



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 18, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 4, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Cheshire County Administrator, Chris Coates - County Acquisition of DiLuzio Ambulance

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

D. REPORTS - COUNCIL COMMITTEES

1. Mark Zuchowski – Pursuant to Section 5 of the Keene City Charter – Allegation of Fraud or Misconduct in Connection with the Municipal Election
2. Proposed Amendments to the Rules of Order - City Clerk and City Attorney

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. 2021 Homeland Security Grant Program Award - HazMat - Fire Chief

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation of Hillary Ballantine and Cary Gaunt from the Energy and Climate Committee
2. Ordinance O-2021-14: Relating to Amendments to the Business, Growth and Reuse District - Joint PB/PLD

H. REPORTS - MORE TIME

1. Keene Downtown Group – Request to Use City Property – Ice and Snow Festival

I. ORDINANCES FOR FIRST READING

1. Redistricting of Ward Lines - ad hoc Redistricting Committee
Ordinance O-2021-15

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to an Appropriation of Funds for the Solid Waste Fund
Resolution R-2021-42
2. In Support of a Medicare for All Plan
Resolution R-2021-46
3. In Appreciation of William Rhett Lamb Upon His Retirement
Resolution R-2021-45

NON PUBLIC SESSION

ADJOURNMENT

11/04/2021

A regular meeting of the Keene City Council was held on Thursday, November 4, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Raleigh C. Ormerod was absent. Councilor Jones led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel congratulated all winners of the municipal election. He also congratulated everyone who ran in the election, who deserve respect for putting their names forward for public offices. He hopes that those who did not make the City Council this time will have another chance in the future because it is a great opportunity to serve the community. Mayor Hansel also thanked all the election workers and those behind the scenes making the election happen, particularly the City Clerk, Patty Little, and her team.

The Mayor also announced two special City Council meetings, both beginning at 6:00 PM. The first will be on Tuesday, November 9 for the evaluations of the City Attorney and the City Clerk, and the second special meeting will be on Tuesday, December 7 for the evaluation of the City Manager. This is an important responsibility of the City Council, who employ these three Charter Officers, to provide them regular review and feedback to perform their jobs best. Mayor Hansel looked forward to all City Councilors participating.

Finally, Mayor Hansel announced that the November 11, 2021 Finance, Organization, and Personnel Committee meeting was canceled.

MINUTES

A motion by Councilor Powers to adopt the October 21, 2021 minutes as presented was duly seconded by Councilor Bosley. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

PROCLAMATION – PEDALING FOR PREVENTION

Mayor Hansel welcomed Mike Mariani and Devin McLaughlin, who cycled cross country to raise awareness for suicide prevention, to join him at the microphone for the presentation of a Proclamation of Pedaling for Prevention.

Mr. McLaughlin thanked everyone for coming to hear this Proclamation, which he said was impactful and meant a lot to him and Mr. Mariani. He continued saying that the trip meant so much to them both, given that suicide was close to home for them. He said they put their heads together to try to make light out of the dark time they went through following Mr. Mariani's brother's death. Mr. McLaughlin said that the bike trip in June 2021 was an experience they could not have imagined growing up in small town Keene; it was everything they could have wished for and the helping hands of strangers they met along the way were crucial to their success. He was grateful to the whole staff at the City of Keene for showing its support and donating to their cause.

Mr. Mariani said the impetus for this ride was missing people and trying to reduce stigma regarding suicide. When the trip began, they were unsure how well it would work and they reached out to every person they passed by, which illuminated that one in four people really are affected by suicide. He said it is an issue that needs to be taken care of, but it is very difficult to find ways to reach out to people and help them. Mr. Mariani said he and Mr. McLaughlin were trying to do their part to reduce the stigma by talking about it. Mr. Mariani appreciated everyone present that helped them accomplish this.

CONFIRMATION

Mayor Hansel nominated Peter Temple to the Airport Development and Marketing Committee, with a term to expire December 31, 2021; he will be eligible for two full terms after this confirmation. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

COMMUNICATION – KEENE DOWNTOWN GROUP – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

A communication was received from Mark Rebillard of the Keene Downtown Group, with their annual request for the 2022 Ice and Snow Festival scheduled for February 5, 2022. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COUNCILOR BRYAN LAKE – CONFLICT OF INTEREST – PROPOSED USE OF FORMER WHEELOCK PARK CAMPGROUND

A communication was received from Councilor Bryan Lake, acknowledging a potential conflict of interest that he may have regarding two proposals currently before the City Council. Both are for the use of City land at the former Wheelock Park Campground; one for use as a disc golf course and the other for use as a dog park. As a member of the Keene Disc Golf Club and an active member in the broader disc golf community working with Director Bohannon on this project, Councilor Lake believed that he may have a conflict of interest. Councilor Lake requested that he be recused from the discussion and vote on both proposed uses.

Mayor Hansel recognized Councilor Lake to address his communication. Councilor Lake added that he has been helping the Keene Disc Golf Club and working with Parks, Recreation, and Facilities Director, Andy Bohannon, to seek a new location since this summer 2021, before he was a Councilor. Given there is the dog park group also competing for the location at the former Wheelock Park Campground, he felt there was apparent bias.

Discussion ensued. Councilor Greenwald said that conflicts of interest are about pecuniary, financial interests that create conflicts. He said the City Council needed to discuss this issue in more depth because all Councilors are members of various organizations and must sometimes participate in uncomfortable votes if they have no pecuniary interest; it might be different if Councilor Lake were on a board of directors, for example. Councilor Greenwald stated his intention to vote no. Councilor Bosley recalled that the City Council had amended their Rules of Order, indicating that potential conflicts of interest, including board positions and other volunteer

associations, should be disclosed to the Council so the full group can decide. Councilor Bosley said the forum to bring this up again would be an upcoming Planning, Licenses, and Development Committee meeting when Rules of Order amendments would be discussed.

A motion by Councilor Powers to recuse Councilor Lake due to conflict of interest was duly seconded by Councilor Bosley. On a show of hands vote of 13-1, the City Council recused Councilor Lake from discussing and voting on proposed uses for the former Wheelock Park Campground. Councilor Remy voted in opposition.

FOP REPORT – ACCEPTANCE OF DONATION AND UPDATE ON SKATE PARK PROJECTS – PARKS, RECREATION, AND FACILITIES

A Finance, Organization, and Personnel Committee report read on a vote of 4-0, recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200,000.00 for the purpose of building a new skate park.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF LAW ENFORCEMENT SUBSTANCE ABUSE INITIATIVE GRANT – POLICE DEPARTMENT

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2022 Law Enforcement Substance Abuse Initiative Grant in the amount of \$29,000.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Discussion ensued. Councilor Williams expressed his opposition because this felt to him like a continuation of the drug war, he has concerns about criminalization of substance use disorder, and he would like to find another way to address the issue.

The motion passed on a show of hands vote of 13-1. Councilor Williams voted in opposition.

FOP REPORT – ACCEPTANCE OF FEDERAL FOREFEITURE MONIES – POLICE DEPARTMENT

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept Federal forfeiture monies in the amount of \$33,100.23.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

FOP REPORT – NEGOTIATE A LEASE OF AIRPORT PROPERTY FOR HANGAR DEVELOPMENT – AIRPORT DIRECTOR

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Construction/Lease Agreement with Monadnock Choppers, LLC, to develop an aircraft hangar on City-owned property at the Keene Dillant-Hopkins Airport.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF FFA ARPA GRANT FOR AIRPORT – AIRPORT DIRECTOR

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$59,000 from the Federal Aviation Administration as part of the FAA ARPA Grant program.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

FOP REPORT – 12 GILBO AVENUE LEASE – PARKS, RECREATION & FACILITIES DIRECTOR

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos and Demitris Georgiadis for space located at 12 Gilbo Avenue.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OPIOID SETTLEMENT PROPOSAL – CITY ATTORNEY

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to participate in the proposed National Opioid Settlement and authorize the City Attorney to execute all necessary documents.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

The City Manager commented that there was an effort being led by the Sullivan County managers to change the allocation of these funds from the current 15% to 53%, going directly to the 23 counties and towns that sued. The City Manager intended, without objection, to sign on and support the City of Keene to advocate for increasing that percentage. In response to the Mayor, there were no Council objections to the City Manager's intention.

Discussion ensued. Councilor Johnsen asked if this was affiliated with anything going on nationally. The Mayor believed these were the local plaintiffs for the national settlement.

Councilor Williams asked if there was a sense of when these funds might arrive and when they do, what the plans were for using them. The City Manager did not have a sense of when the funds could arrive and she was not sure yet what strings would be attached to the money; the State intends to create a trust fund and distribute the funds via that trust, so it was still unclear at this time. When the funds do arrive to Keene, Councilor Williams said he hoped that there would be public discussions at Committee, including public health experts, to find a way to use these funds to support the opiate victims.

The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager only provided one update. She said that the NH Municipal Association's annual conference would be on November 17 and this year, there would be a panel on community power, in which the City Manager was asked to participate to discuss the process used to create Keene's Community Power Plan with consultants, Good Energy and Standard Power.

