

Minutes
City Council Legislative Subcommittee
Friday, September 20, 2024 at 8:00 a.m.
Conference Room A, 1 Junkins Ave., Portsmouth, NH

- I. **Greeting:** Mayor McEachern. In attendance were Mayor McEachern, Councilor Tabor, Councilor Cook and Senior Assistant City Attorney Jane Ferrini.

- II. **Approval of February 23, 2024 Minutes:** Councilor Cook moved and Councilor Tabor seconded a **motion to approve the February 23, 2024 minutes**. The Motion **passed on a unanimous vote**.

- III. **Review and discussion of the New Hampshire Municipal Association's 2025-2026 Proposed Legislative Policy Positions and Proposed Legislative Principles** in order to present recommendations regarding these policies and principles to the City Council at its September 23, 2024 meeting, which will allow the City to participate in the NHMA Policy Conference on September 27, 2024.

Senior Assistant City Attorney Ferrini (Attorney Ferrini) presented the New Hampshire Municipal Association's 2025-2026 Proposed Legislative Policy Positions and Proposed Legislative Principles and two Floor policies to the Committee. The NHMA has a Policy Conference where its membership vote on the proposed Policies and Principles every two years. The approval of these Policies and Principles permits NHMA lobbyists to support and oppose legislation over the next biennium. Attorney Ferrini.

Attorney Ferrini reviewed the Proposed Principles and explained principle 12 was the only new principle that was added from the Principles adopted two years ago. Principle 12 supports city and towns' right to lobby. This principle was added in response to the anti-lobbying bills that have been proposed over the last two legislative sessions. Councilor Cook noted that principle 3 regarding maintaining local authority should be nuanced as it relates to housing. She gave the examples of NHMA opposing bills that would help create housing and gave examples of bills regarding 4 units by right and 2 ADU's by right in a single residential zone. The Committee decided to address the issue of opposing statewide mandates when discussing the Proposed Policies.

Councilor Tabor **moved to approve** the Proposed Principles and Councilor Cook seconded the motion. The motion **passed on a unanimous vote**.

Attorney Ferrini explained the Proposed Policies were divided into three categories, General Administration and Governance, Finance and Revenue and Infrastructure, Development, and Land Use. Most of the policies had not changed from the policies approved two years ago. Attorney Ferrini summarized the policy changes:

General Administration and Governance policies:

- * Opposed eliminating governmental immunity or expanding liabilities;
- * Added support for giving municipalities the right to petition the Right-to-Know Ombudsman. The Committee members noted that a proposed policy recommendation was coming before the Council for charging fees under certain circumstances under the new Right-To-Know law; and
- * Regarding sale of cannabis, the Committee discussed the attempt to amend last year's policy regarding increases for police related to cannabis was defeated.

Councilor Cook moved and Councilor Tabor seconded a **motion to approve the General Administration and Governance policies**. The motion **passed on a unanimous vote**.

Finance and Revenue:

- * Support for the creation of a study committee regarding homestead exemptions was added; and
- * Opposition to education funding policies that would reduce municipal state aid, revenue sharing or create conflict with existing taxing authority, statutes or tax collection.

Councilor Tabor moved and Councilor Cook seconded a **motion to approve the Finance and Revenue policies**. The motion **passed on a unanimous vote**.

Infrastructure, Development, and Land Use:

- New policies were added that support funding for housing, including workforce housing and housing for the homeless population, assistance to homeowners in FEMA flood areas and state funding to regional planning commissions that help municipalities meet housing needs;
- Regarding Land Use policies, Council Cook moved and Councilor Tabor seconded a **motion to add a NHMA policy that would support legislation and policies that would take into consideration the value of housing as a regional resource**. The **motion passed on a unanimous vote**;
- Councilor Cook moved and Councilor Tabor seconded a motion to strike two policies NHMA opposes relative to housing:
 1. New state mandates requiring municipalities to allow specific types of housing; and
 2. All other statewide land use mandates.The **motion passed by a unanimous vote**; and
- New IT policies relative to AI were also noted.

Council Cook moved and Councilor Tabor seconded a **motion to approve the Infrastructure, Development and Land Use** as amended. The motion passed on a unanimous vote.

Floor Policies:

First Floor Policy: Lebanon's Floor policy on education funding. The Committee discussed the floor policy that supports rescinding tax cuts and opposes further reductions for Interest Dividends, Business Profit Tax and Business Enterprise Tax to restore revenue sources other than SWEPT to the Education Trust Fund. Councilor Tabor moved and Councilor Cook seconded a **motion to support the Floor policy**. The motion passed on a unanimous vote.

Second Floor Policy: Waterville Valley Floor policy on solid waste disposal. The proposed Floor policy supports the prevention of the disposal of municipal solid waste generated outside of New Hampshire in New Hampshire landfills and further supports the state to act expeditiously to plan for long term municipal solid waste disposal and waste reduction initiatives. Councilor Cook moved and Councilor Tabor seconded a motion to support the Floor policy. The **motion passed on a unanimous vote**.

- IV. **Discussion of Coalition Communities 2.0 annual meeting** and update on the status of the education funding cases appealed to the Supreme Court. Attorney Ferrini noted that the annual meeting of the CC2 had been continued until November in order to give the town of Hampton an opportunity to send information regarding new assessments suggestion for the membership based on each member's percentage of the total amount of SWEPT retained by the membership, rather than percentage of total equalized property value of the membership. Once the MOU is approved by the membership, Attorney Ferrini said it would be brought forward for Council approval. Attorney Ferrini gave a brief summary of the Rand and ConVal appeals. Briefs have been filed by the AG and CC2's attorney in the Rand case and defendants' briefs are due at the end of September. The general expectation is that oral arguments will be in the spring of 2025 with a decision issued in a year from now. The CC2 lobbyist advised that Ways and Means had three bills in interim study regarding education funding and two of those were SWEPT bills that support the excess SWEPT being paid into the Education Trust Fund. Those bills were moved forward but the CC2 lobbyist said it was not so much that the Committee supported the bills, but so that the legislature would have active bills in case the ConVal and Rand decision came down during the legislative session.
- V. **Discussion of legislative issues of interest for the City of Portsmouth for next session.** Councilor Tabor addressed the net metering issue and noted that the PUC was concluding its rule making and may want to try to weaken current net metering rules. Councilor Tabor reported that Senator David Watters will be monitoring those rules and will support protecting net metering. Councilor Tabor just wanted the Committee to be aware.

Attorney Ferrini advised that most of the bills that were tracked last session did not pass. She updated the Committee on several bills, such as the Columbus Day bill, the fees for Right-To Know in certain circumstances, the requirement for Planning Boards to consider alternative parking solutions if requested, new definition of abutters for zoning appeals and the restrictions of local amendments to the State Building Code.

The Committee discussed scheduling the next meeting after the election in November with our legislative delegates.

- VI. **Adjournment.** Councilor Tabor moved and Councilor Cook seconded a motion to adjourn. The motion passed by a unanimous vote and the meeting adjourned at 9:15 a.m.