



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: James W. Kennedy, City Solicitor

DATE: February 25, 2022

SUBJECT: Amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-6, Code of Ethics

Recommendation:

Accept this report and set the attached ordinance amending the following ordinance for a public hearing on March 14, 2022:

Amending the Code of Ordinances, Title I, General Code; Article 1- 6, Code of Ethics

Discussion

After further review of the proposed amendments to the Ethics Ordinance, the City Solicitor's office recommends edits to the original proposed amendment to Section 1-6-3 and one additional amendment Section 1-6-4. The proposed changes are as follows:

(1) With respect to the amendments that the Rules Committee made to Section 1-6-3 of the City's Ethics Ordinance, transfer and amend the last sentence of the definition of "Conflict of Interest" to "Recusal," under Section 1-6-4 of the Ordinance. This change is necessary because issues relative to collective bargaining or compensation may not be limited to legislative or adjudicative matters (where recusal action is defined), but may fall under an administrative function of the City Council and be discussed in a non-meeting under RSA 91-A:2, I (a) or in non-public session under RSA 91-A:3, II. When this occurs, it is appropriate for the recused City Council member to leave the room until consideration of the matter is completed.

(2) Amend Section 1-6-4 of the Ethics Ordinance to authorize a recused officer or elected official of a Public Body to represent their own interest, but not that of a third-party, when the officer or elected official is the applicant, abutter or has another personal interest in a quasi-judicial matter or legislative matter before a Public Body. This amendment, for example, makes clear that a zoning board member, who owns property in Concord, has the right to apply for a variance before the zoning board relative to their own property.