



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: James Kennedy, City Solicitor
DATE: September 8, 2017
SUBJECT: Proposed Amendments to the Rules of the City Council

Recommendation:

Accept this report and the attached proposed amendments to the Rules of the City Council.

Discussion

The Rules Committee has held several meetings over the past couple of years relative to updating and amending the City Council Rules. Attached please find the proposed amendments, as well as a clean version of the proposed Rules and a copy of the current Rules.

Many of the proposed amendments are procedural-based and renumbering. The substantive amendments concern Sections 6A, 6B and the inclusion of 6C and 6D.

Under Section 6A, the proposed rule will require City Councilors to comply with the City's Ethics Ordinance relative to conflict of interest. Part (1) of 6A was deleted in its entirety and Parts (2), (3) and (4) were moved and renumbered as separate Sections in the Rules.

The amendment to Section 6B requires that disclosure of a Councilor's conflict of interest occur prior to any City Council discussion on the matter, or if discussion has occurred, then as soon as the conflict becomes known. Section 6B also contains a procedural amendment relative to ruling on a conflict of interest.

As to Section 6C, that amendment is simply a reformatting of some of the requirement that every Councilor who is present when a vote is put shall give his/her vote unless excluded under Section 6A. This stems from what was previously contained under the former Section 6A.

The proposed amendment to Section 6D authorizes Councilors who are not appointed members of a City Council sub-committee, City Board, or City Commission to attend meetings of those public bodies in their individual capacity. To the extent that a City Councilor testifies or offers comment at these meetings, certain rules apply as set forth in the proposed amendment, which include compliance with RSA 91-A, New Hampshire's Right-to-Know law.

Please note that, in addition to the amendments proposed by the Rules Committee, the City Solicitor's office is also proposing the elimination of Section 11 of the current City Council Rules. After review, we found no basis for the City Council to "resolve itself into a committee of the whole," other than as a Finance Committee, which is authorized under Section 34 of the City Charter. We are also unaware of any instances in which Section 11 has been used. As a result, we recommend deletion of that Section.

The remaining amendments/edits proposed by the Rules Committee generally constitute a renumbering of the sections and removal of the smoking prohibition Section.