



City Council Rules Committee
Meeting Minutes
September 6, 2017
City Council Chambers
4:30 p.m.

1. Councilor St. Hilaire called the meeting to order at 4:35 p.m.

Committee members present: Councilors St. Hilaire, Bouchard, Herschlag and Matson. Councilor Grady-Sexton was late. Staff members present: Deputy City Clerk Michelle Mulholland and City Solicitor Jim Kennedy. Mayor Bouley was present.

2. Councilor Bouchard moved approval of the August 9, 2017 meeting minutes. The motion was duly seconded and passed.
3. Review of Proposed Amendments to Council Rules.

Solicitor Kennedy distributed copies (*copies on file in committee folder*) of the updated draft Rules of City Council which contain all proposed changes/edits by the committee in follow up to the last meeting. He also distributed copies of the current Rules of the City Council.

Solicitor Kennedy pointed out the amendments made within Section 6B as the committee suggested at their last meeting. He noted that it states that a councilor bring forth the notice of conflict and recuse themselves once they are aware of the conflict explaining that this needs to happen before discussion occurs.

Referencing Section 6D, Solicitor Kennedy pointed out that Council members who are not appointed members of a sub-committee, board or commission may attend meetings in their individual capacities and not as a City Councilor.

Councilor St. Hilaire asked if committee members were in agreement in regards to the first paragraph of Section 6D which states that members of City Council can attend sub-committee, board and commission meetings doing so in their individual capacities.

Councilor Herschlag inquired whether they needed to address the issue of a quorum of the Council in attendance.

Solicitor Kennedy responded that this already exists with the NH Right to Know Law.

Councilor Bouchard indicated that there isn't a conflict with the Right to Know Law if a Council member is just listening and observing a meeting; the conflict comes if there is interjection in the discussion.

Solicitor Kennedy explained that the definition of a meeting is very precise which is that a meeting is when members of a committee discusses or acts upon matters in which they have jurisdiction. He hasn't seen a Council quorum being an issue at committee meetings.

Councilor Herschlag indicated that NHMA conducts training sessions and expresses that these situations should be avoided indicating that any time there is a quorum, somebody has to leave the room or post a meeting of the Council.

Councilor St. Hilaire doesn't feel that it's violating if they are just observing a public meeting and not acting/discussing. He is not in favor of hindering a councilor's right to participate within the community.

Councilor Herschlag further noted his concern with the possibility of a quorum of the Council in attendance at any sub-committee, board or commission meeting not being addressed within Section 6D.

Councilor St. Hilaire pointed out that they have to comply with the Right to Know Law whether it's in writing within Section 6D of their Council Rules.

Councilor Herschlag moved to have the quorum issue addressed with Section 6D of the Rules of City Council. The motion was duly seconded.

Solicitor Kennedy noted that he could include a sub-section e within Section 6D to address the quorum concern.

Councilor Herschlag inquired how they can help to alleviate the concern of councilors being viewed as the City Council regardless of just being present to observe a committee meeting. He noted his concern as to how a councilor would influence a committee when they have to come back to the Council with a report.

Solicitor Kennedy responded that there is an Ethics Ordinance in place and a councilor would need to be careful and cognizant if there is a conflict of interest.

Councilor St. Hilaire pointed out that their scheme is stricter than the Legislature's framework. He noted at some point there needs to be a balance noting that councilors want to participate within the community.

Councilor Herschlag clarified that his concern is the type of influence a councilor would have on a committee. He noted that if a councilor has a conflict before the Council, they would have one before a committee.

Solicitor Kennedy responded that there is already an ordinance in place to address a conflict.

Councilor Herschlag asked, if a councilor is appearing as an individual, whether it absolves them.

Mayor Bouley doesn't feel that any law can govern/control how someone perceives them at a meeting; they can't control the way that people think.

Councilor Herschlag noted that he is still having difficulty when Council sends an item to a committee or board which has to come back before the Council. He is wrestling with should they be influencing at the committee or board level.

Mayor Bouley asked if Councilor Herschlag was okay with the first paragraph and agrees with the premise in which a councilor can attend another committee or board meeting.

Councilor Herschlag noted he is okay with a councilor being in the room of the meeting. He inquired whether there is a different requirement to attend a Planning Board or a Zoning Board of Adjustment meeting.

Councilor St. Hilaire replied that this would cover all meetings.

Following brief discussion, Councilor Grady Sexton moved to accept the amendment within Section 6D as outlined before them along with the addition of sub-section e. She further added to the motion to forward this to the City Council. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard moved to adjourn the meeting at 5:35 p.m. The motion was duly seconded and passed with no dissenting votes.

A trueed copy: I attest:

*Michelle Mulholland
Deputy City Clerk*

Approved April 9, 2019