CITY OFFICER REPORT – CANVASS OF GENERAL ELECTION RESULTS – CITY CLERK

A memorandum from the City Clerk was read recommending that the candidates receiving the highest number of votes for their respective offices are declared elected and that the Charter amendment relative to ward lines be declared adopted.

A motion by Councilor Powers to recommend that the candidates receiving the highest number of votes for their respective offices are declared elected and that the Charter amendment relative to ward lines be declared adopted was duly seconded by Councilor Bosley. The motion passed on a unanimous show of hands with 14 Councilors present and voting in favor.

MORE TIME REPORTS – REBECCA LANCASTER – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK; AND ROBERT JOHNSON – PROPOSAL TO BUILD A 9-HOLE DISC GOLF COURSE AT FORMER WHELOCK PARK CAMPGROUND; AND MONICA MARSHALL - REQUEST THAT MAIN STREET BE DESIGNATED AS A SMOKE FREE ZONE

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the designation of a site for a community dog park on more time. Mayor Hansel granted more time

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the proposal to build a nine-hole disc golf course at the former Wheelock Park campground on more time. Mayor Hansel granted more time.

Municipal Services, Facilities, and Infrastructure Committee report read recommending placing the request that Main Street be designated a smoke free zone on more time. Mayor Hansel granted more time.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE WASTEWATER TREATMENT PLANT (WWTP) CAPITAL RESERVE FUND BALANCE FOR THE WWTP LABORATORY RENOVATION PROJECT – RESOLUTION R-2021-40

11/04/2021

Finance, Organization, and Personnel Committee report read recommending the adoption of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-40 was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE SEWER FUND UNASSIGNED FUND BALANCE FOR THE WATERWATER TREATMENT PLANT’S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROJECT – RESOLUTION R-2021-41

Finance, Organization, and Personnel Committee report read recommending the adoption of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant’s National Pollution Discharge Elimination System (NPDES) Permit Project. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-41 was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-43

A memorandum from Finance Director/Treasurer, Merri Howe was read recommending that Resolution R-2021-43 relating to the appointment of the City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2021-43 to the Finance, Organization, and Personnel Committee.

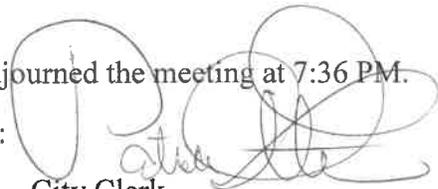
RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-44

A memorandum from Finance Director/Treasurer, Merri Howe was read recommending that Resolution R-2021-44 relating to the appointment of the Assistant City Treasurer have a first reading in front of the City Council and that it be referred to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2021-44 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:36 PM.

A true record, attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: November 18, 2021

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Mark Zuchowski – Pursuant to Section 5 of the Keene City Charter – Allegation of Fraud or Misconduct in Connection with the Municipal Election**

Council Action:

In City Council November 18, 2021.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends to take no further action on the allegations presented by Mark Zuchowski, as he failed to provide factual basis to establish a claim of fraud or misconduct in the conduct by the City of the municipal general election held on November 2, 2021.

Attachments:

None

Background:

Chair Bosley stated that she will allow Mark Zuchowski 10 to 15 minutes to explain why he believes that fraud or misconduct occurred at the recent Municipal election. She continued that given the sensitivity of this issue and the interpretation of the Keene City Charter, she asks that City Attorney Tom Mullins preside over this portion of the meeting.

The City Attorney stated that given that this involves the City Charter and the municipal election, he has been asked to facilitate this portion of the meeting. He continued that he understands that Mr. Zuchowski was provided with a summary of how the procedure will go tonight.

Mr. Zuchowski replied yes.

The City Attorney continued that they ask Mr. Zuchowski to focus, as specifically as he can, on the allegations Mr. Zuchowski is raising that arise from the City Charter, keeping in mind that the City Charter is precise. It calls for evidence that may rise to the level of fraud or misconduct, in the conduct of the election. This means the conduct of the election by the City, in terms of the City's processes or anything else the City is associated with regarding the running of the election. The City Attorney continued he has read the claims Mr. Zuchowski submitted, and notes that some claims

appear to go to third parties over which the City has no control, including the Keene Sentinel and other media outlets like WKBK radio. In addition, Mr. Zuchowski submitted some serious allegations with respect to third parties, individuals the City has no control over and does not employ for any purpose. Thus, he asks Mr. Zuchowski to focus tonight not on those issues, but on the issues that Mr. Zuchowski believes arise from the City's conduct. It is very important to stay focused on that, because the PLD Committee will make a recommendation to the full City Council on how or whether to proceed.

The City Attorney asked if Mr. Zuchowski understands those rules. Mr. Zuchowski replied yes.

Mark Zuchowski of 52 Summit Rd., Apt. 8, stated that he "is" a candidate for Mayor of the City of Keene. He continued that he says that in the present tense because he is contesting the mayoral process in the primaries and the general election. He ran a clean campaign on traditional, Judeo-Christian principles. He ran five ads in the Monadnock Shopper News, which expressed his Judeo-Christian values, upon which this country was founded. He was disappointed that the City did not have a candidate's night.

The City Attorney stated that he wants to make sure he understands what Mr. Zuchowski is saying. He asked if part of Mr. Zuchowski's allegation is that the City has a responsibility to run a candidate's night.

Mr. Zuchowski replied that two years ago when Mitch Greenwald ran against George Hansel, there was a candidate's night at Keene State College (KSC). He continued that WKBK Radio interviewed them, and the Keene Sentinel did articles on them, and he himself did not get the same consideration. The City Attorney replied that Mr. Zuchowski should speak to KSC about that question. Mr. Zuchowski replied that he spoke with Misty Kennedy, KSC Business Manager, Office of Ceremonies and Events.

The City Attorney asked Mr. Zuchowski if he believes that the City has a responsibility to run a candidate's night. Mr. Zuchowski replied yes. The City Attorney asked Mr. Zuchowski to explain why he thinks the City has that responsibility.

Mr. Zuchowski stated he comes from Hadley, MA, and when there are select board or school committee elections, the Town of Hadley has a candidate's night. Boston had a televised candidate's night for their recent mayoral election.

The City Attorney stated that what happens in MA is not necessarily appropriate or legal in the State of New Hampshire. He continued that it is important to keep in mind that NH has a strict prohibition with respect to City employees or City equipment being used in any kind of electoral process, except for the running of the machinery of the election. All City employees are under that constraint. He needs Mr. Zuchowski to focus back on the question, not on whether KSC should run something, but on the City. The City does not have any statutory obligation and probably has a prohibition on running candidate nights.

Mr. Zuchowski stated that he feels like he is being shut down and shut out. He would like to give a 5-minute presentation about how he feels.

The City Attorney replied that he can do so, but Mr. Zuchowski's proposal tonight is for a specific purpose: to convince this committee that there should be a basis to go forward on the basis of fraud or misconduct with respect to the City's operation of its election. He can give his presentation as long as he does not go off into the other areas that would not be appropriate.

Mr. Zuchowski stated that he has never seen an election like this one. He continued that he thinks of the presidential election, and the election for US Senators and Representatives, Governor, and State Legislatures. None of the (PLD members) have heard him utter one breath of his platform, what he stands for, what his qualifications are, who he is, where he is from, how he would love to help the City of Keene, or why he moved here.

Mr. Zuchowski stated he moved here in 2015. He likes Keene Swamp Bat games and St. Bernard's Church. He is a devout Roman Catholic and goes to morning mass almost every day. He has made friends with many people in Keene, especially Veterans, whom he has coffee with.

The City Attorney asked Mr. Zuchowski to focus on the topic. He continued that Mr. Zuchowski's history is wonderful and probably everyone tonight would celebrate that, but the question at this point, for this committee, is: what is Mr. Zuchowski's allegation of fraud or misconduct?

Mr. Zuchowski replied that his point is that the City should have a candidate's night, and someone in the City should be responsible for it. He continued that the final election was 2000-something for the incumbent who has been here for many years, George Hansel. He himself is the challenger from Hadley, MA and he did not get an opportunity to utter one word. The Keene Sentinel would not print his platform. WKBK Radio would not take his calls. No one wanted to hear him. His only opportunity to share his platform would be through a candidate's night.

The City Attorney stated that again, he reminds Mr. Zuchowski that the City does not have any control over the Keene Sentinel, or a church, or KSC. He continued that the complaint he hears Mr. Zuchowski asserting is that the City should have run some sort of campaign process with respect to the candidates who were running for that election. That is not the City's role. It could be the role of all kinds of other entities, including the media, or the League of Women Voters, who run those kinds of things. He has trouble seeing how the simple fact that the City does not - and from his perspective, probably cannot, except under very strict controls - run a candidate's night arises to the level of fraud or misconduct. He asked Mr. Zuchowski to talk about how he thinks the City not running a candidate's night rises to the level of fraud or misconduct.

Mr. Zuchowski stated that he thinks he has been shut out completely. He continued that people do not want to hear the other factions, and they are all coordinated.

