

Bonenfant, Janice

From: Allan Herschlag <allan4council@gmail.com>
Sent: Tuesday, August 30, 2016 8:58 PM
To: Bonenfant, Janice
Subject: recusal for conflict of interest

City Clerk Bonenfant,

Please include the following to our September City Council Agenda with the items from the New Hampshire Municipal Association, that I have requested to be included under new business.

Respectfully,

Allan Herschlag

As stated in our City Ordinances 1-6-4, I have an obligation to declare any conflicts of interest and to state the conflict as soon as I become aware of them.

1-6-4 - Recusal.

Whenever a matter comes before any City of Concord Public Body, no officer or elected official shall introduce, ask questions, speak on or vote on any motion, ordinance, resolution or issue in which he/she has a conflict of interest and shall disclose the reason for the conflict of interest as soon as it becomes known to the officer or official. If the matter before the Public Body is a legislative matter, the officer or elected official who has a conflict of interest may remain seated on the panel during the term of the recusal. If the matter before the Public Body is a quasi-judicial matter, the officer or elected official who has a conflict of interest shall physically leave the room until consideration of the matter is completed.

In acting upon a matter involving more than one subject, such disclosure and recusal are required only with respect to the portion or portions affected by a conflict of interest, and not to the matter as a whole.

On the City Council's agenda for our September meeting, under New Business, we will be discussing the New Hampshire Municipal Association's 2017-2018 Legislative Policy Process which includes their Final Policy Recommendations.

Due to the fact that my wife is a retired teacher and now collects retirement benefits from the State's Retirement fund, I believe I have a conflict of interest with the following items:

General Administration and Governance

Standing Policy Recommendations

18. Consolidated Policy on Collective Bargaining Items

Mandated Employee Benefits: To see if NHMA will **OPPOSE** any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years, for current or future employees.

Finance and Revenue
Standing Policy Recommendations

18. Downshifting of State Costs and State Revenue

To see if NHMA will **OPPOSE** legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and will **OPPOSE** any reductions, deferrals and/or suspensions of state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, environmental state aid grant programs, adequate education grants, catastrophic aid, or any other state revenues.

20. New Hampshire Retirement System (NHRS)

To see if NHMA will **SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, **to see if NHMA will SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, NHMA:

- a. **SUPPORTS** legislation that will strengthen the health and solvency of the NHRS, ensure the long term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b. **OPPOSES** any legislation that: 1) expands benefits that would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c. **SUPPORTS** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan; and
- d. **SUPPORTS** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees.