



City Council Rules Committee
Draft Meeting Minutes
December 09, 2025
City Council Chambers
37 Green Street
2:30 PM

1. Call to Order

Chair Kretovic called the meeting to order at 2:34 PM.

2. Roll Call

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

Excused: Councilor Paula McLaughlin, Councilor Amanda Grady Sexton

Also Present: City Solicitor John Conforti.

3. Approval of Meeting Minutes

Councilor McNamara moved approval of the October 6, 2025 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, noting the revised agenda.

5. Items to be considered Regarding the Amendment of Council Rules/Ethics Ordinance.

The Committee discussed the items in the City Council Rules that the Council passed at their December 8th meeting. They noted the need to review all sections of the rules that use gender-specific pronouns and update them to be gender-neutral, specifically in Sections 6B, 6C, and 6D. Solicitor Conforti will make the necessary updates.

Councilor McNamara moved to change the pronouns to gender neutral. The motion was duly seconded by Councilor Todd and passed unanimously.

Chair Kretovic noted that at their last meeting the Committee briefly discussed researching the statute of limitations on items before the Ethics Board. The Committee agreed to add this item to their next meeting agenda.

The members of the Committee then opened discussion on whether a complaint that comes before the Ethics Board could be reviewed before it becomes a public document to ensure that there isn't something in the document that could be slanderous and hurt someone's reputation.

City Solicitor Conforti indicated that he had drafted some language based on the discussion at the last meeting. He explained that as written now, the Board of Ethics has a two-tier system. A complaint comes in, which gets screened to determine if a hearing is necessary and then a hearing takes place, which is all done in public. The complaint is currently interpreted in the existing language to be a public document, which is disseminated to the Board and any parties named. In his research, Mr. Conforti indicated that other Boards of Ethics have a system where a complaint is sealed until such time there is some determination on the base level of merit.

The Committee then had a lengthy discussion on the merit of having a complaint sealed and considered confidential once it comes into the Clerk's Office, which Mr. Conforti indicated is a consideration until RSA 91:A. At that time only the Board of Ethics would have the right to review the complaint, however, the Solicitor, as legal counsel, would have the opportunity to review the complaint as well. He noted that most if not all would be subject to a potential exclusion under RSA 91:A for reputational damage, but ultimately a court would make that decision. The Board would have to look at the public's right to know versus the potential harm to the individual(s) involved. The Committee discussed the benefit of adding instructive language to make it clear who does and does not have access to a complaint.

The Committee also discussed how a complaint would be analyzed by the Board of Ethics, considering who the party is, a publicly elected official compared to an appointed official, the nature of the allegations and whether the complaint causes reputational harm. The members agreed that it was important to give the Board the opportunity to do the analysis by keeping it confidential, and letting them determine how to proceed, with a review under RSA 91-A, determining if the complaint rises to the level of needing a hearing and whether it rises to the level of needing to be confidential.

The Committee discussed the questionnaire's format of asking for specifics in the allegation, such as examples, dates, who, what, where and when. If a complaint

was dismissed and considered not to have merit, having the ability to keep the complaint confidential was ideal, however, there was discussion that if the complainant was to provide further evidence, that would not be barred. The Board could then revisit the new evidence.

The Committee discussed the handling of sealed complaints and the associated procedural concerns. Members reviewed a scenario in which a complaint containing highly offensive allegations against an official is received under seal and reviewed in a non-public session due to reputational risk under Section 3-2-C. If the Board determines there is no basis to proceed with a hearing, the complaint may remain sealed, and the subject is not notified of its existence. It was noted that during the initial review process, the subject does not testify or speak and may only submit written materials, which may receive limited consideration compared to the complaint itself. If the Board declines to move forward, the subject never has the opportunity to formally respond, while the complaint may remain on record indefinitely. Members further discussed the contrast between this limited participation and the formal nature of hearings when they do occur, including the presence of legal counsel, despite the Board's advisory role. It was noted that the Board submits a report to City Council, who ultimately makes the final decision without having participated directly in the review process.

Solicitor Conforti clarified that, as written and as intended, a complaint initially reviewed in a non-public session due to reputational risk must proceed to a public hearing if the Board determines there is sufficient merit to warrant further review. He noted that once the threshold for a hearing is met, the required balancing test has effectively been satisfied, and reputational risk alone should not preclude a public proceeding. While allegations may contain offensive or damaging statements, the existence of supporting facts sufficient to justify a hearing indicates that the reputational risk is outweighed by the need for transparency. The Committee emphasized that this determination should not be interpreted as establishing a new policy requirement, but rather as a clarification of the existing process.

Chair Kretovic noted that the Committee would schedule another meeting, sometime in January, after the Mayor has determined the Rules Committee Appointments for next two-year term.

The Committee discussed Councilor Council Sekou's request to reconsider whether the conflict of interest disclosure form should be mandatory for all appointed committee members. Members noted that the City Council had previously voted to make the form voluntary and that no motion to reconsider was brought forward at the Council meeting. The Committee acknowledged the request but recognized that the current policy remains voluntary unless amended by Council action.

Members discussed concerns about whether mandatory disclosure requirements could deter volunteers. While some felt disclosure would not discourage participation, others noted practical concerns regarding scope of disclosure, ongoing updates as personal circumstances change, and administrative burden. Annual reminders or update opportunities were discussed as a possible mitigation, though questions remained about enforcement, penalties for noncompliance, and inadvertent omissions.

Solicitor Conforti noted that mandatory disclosure systems typically require clear expectations, update requirements, and consideration of consequences for failure to disclose, emphasizing that missed disclosures are often unintentional. The Committee discussed the broad definition of family members and the potential for uncertainty regarding indirect conflicts of interest.

Members identified ongoing confusion among Councilors regarding conflicts of interest, particularly indirect conflicts and the process for determining whether a conflict exists. It was clarified that conflict determinations are made by the Mayor, subject to Council vote, and not by the individual Councilor or the Board of Ethics. Solicitor Conforti noted that expanded orientation and training are planned to address these issues.

The Committee discussed Councilor participation in committee meetings where they are not members, emphasizing that Council authority rests with the Council as a body, not with individual Councilors. Councilors may attend meetings as private citizens but must avoid actions that could be perceived as exercising undue influence. Members noted that staff and committee chairs should avoid reinforcing Councilor status in such settings.

The Committee also discussed challenges staff face when Councilors ask questions or participate during committee proceedings and emphasized the importance of clear role boundaries to protect staff and maintain procedural integrity. Members acknowledged that limited exceptions may arise, such as assisting residents who are unable to advocate for themselves, but stressed the importance of appropriate conduct.

Finally, Solicitor Conforti noted that additional training is needed regarding RSA 91-A compliance, as several boards and committees continue to experience challenges in this area.

6. 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 in January.

7. Adjournment.

At 4:50 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*