The City Attorney stated that what Mr. Zuchowski is saying does not go to the question of the City's involvement. Mr. Zuchowski stated that the entire process is fraudulent. He continued that the City did not have a candidate's night, the radio station would not take his call, and the Keene Sentinel would not print his platform. That sounds to him like a coordinated effort to shut out "the flatlander from MA."

The City Attorney replied that perhaps, then, Mr. Zuchowski should be taking his complaint to those entities. Mr. Zuchowski replied that he will take it to the State elections board. He continued that if the PLD Committee does not want to hear his story, he is prepared to leave and do just that. The City Attorney replied that that is Mr. Zuchowski's prerogative. Mr. Zuchowski stated that he thinks the process in Keene is unfair. He continued that he is a good, qualified candidate.

The City Attorney stated that Mr. Zuchowski can go to the State election board if he chooses, but unless he has something further for the PLD Committee or the City Council to consider with respect to the allegations, he asks that Mr. Zuchowski conclude.

Mr. Zuchowski began to speak off-topic about a different subject not related to the election process. The City Attorney stated that Mr. Zuchowski cannot speak about that in this meeting.

Chair Bosley asked if Committee members had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made a motion for the Planning, Licenses, and Development Committee to take no further action on the allegations presented by Mark Zuchowski, as he failed to provide factual basis to establish a claim of fraud or misconduct in the conduct by the City of the municipal general election held on November 2, 2021. Councilor Jones seconded the motion.

Councilor Jones stated that he thanks Mr. Zuchowski for throwing his hat into the ring. He continued that they do need to have contests like that. The City has no control over the third parties. He has been in seven elections, and there was never a candidate's night run by the City; it was always a third party running those. No third party chose to run one this time, and he would have liked to have been part of one, too, to get his platform out there, and he is sorry no third party chose to have a candidate's night.

Chair Bosley stated she seconds what Councilor Jones said and she appreciates Mr. Zuchowski running. She thinks it is important that people see this as a process in which they can participate. It is not an easy process; it is intimidating and it is a lot of work for candidates to get their name out. Candidates knock door to door and do what they can to get their platforms out using social media and whatever available avenues they have. However, she believes the City does not have any responsibility to do that on candidates' behalf. She thinks that is the personal responsibility of candidates. She is not seeing any direct misconduct on the part of the City.

Councilor Greenwald stated that he has run the same race and can say that it is a lot of effort. He continued that he could feel Mr. Zuchowski's pain and frustration, but it definitely was not the City's doing. The debate held at KSC had no City involvement. KSC and the Keene Sentinel put it on. Anything that was on the radio was put on by the radio station. Whether there should be a candidate's night or not is not really the question. There is no forum put forth by the City that he is aware of, in all of the years he has been here in City government. It might have been put on by the League of Women Voters, the Rotary Club, or some other group, but not by the City of Keene. He thanks Mr. Zuchowski for the effort of running. If someone else did something wrong, Mr. Zuchowski should contact them, not the City.

Mr. Zuchowski stated that he wants to thank them. He continued that he did not know that the City was not responsible. He had emailed the City Clerk to ask who is responsible for running the elections. He now understands. The PLD Committee has shown him that the City is not responsible. He continued that he withdraws his allegations of fraud by the City. However, he has never seen an elections process like this and hopes that someday they can improve it.

Chair Bosley thanked Mr. Zuchowski for his words. She continued that she thinks Mr. Zuchowski is expressing his frustration with the campaigning process. It has changed rapidly in the last decade, regarding the traditional methods candidates previously used to get the word out and the methods they are now using in modern times. She herself primarily uses social media, and did almost no door-to-door knocking, but in the past, that would have been probably the primary source for candidates to gain votes. As times change, the processes change. Unfortunately, it is the candidate's responsibility to win over the voters, get them on one's side, and get them to show up at the polls and vote. It is challenging, and you have to put in a lot of work. She can see that Mr. Zuchowski did a lot on his own behalf, and she is sorry it did not work out. However, in terms of the City's responsibility, she almost prefers the fact that they are not involved, because she would not want it to ever be alleged that the City supported candidate A over candidate B or gave candidate A a platform that maybe they did not give to another candidate and that that somehow might have altered

an election result. In her opinion, candidates must be responsible for their own candidacies in order to keep the process fair.

Mr. Zuchowski stated that he thinks that having a candidate's night by the City would not be favoring any candidate. The City could allow each candidate to give a speech, debate each other, and take audience questions. That does not seem like favoring, unless the City chooses a night when one candidate is busy. He thinks that in the future the City should be responsible for running a candidate's night.

Chair Bosley stated that again, they need to stay focused on the Committee's deliberations regarding the motion on the floor. She continued that they all wanted Mr. Zuchowski to understand that they did hear what he is saying and that they respect his position. She asked if Committee members had any more questions or considerations about the motion. Hearing none, she asked for a vote.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends to take no further action on the allegations presented by Mark Zuchowski, as he failed to provide factual basis to establish a claim of fraud or misconduct in the conduct by the City of the municipal general election held on November 2, 2021.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Proposed Amendments to the Rules of Order - City Clerk and City Attorney**

Council Action:

In City Council November 18, 2021.

Tabled until the December 2, 2021 City Council meeting.

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed Rules of Order as amended.

Attachments:

1. Rules of Order Amendments
2. Rules of Order Amendments_Redlined

Background:

Chair Bosley asked to hear from Patricia Little, City Clerk.

The City Clerk stated that to give a background to this issue, these amendments to the Rules of Order were initiated in the summer of 2019, during the last few months of Kendall Lane's tenure as Mayor. She continued that the charter officers met with former Mayor Lane to gain his experience having served as Mayor and a City Councilor for many years and who served on many Rules of Order committees. Their intent was to have the City Council consider making amendments to the Rules in the fall of 2019 before former Mayor Lane's term ended. Unfortunately, that did not happen. When Mayor Hansel took office in 2020, the charter officers met with him and went over the Rules. Mr. Hansel felt that instead of taking a comprehensive list of amendments they should select significant ones and introduce the amendments in segments. They did that. In June 2020, they brought some of those amendments to the Council, intending for the remainder to follow a few months later. It was about that time that the Council started meeting remotely, and it would have been difficult for everyone to look at a document together and do this remotely. In addition, there were changes being discussed at the State relative to remote meetings and they wanted the State to determine the parameters for remote attendance before considering any local parameters.

The City Clerk continued that several months ago the charter officers started meeting again. They reviewed the entire document and again reviewed the concerns raised in 2019. What staff is bringing to the Committee this evening is a comprehensive review of the Rules. Only three or four

sections did not have some level of change. To assist the Committee, she distributed a highlighted table of contents. Each section in the Table of Contents indicates whether there were no changes to the language or there was “wordsmithing” to indicate that changes in the language for better clarity or to address inconsistencies in the language. The Table of Contents have several sections with yellow highlights to indicate substantive changes, which the City Attorney will go over.

The City Attorney stated that he begins by reminding the Committee and the Council that these are the Committee’s and the Council’s Rules of Order. He continued that he and the City Clerk tried to capture, in the substantive changes he will talk about, things that they have seen over a period of time, things that the two mayors brought up, and things that may need a little adjustment. These are proposals. The Council is free to accept the changes, move them around, and do what they would like with these. That is within the Committee and City Council’s prerogative. There are only a couple that he has a vested interest in – essentially, procedural aspects with making sure that they are appropriate in voting on Resolutions that deal with the appropriation of funds, budgeted funds, or funds that involve a bond issue. There are some statutory requirements with respect to those. He very much appreciates the City Clerk putting together the packets that are in front of the Committee members.

The City Attorney stated that the first proposed change, in Section 1, looks minor, but it is important, and reads: “Except in the event of an emergency declared by appropriate authority, ” He continued that they want it to be clear going forward that they have an opportunity for an out, in the event that they were not able to meet in accordance with the requirements of the Rules.

Councilor Jones asked about Section 2. He continued that there are items in there that are supported by State statute, mostly the Right to Know laws, such as “The City Clerk shall prepare a Notice of the special session...” He asked if they should add something like “in accordance to State law.”

The City Attorney replied no, because the State law applies whether there is a reference to it or not. He continued that the City of Keene already has to operate under RSA 91-A.

Councilor Jones replied that it might make it easier, if the State law changes, for the Council to go back and refer to it, and say, “Oh, now we have to look at that.” The City Attorney replied that is why he did not put it in there; he does not want to have to change it every time. It is certainly up to the Committee, if they want to put that language in there. One place that RSA 91-A does appear, specifically, is under Non-public Sessions. From his perspective, when you are already required to operate under a requirement by State statute, it is not necessary to include a reference to the statutory provision.

