



City Council Rules Committee
Draft Meeting Minutes
February 3, 2025
City Council Chambers
37 Green Street
3:30 PM

1. Call to Order

Councilor Kretovic, Chairperson, called the meeting to order at 3:35 PM.

2. Roll Call

Present: Councilor Jennifer Kretovic, Councilor Karen McNamara, Councilor Brent Todd,

Excused: Councilor Amanda Grady Sexton, Councilor Paula McLaughlin

Also Present: City Solicitor Danielle Pacik.

3. Approval of Meeting Minutes

Councilor McNamara moved approval of the June 17, 2024, Meeting Minutes. The motion was duly seconded by Councilor Todd, and passed with no dissenting votes.

4. Meeting Overview

Chair Kretovic reviewed the items for discussion which included the proposed financial disclosure form for boards and committees, and whether the form would be mandatory or voluntary.

5. Review of Proposed Financial Disclosure Form

Chair Kretovic began the discussion with the proposed financial interest disclosure form. She mentioned that the State of New Hampshire's Statement of Financial Interests form is used by elected officials and all candidates who file for state or county office, which is an online form that once completed is searchable by the

public. She reminded the Committee that the consensus at the June 2024, Rules Committee meeting was that the form should most likely be voluntary.

Discussion ensued on the overall goal they are trying to achieve and whether the form would be voluntary.

City Solicitor Pacik indicated that she had prepared a draft financial disclosure form for the Committee to discuss. She mentioned that if the Committee was going to mandate that the form be completed, there would need to be an amendment to the Code of Ethics Ordinance in accordance with RSA 31:39-a.

The Committee reviewed the draft financial disclosure form. The Committee discussed that the form requires the disclosure of information about family members, and reviewed the definition of what constitutes a family member. The Committee also discussed whether the form should be mandatory or optional. During the discussion, Chair Kretovic reviewed the core values of the City, which are: Accountability, Taking Responsibility, Communication, Informing and Engaging the Community, and Teamwork.

There was consensus that the Committee did not want to implement such strict rules by making disclosures mandatory, as the City needs to attract volunteers for boards and committees. The Committee instead discussed making a recommendation to City Council that the form be optional, and that the City Clerk send out the form annually to new appointees and re-appointments.

The Committee discussed the purpose of the form, which would help increase transparency and also help board and committee members recognize when there is a conflict. The form could also help avoid conflicts by reminding members of their potential conflicts.

The Committee felt the draft form was appropriate to use for members of City Council, as well as the boards and committees listed on the form (most of which are quasi-judicial).

Councilor Todd made a **motion** to have the Chair prepare a consent report to the City Council recommending use of the voluntary financial disclosure form, which would be sent by the City Clerk to all new and reappointments on the City Council as well as the boards and committees listed on the form. The motion was duly seconded by Councilor McNamara, passing with no dissenting votes.

6. Discussion regarding Board of Ethics report accepted by City Council October on October 15, 2024; together with Board of Ethics September 16, 2024 Meeting Minutes.

Chair Kretovic discussed the Board of Ethics report and their recommendations. The Committee discussed whether there needed to be clarity in the Ethics Ordinance around conflict of interests. Discussion followed around the words: “involves,” “could,” “should,” and “would,” and the implications of those words in the ordinance. The Committee felt the term “would” was more definite than “could.”

City Solicitor Pacik discussed the Ethics Committee’s decision to interpret the term “involve” to mean a material, substantial or direct involvement. Discussion followed around the words “would,” as well as “substantially,” and whether the intent of the conflict of interest’s language is to capture any potential or provable/obvious conflicts of interest. Discussion ensued around which language to use and whether changes need to be made at this time.

The consensus of the Committee was to further discuss such changes, such as whether to add the words “materially and or directly” to the ordinance, at its next meeting.

7. Items to be Considered Regarding the Amendment of Council Rules/Ethics Ordinance.

The Committee discussed removing the City Solicitor as an “ex-officio member” language from the first paragraph of 30-3-29 of the Board of Ethics ordinance, since the City Solicitor is already legal counsel to the City.

The Committee then discussed the recommendation from the Board of Ethics to change the language in Section 30-3-29(a)(4)(a) of the Board of Ethics Ordinance which states that following a hearing, a potential recommendation is to “vote for innocence of any wrongdoing.” The Board of Ethics had concerns about the use of the word “innocence” and the implication that the language implies criminal conduct and wrongdoing. The consensus of the committee was to submit a recommended ordinance to change the language from “vote of innocence of any wrongdoing” to “vote for no finding of a violation.”

Chair Kretovic mentioned that the Board of Ethics dismissed a recent complaint due to the length of time which had passed before the complaint was filed. The Committee discussed whether there should there be a statute of limitations/timeframe for filing a complaint. The Committee agreed to further

review whether to include a statute of limitations/timeframe for filing complaints at a future meeting.

Chair Kretovic also discussed whether to maintain the Ethics Ordinance. The Committee agreed that it is appropriate to keep the Ethics Ordinance.

Councilor Todd made a motion to recommend removing “and a non-voting ex-officio member” from the first paragraph following “The City Solicitor, or the Solicitor’s designee shall act as legal counsel” from 30-3-29 Board of Ethics, and under 30-3-29(a)(4)(a) to change “Vote for innocence of any wrongdoing” to “Vote for no finding of a violation.” The motion was duly seconded by Councilor McNamara, passing with no dissenting votes.

Lastly, Chair Kretovic discussed whether a complaint filed with the Clerk’s Office should be confidential pending an initial review by the Board of Ethics. The Committee discussed other municipalities who maintain such information confidentially, and whether such a procedure was permissible under RSA 91-A. Discussion followed, and the consensus was that transparency and accountability are important, and that complaints should remain public. The City Solicitor will review a new complaint submission form in order to prompt better details from the public when there is a concern.

8. Scheduling of Next Meeting, if necessary.

The Committee agreed to schedule a follow up meeting. Chair Kretovic will work with the Clerk’s Office to schedule the next meeting.

9. Adjournment.

At 4:56 PM, there being no additional business to discuss, Councilor McNamara moved to adjourn. The motion was duly seconded by Councilor Todd, and passed with no dissenting votes.

A true copy; I attest:

Deborah Tuite

Deputy City Clerk