records.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH <small>New Hampshire</small>	Page: 3 of 3
<hr/>		

TITLE: *Acceptable Use Policy – City Council and Board Members*

ACCEPTABLE USE ACKNOWLEDGEMENT

I have read and been informed about the content, requirements, and expectations of the Acceptable Use Policy for all City of Portsmouth Users.

I understand that if I have questions, at any time, regarding the policy, I will consult with the Chief Information Officer.

I understand my responsibilities under this Policy and acknowledge this by signing below.

Signature: _____ Date: _____

Printed Name: _____



CITY OF PORTSMOUTH CITY COUNCIL POLICY No. 2024- _____

VOLUNTEER TRAINING AND STANDARDS OF CONDUCT AND ETHICS POLICY

1. **PURPOSE**

As part of its commitment to open government and citizen engagement, the City of Portsmouth has established boards, commissions, and committees to provide expert and/or community advice to the City Council and City Staff on a variety of topics, issues, and initiatives. The City of Portsmouth provides essential services upon which individuals and businesses rely daily. The successful delivery of those services requires the best efforts of both elected and appointed City Officials and volunteer board, commission, and committee members. Consequently, your reliability, your ability to interact respectfully and successfully with each other, the public and staff, and your attention to your assigned duties are critically important. This Policy provides a standard of conduct framework for the completion of these assigned duties and respectful interactions. Failure to meet these standards is cause for concern, discipline, and possible removal, in addition to any penalties that may be applicable pursuant to State and Federal law.

2. **SCOPE**

This Policy applies to all elected and appointed officials, including volunteer members of the boards, commissions, committees, Blue Ribbon committees, advisory committees, and any task force established by the City.

3. **POLICY**

To meet the high standard of performance and conduct the City expects, this Policy provides both general and specific guidance to help you succeed and to promote consistency in expectations. Generally, elected and appointed officials and volunteers of the City are expected to maintain common standards of honesty and decency expected of its staff as set forth in the City's Standards of Conduct and Code of Ethics Policy, which forms the basis for this Policy.

To provide additional guidance, the following specific areas of conduct are called out for attention below. In addition, the City has adopted detailed, specific policies concerning some areas of conduct and those more specific policies will govern.

A. **Absenteeism, Tardiness and Attendance:** Any expected absence or lateness should be reported to the Chair of the group meeting as soon as possible. Elected and appointed City Officials and volunteer board, commission, and committee members are also subject to the attendance requirements and appointment, tenure and removal provisions of Chapter 1, Article III, Section 1.302 of the City ordinances.

B. **Confidentiality and Non-Disclosure:** As part of your duties, you may learn confidential information which may include personnel and individual protected health information, privileged and confidential legal opinions, security related strategies, and confidential financial information. You have an obligation to keep such information secure and to follow any policies that may be in place to protect that information from disclosure. New Hampshire's Right-to-Know Law, RSA 91-A, governs the procedures for conducting non-public sessions of public bodies and the confidential nature of those sessions. This is discussed in more detail in the Volunteer Training Manual and will be reviewed during the mandatory volunteer Orientation and Training.

C. **Courtesy, Respect and Professional Conduct:** Generally, elected and appointed officials and volunteers of the City are expected to behave courteously and professionally and to maintain common standards of honesty and decency.

D. **Honesty:** Elected officials and volunteers are expected to be truthful and to maintain public records accurately and in accordance with the law. You may not promise special favors to anyone or receive special consideration from anyone in exchange for an official act.

E. **Drug Free:** City property is a drug-free zone and alcohol-free location by Ordinance. Bringing, possessing, or using alcoholic beverages or illegal drugs or being under the influence of or testing positive for these substances on City property or while acting in an official capacity may result in discipline, removal or criminal charges.

F. **Non-Discrimination and Anti-Harassment:** See separate Non-Discrimination and Anti-Harassment Policy on this topic. This policy applies to all elected and appointed City Officials and volunteers by adoption of this Policy.

G. **Safety:** All elected and appointed officials and volunteers are encouraged to help to maintain a healthy and safe work environment. Any unsafe condition or any accident can be reported to the Chair of their committee or to the City Manager's Office.

H. **Telephone, Facsimile, Computer, E-Mail, and Copier Usage:** See separate Non-Discrimination and Anti-Harassment Policy on this topic. This policy applies to all elected and appointed City officials and volunteers by adoption of this Policy.