The City Attorney stated that the title of Section 4 will be expanded to read “Quorum and Remote Participation.” He continued that during the COVID-19 emergency, the City Council had greater latitude for the emergency orders from the Governor to operate in a completely remote fashion if necessary. That is not true at this point, so they defaulted back to RSA 91-A. They have been doing this process now for a while. An individual participating remotely is required by statute to first say where they are, who is with them in the room, and their reason for being remote. They added two things to the statutory requirements under this section. One is the mandatory 24-hour notice to the City Clerk that you want to participate remotely. That is necessary due to the technology that staff needs to set up, and in all likelihood, they would not be able to set that up any quicker than that. If the Councilor does not provide that 24-hour notice then they would not be allowed to participate remotely. The other change they propose that is not in the statute is to define “reasonable and practical.” Again, this is open to discussion by the Committee and the Council, but he and the City Clerk defined “reasonable and practical” as related to serious health issues, disability, or out-of-town

employment responsibilities. The intention was to not provide the opportunity to participate remotely if someone “just does not feel like coming in,” but other than that, it is up to the Committee and the City Council to decide how to define that.

Councilor Greenwald stated that he agrees they should not be allowed to participate remotely just because they do not feel like coming in, but he thinks a pre-scheduled family event or family vacation should be considered.

The City Attorney replied that they talked about that a bit, and this is a situation where you pull here, push there, and something they talked about with respect to vacations is that you are supposed to be on vacation, having downtime and family time. It is up to the Committee and the Council if they want to put something in there. He suggests they go through all of these proposed amendments, and then discuss everything, and if Councilor Greenwald wants to make amendment and/or if others have amendments to make, they can go through those. He continued that these Rules of Order are not a Resolution, Ordinance, or anything like that. If the Committee wants to amend what is written, it is just a matter of them directing him to write the changes to propose to the Council.

The City Attorney continued that there are some scrivener’s changes to Section 10, Decorum and Order. The last sentence is important, however, and comes directly out of the Right to Know seminar that he attended. It says: “Any electronic communication by and among members of the City Council during any Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.” There is obviously good reason for that, because under RSA 91-A, when the Council is in session, especially a public session, members of the public have the right to hear and participate, or at least hear and understand anything that is happening. Apparently, this problem has developed around the state and the Municipal Association suggests they be very careful about that.

Councilor Jones asked if that is strictly about City business. For example, if he sees that a Councilor across the room has a dust ball on his shoulder, is he allowed to text him to say that? The City Attorney replied no, he really should not, because no one can really know whether that is truly what Councilor Jones is texting to the other Councilor. The intent of this sentence is to put an emphasis on digital use in a public meeting. How the City Council implements this is up to them, but they should keep in mind that perceptions are important. If members of the public see Councilors texting, they may immediately start wondering who they are talking to. They should be careful about this.

The City Attorney stated that in Section 21, Tie Vote, the proposed change makes it clear that the Mayor, under the City Charter and State statute, does not have an opportunity to vote, unless there is a tie. They wanted to make it clear that if the Mayor is not present, the Temporary Chairman will vote, assuming it is a 7-7 split and the Temporary Chairman is the one who is the 14th member. If there is a tie in that context, then it becomes a “no” vote. The Temporary Chairman could ask for another vote and see if someone changes their vote; otherwise, it would have to go to the next meeting. He does not recall if this situation has ever occurred, but they wanted to put it in the Rules of Order just to make it clear.

The City Attorney stated that the changes in Section 22, Special Committees, clarify a couple of things. One of the most important ones was something he talked about with the Mayor. The current language says, “the appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees,” but the Mayor and the Council do not directly have the right or authority to direct the City Manager with respect to use of funds or staff time. The understanding is that when a Special Committee is formed, clearly the Mayor will be working with the City Manager to make that happen. He (the City Attorney) just felt uncomfortable about having something in the Rules of Order, which, on its face, did not appear to be authorized.

The City Attorney continued that there are a couple changes in Section 23, Standing Committees. The first clarified the term “municipal year.” They also added language about proposed legislation, including any proposed legislation appropriate to the business of the Committee. Previously, all proposed legislation went before the PLD Committee, and the Council discussed that before this all went to the PLD Committee. It seemed appropriate for proposed legislation to go to the Committee that had sort of “jurisdiction” over it. In addition, they added language to say that items of business can be referred to other Committees as necessary for efficiency or to accommodate time constraints, especially given the experiment they are running by having one Committee meeting a month instead of two.

Chair Bosley stated that she wants to reiterate, because this is a big change for the PLD Committee, that this change means that the legislative burden will be broken up amongst the three Committees. The City Attorney replied yes, exactly.

Councilor Jones stated that there have been times when one Committee sends something to another, and he does not see a reason for that, because the Council is the committee of the whole. The three Committees are just advisory. He continued that for example, the Municipal Services, Facilities, and Infrastructure (MSFI) Committee comes up with a project and says, “Now we will send this to the Finance, Organization, and Personnel (FOP) Committee, for funding.” There could be an issue if one of the Committees votes “yes” and the other votes “no.” He does not think it is necessary. One committee should send it to the Council to vote on as a whole.

Chair Bosley stated that the situation with the PLD Committee, she believes, was in relationship to an event license but the event organizers wanted free services. She continued that her opinion was that the PLD Committee was responsible for the licensing portion of that, but because of the delicacies of the funding and individual budget items, she wanted the FOP Committee to be decision-maker saying “yes” or “no,” not to the event as a whole, but to the request for free services. Councilor Jones replied that if they distinguish it like that, yes. Chair Bosley replied that that is how the PLD Committee did it. She continued that she does not know that the PLD Committee set it up in a way that the FOP Committee’s recommendation to Council would have directly impacted the ability of the person to get the license. Councilor Jones replied that the situation Chair Bosley is referring to was okay. He continued that he is talking more about, for example, when the MSFI Committee would state, “Yes, let’s do this project” and then send it to the FOP Committee. They could get conflicting views there, and then staff does not know what to do.

Councilor Greenwald stated that for counterpoint, if the MSFI Committee is involved with the design of the project, they are just involved with the design. He continued that the FOP Committee is involved with the funding. That is appropriate, and historically, that is how it has been done.

The City Attorney stated that the subject matter areas are established by the Rules. He continued that this was intended to allow a mechanism of those cross referrals, primarily to accommodate if you only have one meeting a month or if there is something that requires the expertise and understanding of another Committee, to move it into that Committee. There is just no process for that. That has been the practice; thus, this change was intended to codify what the practice is. The intent is to follow the assignments under each of these Committee headings, unless, for some reason, that is not practical.

Councilor Greenwald stated that it is an interesting improvement, that if the timing is such that they are doing one meeting a month and an event becomes time sensitive, maybe the MSFI Committee will give the approval, or the opposite. If it is something that is extremely financially complex, the FOP Committee is meeting every other week anyway.

Chair Bosley stated that she sees how this is going to happen in the future. She continued that she thinks there will be times when the PLD and MSFI Committees will be standing in for each other, because it will be appropriate to hear petitioners in front of a committee and in an environment that allows them to have communication back and forth. This would be preferable to having the Council suspend the Rules during a Council meeting, which is a more formal setting. She thinks the Committees will be sharing responsibilities. She likes that they have split up the legislative workload, because the PLD Committee saw quite a bit of that last year, and some items they made decisions which related to a primary focus of another Committee.

Councilor Jones stated that an example of what he was trying to avoid would be if, say, Keene has a mudslide somewhere, and staff goes to the MSFI Committee and says, "We need a \$4,000 retaining wall." The MSFI Committee might say, "Yes, let's approve that project," and sends it to the FOP Committee to approve the \$4,000. He does not think that is necessary. The City Attorney replied that the more relevant example would be: "This retaining wall is going to cost \$40,000," and at that point, there is a budgetary impact. He asked the City Manager to speak.

City Manager Elizabeth Dragon stated that she agrees with Councilor Jones. She continued that oftentimes, staff will address an issue at one Committee and if they have identified the funding source in the budget, they do not then go to another Committee to get the approval. It only happens on a rare occasion, and it has to do with how unusual it might be. For example, last year there was an event happening for the first time, so it had not gone through the budget process, and there had been no conversation about that event, so it made sense to go to both Committees. However, usually, it will be with the Committee that is the primary focus.

The City Attorney stated that something else in Section 23 that affects the PLD Committee is the proposal to move the Rules of Order to the FOP Committee, because it really is an organizational-type of issue. He continued that in the last paragraph, he added, "Except for a special meeting of the Committee called by the Mayor or the Committee Chair," to clarify that they can call special meetings, because that was not clear in the Rules before. They are keeping the alternating Wednesday idea, because the Rules say "shall normally meet on an alternating Wednesday." The "normally" word means that the Committee members can decide, as a group, when they want to have their meetings. He did not think it was good to lock in stone what they are doing now, because they might want to change it. The City Clerk pointed out that Section reads "The FOP Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting" does not specify alternating weeks, but it winds up to be that way, because after every regular Council meeting there is an FOP Committee meeting. There may be occasional times when they do not have a meeting, but the "normally" language is important.

Councilor Jones referenced the words "A Councilor who is not a member of the Committee ... may not participate in the Committee deliberations after a motion and 2nd has been made." He asked if it is correct that they put that in about eight or nine years ago. The City Attorney replied yes.

Councilor Jones asked if the Councilor loses their right as a citizen with that provision. The City Attorney replied no, that is why they tried to finesse this. Concord went through the same kind of difficulty. Simply having eight members of the Council in the same room together creates a quorum. As citizens, Councilors have the right to speak. This was an attempt to balance the rights that Councilors still possess as citizens against the fact that they are members of this public body. The thinking at the time, which he still thinks is appropriate, was that once the public participation time stops and the Committee is into deliberations that is when the members of the Committee are acting, talking, and discussing the matters that they will vote on. To allow the Council members who are present in the room to also participate in that part of the process bleeds over into

having a quorum of the Council acting in a Committee.

Councilor Jones stated that the law is on the City Attorney's side. He continued that he thinks there should be an exception, however. If the Councilor is the petitioner, they should have the right to speak during deliberations. What if the Councilor does not like the way the motion was made, and it was something they brought forward? The City Attorney replied that he sees Councilor Jones's point. He continued that he suggests they bring this topic up again at the end of going through these proposed changes to the Rules of Order. Chair Bosley stated that the proposed change could have the added language "...except when they are the Petitioner."

The City Attorney stated that the change to Section 24, Order of Business, was to insert "10. Acceptance of Donations." He continued that the intent is to not need a suspension of the rules to accept a donation.

He continued that the change to Section 25, Communications, allows for the acceptance of digital signatures that are in compliance with State laws and the City Ordinance recently adopted. In cleaning up the language in this section, he wanted to specifically include the word "defamatory" regarding "Communications of a personal, defamatory, or argumentative nature shall not be accepted by the City Clerk".

The City Attorney continued that the changes they made to Section 26, Review of Items of Business, clarify how the process works. To relieve some ambiguity, he includes the words "appropriate governmental agency," because sometimes they receive items that really should go to the County or the State. It also deals with items that should not be placed on the agenda.

The City Clerk stated that she noticed a wrong reference to in Section 26. She continued that in the paragraph that starts, "All items to be placed on the Council agenda," the fourth line down says "...unless more time is granted by the Council," and City Attorney struck "Council" and wrote "Committee," but she thinks it should be "Council." The City Attorney replied that he struggled with this. The Council has a right to do that anyway, which generally happens in consensus with the Mayor, but it is usually the Committees requesting items be placed on more time. The City Clerk replied that Committees are not "granting" that, they are recommending that. The City Attorney replied that he sees what she means. He continued that he would be happy to change it back to "Council," if that is not clear. Chair Bosley replied that the word "granted" makes it unclear. The City Attorney agreed with Chair Bosley's suggestion of "unless more time is requested by the Committee."

The City Attorney stated that there is a substantial change to Section 33, Resubmission of Items Once Considered. He continued that first, they should keep in mind that there is a reconsideration process for the Council that needs to be followed. Once the reconsideration process is done, the matter cannot be taken up again. The Mayor also has the right to reconsideration, under the Charter. Regarding the language here, it struck him as raising the question of finality. At some point, there has to be some finality to the decisions that are made. The Rules of Order currently read that the matter cannot be taken up again "...unless the circumstances pertinent to the item of business have changed substantially", and there is the question of how the Mayor, in particular, may decide what a "necessary change" is or what "substantially changed." It becomes somewhat of a judgement call. It raises the question of having finality, especially if you have gone through a reconsideration period, both with the Council and the Mayor. At that point, there should be an expectation that the matter has been decided. If you want to bring it up again, bring it up in the next calendar year.

The City Attorney continued that he scratched his head over Section 36, To Amend Rules. Even though the language is that the requirement to amend the rules "shall be waived only by unanimous consent with a recorded vote," the problem he saw with it is: why would they want to do that? If

someone raises the question, and wants to amend the rules without having “submitted the amendments in writing at the preceding regular meeting,” no one has the opportunity to think or consider it at the meeting. Is it truly that critical? If they want to amend, they could suspend the rules to amend and do it by a two-thirds vote. He sees this as problematic and suggests they take it out, because they can do it in another process.

The City Attorney continued that regarding Section 37, Procedure to Fill a Vacancy, he put language in because of the experience they just had with respect to the closeness of an election. The Charter does not put any time periods on it. They tried to be conscious of the fact that individuals and wards have a right to representation, but on the other hand, having somebody sort of elected into the position by the City Council, when you are only weeks away from the municipal general election, also does not seem quite appropriate. He means no offense to anyone who has been in this situation recently. It seems to provide an unfair advantage to an individual who is elected by the City Council acting as a group of 15 just before a municipal election, because incumbency does matter, even if you have only been in for a while. They propose putting some time parameters around that, so that if they are within that 120-day period before the regularly scheduled election that gives them an opportunity to leave it open.

Councilor Jones stated that the way he just said it makes it sound like it is the Council's prerogative whether to leave it open. The City Attorney replied yes, it is a prerogative.

The City Attorney stated that that is the end of the proposed changes. Chair Bosley asked to return to Section 4 and Section 23. The City Attorney asked if the issue in Section 4 was the term “reasonable and practical.” Chair Bosley replied yes, and asked if Councilor Greenwald wanted to speak to that.

Councilor Greenwald stated that he thinks pre-scheduled family events or vacations should be included as reasons for allowing a Councilor to participate in a meeting remotely.

Chair Bosley stated that she used the Emergency Order privilege of being able to be remote, in this capacity, during the time of COVID-19 when the full Council was remote. She continued that they had a PLD Committee meeting about an important issue, which she was very involved in, but then she was going to be out of town for the Council meeting at which she would have had to speak. Since she was able to participate remotely, she still had her opportunity to address the issue at the full Council meeting. Participating remotely is not necessarily something she would always choose to do, but because that issue was very important, she is glad to have had that opportunity. She sees Councilor Greenwald's point. It is up to the Councilor if they want to give up that couple of hours of time to attend the meeting. She suggested other wording: “Physical attendance shall be deemed to not be ‘reasonably practical’ in the event of serious health issues, disability, or due to travel.”

Councilor Greenwald stated that he likes the phrase “pre-scheduled family event or vacation.” He continued that he personally is anti-Zoom, believing that the physical contact is very important to the operation of this organization, but if an individual is not going to be there, if they cannot participate via Zoom they cannot participate at all. What harm is there in letting someone Zoom while on vacation? It should be discouraged, which the Rules of Order say, but he sees no harming in having it as an option.

Councilor Workman stated that she disagrees with Chair Bosley and Councilor Greenwald and does not think that vacations should be included. She continued that as a Council, they should be promoting work/life balance and self-care. When you are on vacation, you should take that vacation. With that said, it could also be abused, if it said “vacation” – someone could, say, vacation

in Florida for the winter, and still be able to participate via Zoom. She does not think “vacation” should be an allowed reason. With respect to the issue Chair Bosley brought up, that is why they have a Vice Chair. Yes, Chair Bosley might have been part of all the proceedings, but she should have the confidence in her Vice Chair to understand and effectively communicate Chair Bosley’s viewpoints at the Council meeting. She does not like having “vacation” in here, nor even “out of town employment.” If you are elected for City Council, you should be expected to come to most meetings, but there are times when you are going to miss meetings. She thinks it should be okay to miss a meeting, and you should not feel like, “I’m going to be on vacation; I’m not fulfilling my duties as a Councilor because I missed a meeting.” Personally, with her employment responsibilities, she hardly ever would be able to use this option to participate remotely in a Council meeting while traveling for work. She does not have a 24-hour notice to give, due to the nature of her job.

Chair Bosley stated that she hears what Councilor Workman is saying and there are two sides to this coin. She continued that she is a business owner, and there is no checking out; there is no vacation for her, and no sick days. That does not relate to Council; that is her life. They all have different expectations for what they want out of their lives and choose different things for themselves, which they find reasonable and practical. She would not want to leave the responsibility of her opinions, because they are such individuals, up to any other Councilor. Every vote at a Council meeting matters. Sometimes, those votes are split. Sometimes, it is going to be an 8-7 vote, and if someone is not available, it might matter. When you arrange a vacation six months in advance, you do not necessarily know you are going to be in a pandemic when the time comes. Being able to participate remotely to express her opinion was important to her. They all have different opinions and look at things from different perspectives.

Councilor Johnsen asked if “vacation” is the troubling word. She asked if that has to be there. She hears what Councilor Greenwald is saying, and there might be a family emergency or something else relating to one’s family. The word “vacation” seems messy and implies that they are just out playing. Chair Bosley replied that there already is a term for “travel,” but it is specific to employment. She asked if there is a way to broaden that.

Councilor Greenwald stated that there are 15 Councilors, and the City is going to run, with or without any number of them. However, if a Councilor wants to take a few moments out of vacation time, that is their personal choice. He continued that hearing what Councilor Workman was saying, a situation could arise like that – someone could be traveling extensively in a warmer climate and still be a Councilor. That has not happened and he cannot imagine that it will, but he has learned to always anticipate the worst-case scenario.

Chair Bosley replied that she would not want to see something like that happen; she agrees. She continued that she thinks that the discouragement from being able to use this rule is what is practical. They have all seen, in the last 18 months, how important it is to be in a room together.