I. **Theft, Destruction or Unauthorized Use of City Property.** Elected and appointed officials and volunteers shall be permitted to use and remove City property with permission of the Chair of their Committee or the City Manager. The City

reserves the right to search and inspect City property. Misappropriation or misuse of City property may subject elected and appointed officials and volunteers to discipline, removal or penalties applicable through State or Federal law.

J. Conflict of Interest: Chapter 1, Article VIII, Sections 1.801 through 1.807 of the City of Portsmouth Ordinances sets forth a Code of Ethics applicable to all City employees and City officials, elected and appointed. That Code of Ethics defines and prohibits conflicts of interest. Conflicts of interest jeopardize the confidence the public has in government and are to be avoided.

K. Volunteer Orientation and Training: The City will coordinate and provide Orientation and Training for all Board members prior to their first meeting. Board member participation in this Orientation and Training is mandatory and a prerequisite to participating in any Board meetings. The Orientation and Training will include the distribution and review of the City's Board, Commission & Committee Handbook for Volunteers ("Volunteer Handbook"), and information regarding the following topics:

- i. A general overview of the City's governance structure;
- ii. Information regarding the Board's purpose and function, including the role of the Board and its relationship with the public, other Boards, City Staff and the City Council;
- iii. Meeting Rules and Procedures, which will including but not limited to:
 1. Attendance
 2. Quorum
 3. Role of Chair
 4. Role of City Council Liaison
 5. Role of Staff Liaison
 6. Meeting Rules and Procedures, including compliance with Roberts Rules and Confidentiality
 7. Review of applicable City ordinances and other City policies (Non-Discrimination and Anti-Harassment, Acceptable Use for Electronic Media, Social Media, and any other policy approved and required by the City Council) and compliance with New Hampshire's Access to Governmental Records and Meeting Law, RSA 91-A (Right-to-Know law)
 8. Discussion of consequences of Board Member's failure to comply with Board Rules and Procedures, City ordinances, City policies and State and Federal laws
- iv. Mandatory Board member participation in Orientation and Training to provide guidelines on good government practices, and acknowledgement of review and receipt of Volunteer Handbook and City policies.

- v. Specialized training may be provided to Board Chairs, as needed
- vi. Specialized training will be provided to Land Use Boards on quasi-judicial procedures and relevant state law.

The City acknowledges citizen participation as an important ingredient to delivering top-quality public services and further acknowledges the dedication and commitment of each Board member and value their contributions to City government.

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

Adopted by the Portsmouth City Council on _____.

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

ARTICLE XVI: ADOPTION OF FEES

Section 1.1601. PROCEDURE

Municipal fees not otherwise established by other ordinance or law shall be adopted by the City Council by resolution during the annual budget adoption process or at such other times as the City Council may determine to be in the best interest of the City.

Section 1.1602. EXCLUSION

Municipal fees do not include penalties, charges or costs negotiated or imposed pursuant to an administrative order, compliance agreement, or other resolution pertaining to an enforcement activity.

Section 1.1603. AUTHORITY TO CHARGE FOR PROGRAMMING

Department heads responsible for programming activities such as classes, trainings and special events may, without the approval of the City Council, but subject to the City Manager's review and oversight, charge for participation in programmed activities.

Section 1.1604. DEFAULT

Any municipal fee which is not listed in the fee resolution adopted during the annual budget process, or any municipal fee which is determined to require a process other than adoption by annual budget resolution, shall remain at the level at which it was last validly adopted by the City.

Deleted: ¶

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Deleted: : PURPOSE¶

¶ This ordinance is adopted for the purpose of creating a more efficient system for the City to adopt and adjust municipal fees.¶

¶

Section1.1602:

Deleted: To the extent permitted by law and notwithstanding any ordinance previously adopted to the contrary, all municipal fees, whether

Deleted: otherwise

Deleted: and may be amended

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Deleted: 1603:

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Deleted: apply to

Deleted: fines

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¶ It is further ordained that the City Clerk is hereby authorized to replace the fee provision in any appropriate ordinance, with a provision reading "Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. Such ordinances include, but are not limited to the following: (See list attached to ordinance as adopted).¶

¶

(Article XVI adopted in its entirety 3/18/2002)¶

Deleted: City of Portsmouth, NH Ordinances Page 1 Chapter 1

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