Randy Filiault, Councilor, stated that he is here tonight because he takes the Rules of Order seriously. He continued that he has memorized them all. He wants to share his views on the Quorum and Remote Participation section. He has a problem with changing this Rule. Talking about the term “reasonable and practical” means opening up a can of worms, although maybe not with this particular Council, which is full of ethical people. The Councilors who have been around for a while have not abused it. But once the genie is out of the bottle, it is not going back in. He knows the intent is to make it easier, but he is old school, and from his perspective, if you are running for City Council and cannot put in one night per week to come to a meeting, probably being a Councilor is not for you. He can count the number of Council meetings he has missed on one hand, because when he ran for Council, he prioritized it.

Councilor Filiault continued that Councilor Workman has a good point – Councilors could take as many vacations as they wanted. Then they would have to go back and change the Rule, determining how many vacation days count. Maybe they do not abuse this, but someone could run for Council and almost never show up. They are saying the Mayor would have to make that determination. If the person calls in and says, “I’m sick,” HIPAA laws prevent them from having a rule to challenge that. Someone could abuse it. Once they change this Rule, he predicts that they will have to change it again rapidly, because someone would abuse it. The word “reasonable” is, as the City Attorney can tell them. If you are on vacation, enjoy the vacation. If you are sick, you are sick. There are 15 Councilors; this is not a three-member select board where if one person does not show up they are missing a third and if two people do not show up they do not have a quorum. If one Councilor cannot be at a meeting, the other 14 will take care of it. There is a big enough Council to make that possible. This is a Rule that is not broken, so they should not try to fix it. The remote meetings during the Emergency Order showed them that a lot of the work is done the night of the meeting when they talk before, during, and after Council meetings. If you are on vacation, it is not the same. In his opinion, they should not touch Section 4, as far as remote participation.

Councilor Jones stated that he agrees with Councilor Filiault and Councilor Workman. He continued that he believes a Councilor does take on that responsibility when they are elected, and he does not think there should be any remote application going on here. Once when he was working in RI, there was a Council meeting about the Surface Water Protection Ordinance. He had a strong feeling about that Ordinance and came home to vote on it, then went back to his hotel in RI that night, because he felt a responsibility. It is true that there has not been any abuse, but it does open them up to abuse.

Chair Bosley stated that she believes this alteration of this language came out of a Council workshop that they held and they discussed this as a group of 15 and decided that they would like to include remote participation. She continued that she loves that Councilor Jones did that, but she thinks they have learned a few things from the pandemic, and one is that they have technological resources that they have invested in and that allow for this, and Councilor Jones should not have had to drive back. His opinion matters and he should get to voice it. In addition, they have experienced firsthand that you might choose to run for an elected seat, and then something happens in your life that does not allow you to safely participate inside the room. A Councilor currently is not able to participate; it would put them at risk. We now live in a world in which if someone has cold or flu symptoms, they would not be allowed to participate, and could potentially be under a quarantine requirement, but still healthy enough to. That was her situation a couple weeks ago. She was out of quarantine but still not well, and did not want to potentially expose the entire room to COVID-19, even though she legally could have come to the meeting. That does not mean she was not well enough to participate; she certainly was. She feels that follow the spirit of the changes the Council asked for at its workshop, and if they want to work on the wording, that is fine, but they should put something forward for the full Council to discuss.

The City Attorney stated that he agrees with all of the philosophical discussion that is happening. He continued that he cautions the Committee that one of the reasons this provision is included in RSA 91-A is the question of disability. The City of Keene has to comply with the Americans with Disabilities Act (ADA), and it applies to elected officials, too. The Council may have an obligation to allow an individual who meets the qualifications of the ADA to participate in a manner that allows them to participate. That would be, potentially, remote participation, depending on the disability. He understands that they want to talk about what is “reasonable and practical,” and again, he agrees with Councilor Filiault on that, but five attorneys will give five different answers. RSA 91-A does not define “reasonable and practical,” either, which is one of the reasons why it is a good idea to define it in a Rule. He suggests that having an opportunity, specifically with respect to disability, would probably be required if push comes to shove.

Chair Bosley asked if they would say it is reasonable to leave this as worded and they can then discuss it as a full Council. The City Attorney replied yes. Chair Bosley asked if the other Committee members are comfortable with that. There was agreement among the members.

Chair Bosley stated that the second section they potentially wanted to alter was Section 23, Standing Committees. She continued that Councilor Jones asked that if the Petitioner is a City Councilor, they be allowed to speak during the deliberations.

Councilor Johnsen stated that they have learned how important it is to stick with specific language. She continued that her sense is that if something has already been discussed, and if the person really does not agree but it is done and then it is time to vote, it is time to vote. Thus, she does not think they should be bringing something up after the fact.

Chair Bosley replied that this period in the process would be where a Councilor at the Committee table has made a motion, and that motion might indicate specific things. The public then has the opportunity to ask a question specific to the motion at hand, not going back into the original debate, but maybe questioning why, for example, the Committee would like a million dollars of insurance and not two million dollars, or some detail like that. Councilors are not allowed to ask questions, because the thought process is that they will have an opportunity to speak to it again at the Council meeting, where a member of the public would not have that opportunity. Because of that, it would potentially not include a Petitioner. For example, if a Councilor brought a matter before the PLD Committee, once the Committee made a motion, the Councilor could not ask them to edit or alter that motion in any way. That is because the Councilor would have the opportunity to do that at the full Council meeting, whereas a member of the public who is bringing an item before the Committee. It puts the Councilor/Petitioner in both camps. She would like to know how the City Attorney would like to handle this.

The City Attorney stated that he suggests that right after the words “may not participate in Committee deliberations after a motion and second has been made concerning an item on the agenda,” they add, “unless the Councilor is the Petitioner before the Committee.”

Chair Bosley asked Councilor Jones if that works. Councilor Jones replied that it is perfect.

Councilor Greenwald asked about Section 15, Conflict of Interest. He continued that he does not know where it fits into this, but there was a recent situation. If a Councilor is not an employee of a , and not on the board of directors of a , is there still a conflict of interest? He thinks it should indicate, at least, that you have to be on the board of directors to have that conflict.

The City Attorney asked them to talk about that a little. He continued that he knows what Councilor Greenwald is referring to, and the operative language that he focused on when the question came before him was “or is otherwise a party in interest.” The situation that arose where he had to think about that language was in the context of two competing entities or businesses for only one piece of property. He agrees with Councilor Greenwald that if the Councilor was just a member of an organization and there was no other “conflict” happening. For example, the Keene Snoriders , and nobody else was asking to use the roads or to exclude anyone from the use of those roads, and the fact that Councilor Greenwald happened to be a member of the Snoriders . However, regarding the other situation and the words “or is otherwise a party in interest,” there was an interest in that organization wanting to occupy a property to the exclusion of another organization, so in that context, it seemed to him that because that “conflict” was fairly pronounced, it was a conflict of interest.

Councilor Greenwald stated that he is not speaking specifically to that situation, because he

assumes those two groups do not necessarily have boards of directors. He continued that he thinks this section needs a tune-up and a workshop. It is not a conflict of interest if they are paving the road in front of his house, because everyone uses the road, but if there is some special accommodation being considered, like for drainage or something, then it might become a conflict. The City Attorney replied that he understands. He continued that he is trying to parse this in his own mind. When you have someone who is a member of an organization that wants to do something, and another member of another organization wants to do the exact same thing, and you can only do one, it seems to him to be appropriate for the person to say “No, I can’t decide on that.” That is up to the Council to decide.

Chair Bosley stated that this topic came up for her during her first year on the Council, during the budgetary process. She continued that on the floor, a Councilor who was on the board of directors prior to this being changed had requested that the organization that they sat on the board for have an increase in their funds from the City. She thought to herself that that was not right. Maybe the request was legitimate, but the fact that it was not disclosed to any of the people who were sitting there. Not even a handful of people could have known that this person sat on the board. She wonders if there is some sort of annual process where Councilors disclose the boards or commissions they sit on, without having to declare them as conflicts, necessarily. Then they will all be aware of the biases that might occur.

The City Attorney replied that the State does exactly that. He continued that he sits on a couple State boards, and every year he has to file a disclosure statement with the State. The Council could choose to implement that. He suggests that if they do, they implement it with some sort of process and clarify what they do with it. Before they got into the fiduciary language – which has always been in the Rules of Order, at least for as long as he has been here – that generally, someone on a board or commission could even come before the City to request money and it was clearly not a conflict under the City Charter, because they had no pecuniary interest in it. Unless you are gaining something, like that organization pays you or somehow you get money out of it. The pecuniary aspect has always been a narrow definition of what a conflict is. Broadening it to fiduciary issues means it becomes more difficult to define. They could have a disclosure statement of some kind, if the Council thinks that is appropriate.

Councilor Greenwald asked if that would make any difference. He continued that he could disclose that he is a member of the Rotary Club that puts up the banners on Main St. The City Attorney replied that Councilor Greenwald is exactly right – the question is what they do with it at that point. What the State does with that is make sure that a board member is not benefitting personally from one of the boards or committees.

Councilor Jones stated that they made some of these changes when Mayor Hansel was on the Monadnock Economic Development Corporation (MEDC) and MEDC was negotiating with the City. He continued that he himself is on the board of directors for Pathways for Keene (PFK) and he votes for PFK’s licenses and community events, and he does not think he has a conflict. But that is the difference – he thinks Mayor Hansel did have a conflict, because MEDC was negotiating with the City. The City Attorney replied yes, exactly.

Councilor Jones continued that at the last Council meeting, there was a , and he did not think the Councilor in question should have been recused, until he said the words “I have a bias.” He asked if the word “bias” should be in this section somewhere.

Chair Bosley asked how they could streamline the language to get to the point of what they are saying, which is that sometimes you are a member of a group and you have a bias, and sometimes you are a member of a group and you do not. Sometimes you are on the board of directors and you

have a bias, and sometimes you are on the board of directors and you do not. How do they write a one-size-fits-all paragraph that indicates those nuances? Each of these situations is different. In her situation, there was a person who might not personally benefit but had a personal interest in seeing the funds come into the organization and maybe not go to a different organization. There should be some way of disclosing or exposing that or having the conversation, so at least the rest of the Council is aware of what is going on.

The City Attorney replied that he thinks that is exactly what appears to be throwaway language. He continued that even he did not pick it up the first time he read it, but “or is otherwise a party in interest” is getting at exactly the issues/questions they are raising. He thinks what the Committee is wrestling with is what “a party in interest” means.

Councilor Greenwald replied that it means “financial interest.” The City Attorney replied that in the example they were just talking about, however, there was not any financial interest for the party, but the party clearly admitted, “I have a bias. I want this property for the purposes of .” Councilor Greenwald replied a is not just when it is uncomfortable to vote. He continued that he and Councilor Filiault can speak of many times when they wished they were not in the room, but they have to vote. The City Attorney replied that that is why he thinks it is prudent and appropriate for the Council to make the decision, not the particular individual.

Councilor Johnsen stated that the word “bias” says, to her, ‘I choose to be a City Councilor, therefore, I know that it is not my job to listen to my biases; rather, it is my job to listen to the people whom I represent.’ She sees the language “A conflict may exist when a Councilor’s spouse, child, parent, or other member of the Councilor’s immediate family has a conflict.” Some could say that sounds like it does not separate church and state. It could be suspected. It is muddy language. For example, so what if someone’s kid does not agree? Do they need that sentence? One of the things she values about the Council is that they are trying to be as pure as possible. They are not going into their own biases or own beliefs; rather, they are listening to what their constituents need or want.

Chair Bosley stated that she has asked the Council for one of these recusals because her husband works for a non-profit organization and receives a salary, and she was in a position to be able to vote on whether a sum of money should go to that organization. It puts her husband in a delicate situation where he could be looked at as a tool to get this money, or it puts her in a delicate situation where if she , it could be considered that she is biased. She asked the Council to recuse her, which they did. She thinks that there is some correlation between your own and those of your immediate family. Part of what they need to get across is that while the Council is making this decision, they need to identify to the Councilors when they should be asking the question, instead of keeping it to themselves and assuming they have no bias. She thinks everyone has internal biases, and sometimes that is good to bring to the table, because they have perspectives. However, in certain situations, when there is money associated with a decision, she thinks they should always know if it is not an “arm’s length transaction.” They should be bringing these issues up more often and having these conversations at full Council. Regarding the situation she spoke of earlier, in her view, a Councilor had a conflict of interest, but that Councilor did not think he did. However, without that disclosure, no one would have known to ask for it. That is where she thinks it would be useful. She does not know how they would make it available, but there should be a way for the questions to be brought before the Council so the Council can make a decision.

Councilor Workman stated that she agrees with everything that has been said. She continued that she assumes people will do the right thing and disclose. She cannot recall the incident that was used as an example, when a Councilor did not disclose, but she assumes that everyone operates and has the same morality that she does. She knows that is not true. Is it possible to put language in this section saying that a Councilor is ethically obligated to disclose any potential conflict of interest

to the Council so the Council can determine whether a conflict of interest exists. Councilor Johnsen replied that sounds good to her.

The City Attorney replied that is what the language is trying to capture – “If a conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest...” It is still dependent upon the individual looking at the agenda items and thinking, ‘hmm, I think I may, or I know I do,’ That is what that language is trying to get at.

Councilor Workman replied that if they firm it up and say “must disclose,” that does not give them a choice. They have to disclose, whether or not they sit upon the board. The language says they “should.” Everyone “should” follow the speed limit, too; it does not mean everyone will. The City Attorney replied that it says “shall.” He continued that it really is an obligation Councilors are supposed to meet. Some people, in good faith, just do not make the connection . It is just the way it is. The Councilors sit on many boards, committees, and commissions.

Rhett Lamb, Community Development Director, stated that the sentence reads, “If the conflict becomes known prior to a Council meeting, the Councilor shall...” It is actually about filing the presence of a conflict with the City Clerk’s Office. He asked if there is a way to clarify it so that it is not just related to letting the City Clerk know about it, but that it is the obligation of the Councilor to . The City Attorney replied that the rest of the sentence is, “for inclusion on the Councilor agenda.” He continued that he thinks the wording could be a little different and not have the “if” clause, which is what they are all stumbling on. Mr. Lamb agreed. The City Attorney continued that it should say, “A Councilor with a known conflict of interest with respect to an agenda item shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda.” He continued that he would take out “prior to a Council meeting.”

Chair Bosley asked if this section could have language about how long conflicts of interest stay on file. She asked if they stay on file for life, or if someone has to refile every year. The City Clerk replied that the conflicts of interest stay on file for as long as someone is a Councilor.

Chair Bosley asked what happens if a conflict of interest changes. The City Clerk replied that the Councilor has an obligation to inform the City Clerk about the change, and inform the Council to remove or amend that conflict. Chair Bosley replied that she was wondering, because this section does not necessarily speak to it. Perhaps it would be helpful, since there are so many nuances, to talk about having a “refresher” on this, similar to how they have refreshers on RSA 91-A, or other portions of their Rules. Perhaps during orientation and on a regular basis such as a Council workshop, they remind folks what their obligations are.

The City Attorney stated that at least for the purposes of discussion at the Council meeting, he suggests they change the language to what he had suggested, because he does think the “if” clause is the . It would read: “A Councilor with a known conflict of interest on a Council agenda item shall file ” That puts it back on the Councilor.

Councilor Workman stated that regarding “known” conflict of interest, some people do not know there is a conflict of interest. She continued that it could say “suspected” or “potential” conflict of interest. That way, it keeps everyone honest.

The City Attorney replied that is a good point. Chair Bosley replied that speaks to the point of it, because going back to all of the examples they have used, it can be hard to know if you have a conflict of interest, because it is not cut and dried. She continued that any Councilor with a suspected conflict of interest should present it to the City Clerk so the Council can discuss it. The City Attorney replied that he thinks that is a great call, because that does happen a lot. He continued

that he gets calls from people wanting to discuss whether they have a conflict of interest and he goes it through with them. Councilor Workman is right; most people really wrestle with the question.

Councilor Jones stated that many years ago, before Attorney Mullins was here, when the City was doing an RFP for the Railroad property, he and former Councilor Parsells were challenged because the Keene Housing Authority (KHA) was managing the block grant and his (Councilor Jones's) spouse and Councilor Parsells worked for the KHA. He continued that the Council determined that it was not a conflict, because there was no pecuniary interest. However, when Chair Bosley, the Council determined yes, she did have a conflict. They have to bring this together and come up with an answer.

Chair Bosley replied that in her situation, her spouse receives a salary. Councilor Jones replied that his did, too. Chair Bosley replied that she would have said Councilor Jones had a conflict, but she supposes it is the Council's prerogative.

Chair Bosley stated that this leads her to her final conflict of interest question. What do they do if, at the end of the day, after a vote, they realize someone had a conflict of interest they did not disclose? What are the repercussions of that? The City Attorney replied not very many. He continued that he supposes that one thing someone on the prevailing side of the vote could do, if they thought that conflict made a difference, is move for reconsideration of the vote and state the reason why. A Councilor can raise the question of whether another Councilor has a conflict of interest. That could form the basis of a motion for reconsideration at that point, but after that, it would be difficult to raise the issue.

Councilor Greenwald stated that he suggests changing the sentence that begins, "A conflict may exist when a Councilor's spouse, parent, child..." to "A conflict exists when..." taking out the word "may." The City Attorney agreed.

Councilor Greenwald stated that he thinks they have a good general sense here. Chair Bosley asked if everyone is happy with the edits they have made tonight. The City Clerk stated that given the Committee has gone through this with such a fine-toothed comb, she thinks the PLD Committee is the right Committee to handle the Rules of Order. The skill set is here, because of the PLD Committee's involvement with other regulatory ordinances.

Councilor Johnsen thanked the City Attorney and the City Clerk for the work they have put into this language, so that the PLD Committee had a jumping off point for discussion.

Chair Bosley stated that she agrees that the PLD Committee is the appropriate Committee to deal with the Rules of Order. She continued that if the Rules of Order are considered an organizational item, then they can let the FOP Committee have it, but the FOP Committee carries a heavy agenda burden, and tonight's conversation just established that the Council can move items from Committee to Committee. She thinks the PLD Committee would be happy to have this item back if the Rules needed to be looked at and the FOP Committee was not available.

Councilor Greenwald stated that as Councilor Johnsen was saying, regarding all of the nitpicking and wordsmithing by the PLD Committee, the City Attorney and the City Clerk did a super job going through it.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of the proposed Rules of Order as amended.

The City Attorney stated that he will prepare a revised version for the full Council meeting.

PROPOSED AMENDMENTS

RULES OF ORDER OF THE CITY COUNCIL

CITY COUNCIL MEETINGS

SECTION 1. REGULAR CITY COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the City Council. **Except in the event of an emergency declared by appropriate authority,** ~~the~~ the City Council shall meet at least once per month.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, **incapacity** or absence from the City, by ~~five~~ **seven (5 7)** or more members of the City Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating **the** time, place, and ~~object~~ **subject matter**, and this notice shall either be mailed or ~~sent~~ **delivered** by cell phone text message at least forty-eight (48) hours before the time of the meeting **to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law,** the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. **In the event that a quorum is not achieved,** ~~case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ **Chairman**. **Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.**

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the **City** Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present **and absent**. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the **City** Council to order and call the roll of the members. If a quorum is found to be present, the **City** Council shall proceed to elect a Councilor, by a majority vote of those present, as ~~€~~**Temporary** Chairman of the meeting to act until the Mayor appears. The ~~€~~**Temporary** ~~€~~**Chairman** shall have the obligation to vote in accordance with Section 15, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the **City** Council and shall perform such other duties as the Mayor and a majority of the **City** Council may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the **City** Council unless excused by the **City** Council or Mayor. Any member of the **City** Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the ~~presiding officer~~ **Mayor or Temporary Chairman**, subject to the provisions of Section 13, "Right of Appeal," of these Rules of Order.

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall preserve decorum and if a member transgresses the ~~€~~**Rules** of the **City** Council, ~~the~~ ~~presiding officer~~ ~~the~~ **Mayor or Temporary Chairman** shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section ~~12-13~~, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and **City** Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the **City** Council. **Any electronic communication by and among members of the City Council during any City Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.**

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ **Mayor or Temporary Chairman**, shall confine himself or herself to the question under debate, avoid ~~personalities~~ **personal attacks**, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the **City** Council may speak for or against a petition at a public

hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without **first obtaining** permission from the ~~presiding officer~~ **Mayor or Temporary Chairman**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chairman in the absence of the Mayor**, a recess of approximately (5) minutes, after the **City Council** has been in session for two (2) hours, ~~including hearings~~.

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the **City Council** a ruling of the ~~presiding officer~~ **Mayor or Temporary Chairman**. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ **Mayor or Temporary Chairman** may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall then put the question **to the City Council**: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the **Mayor or Temporary Chairman** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chairman** shall not have a vote.

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ **item of business before the City Council** until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ **item of business**, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ **Mayor or Temporary Chairman**.

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when ~~a question is put~~ **a vote is required** shall **state their** vote thereon, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; **provided, however, that** ~~A~~ **a** conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict exists when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the **City Council** and a Councilor is employed by the business, or is otherwise a party in interest. A Councilor with a conflict of interest on a City Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the **City Council** agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and ~~voting~~ **vote** on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any

other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the **City** Council as set forth above.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chairman** ~~Chair~~ so directs; or if any member of the **City** Council requests it. When a main motion is under debate, the Mayor **or Temporary Chairman** may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor **or Temporary Chairman** may receive the following incidental ~~and restorative~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
--------	--------------	-----------------	---------------	---------------

Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 18. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL. Persons other than the Mayor, members of the **City Council**, ~~or~~ the City Manager, **City Clerk and City Attorney**, shall not be permitted to address the **City Council** except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered~~ **moved**
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for~~ **of** that action at the next regular

meeting of the **City** Council. For the purposes of this **Rule**, the next regular meeting of the **City** Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the **City** Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice **to the City Clerk** and the question shall be placed on the agenda in accordance with these ~~Rules~~. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration **of the question** shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the **City** Council shall have no further right of reconsideration on the question.

SECTION 21. TIE VOTE. In case of a tie vote on any ~~proposal~~ **question**, the ~~presiding officer~~ **Mayor** shall cast his or her vote to dissolve the tie vote. **In the absence of the Mayor, a tie vote on any question, which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.**

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the **City** Council such as the **City** Council may establish, **other than Standing Committees under section 23**, shall be appointed and announced by the Mayor. **The vote on each member appointed by the Mayor to such Committees shall be by roll call.** ~~The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council.~~ Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 23. STANDING COMMITTEES. ~~On or about January 1st, At the commencement of each municipal year,~~ the following Standing Committees of the **City** Council shall be appointed by the Mayor. All Standing Committees of the **City** Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the **City** Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items **of business** referred to Committee ~~shall~~ **may** be in accordance with ~~the their~~ areas of concern as set forth below, **including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business coming before the City Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:**

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, legislative review, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the **public** discussion, but may not participate in the **Committee** deliberations after a motion and 2nd has been made concerning an item on a Committee agenda, unless the Councilor is the petitioner on the item before the Committee. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, **or if an adjournment permitted by law is necessary**, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions **and adjournments** by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on ~~the an~~ **alternating** Wednesday following a regularly scheduled **City** Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first and third Thursday following the regularly scheduled **City** Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will ~~make arrangements~~ **confer as necessary** to avoid conflicting demands on the City Manager's time.

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the **City** Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting

5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments

10. Acceptance of Donations

- ~~110.~~ Legislation (Ordinances/Resolutions)
- ~~121.~~ Non-Public Session
- ~~132.~~ Adjournment

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be **addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) introducing the same submitting the communication, and must give his or her and contain a residential address or mailing address, if different, and an email address. at which he or she can be reached to be notified of committee meetings, etc.** Communications containing a scanned image of the person's actual signature, **or a digital signature created in accordance with applicable law or City Ordinance,** may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. ~~and will not be placed on the agenda of the City Council.~~ Communications addressed to a Councilor of a personal, **defamatory,** or argumentative nature, shall not be ~~introduced in Council~~ **accepted by the City Clerk.**

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the **City** Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the **City** Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor ~~or~~ **and** City Manager to be routine City business, or ~~easily resolved within the purview of~~ **by the City staff Manager,** or of a nature that investigation by the City would be ~~appropriate desirable in order to better determine how to proceed with that item of business,~~ or of a nature that the matter **should** be dealt with confidentially ~~under applicable law~~ shall be referred, as appropriate, to the City ~~officer, department~~ **Manager, the** City Council, Council Committee, or other **appropriate governmental** agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or~~ **and** City Manager shall determine to be appropriate. The **City** Council shall be provided with a summary of these items of business **not placed on the Council agenda** and their ~~disposition of the items.~~ The City Manager shall take reasonable measures to insure that these referrals are ~~followed up~~ **dealt with appropriately.** **Except as otherwise provided by these Rules,** items of business not resolved to the

satisfaction of their sponsor, ~~shall~~ **may** be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing~~ **to be placed** on the **City** Council agenda for the first time shall be referred by the Mayor **as appropriate** to a Committee or Committees ~~in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their~~ consideration and report **by the Committee for** at the next meeting of the **City** Council, unless more time is requested by the ~~Council~~ **Committee**. Any item appearing on the **City** Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~r~~**Rules**, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the **City** Council agenda without suspension of the rules.

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in **City** Council. No item which has been the subject of a public hearing may be considered by **City** Council on the same day as the hearing.

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the~~ **any** appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, **or a Resolution calling for the repurposing of an issued Bond**, shall require a 2/3 roll call vote of all **elected** members. Every member shall be required to vote unless excused for conflict of interest by vote of the **City** Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the **respective** budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the **City** Council agenda no later than 4:00 p.m. on the Tuesday prior to the **City** Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~ **adopted**, subsequent **unbudgeted** expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said~~ **If subsequent the unbudgeted expenditure** creates a City debt, the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the **annual** budget, Resolutions calling for the appropriation of **unbudgeted** funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call of all members.~~

SECTION 32. REPORT BY COMMITTEE. All matters referred to a **e**Committee must be reported out of that **e**Committee at the next regular meeting of the **City** Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ **submitted after** a public hearing **held before the City Council** shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the **e**Committee meeting. Written testimony with regard to any other business before the **e**Committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the **e**Committee meeting ~~in order to be included in on~~ the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a **e**Committee at the next regular meeting after the hearing unless otherwise ordered **retained** by a majority of the Council Committee members present. If not reported **out** as **provided** above, or if immediate action is required, a motion by the City Council to call the matter out of **e**Committee will then be in order. Passage of that motion will place the matter before the **City** Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the **e**Committee's recommendation shall be ~~verbally shared with the Council~~ **stated**. Moving to carry out the intent of the **e**Committee report does not restrict the ~~maker~~ **proponent** of the motion from speaking against the recommendation of the Committee.

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the **City** Council regarding the disposition of an item of business submitted to it, **or on any question properly before it**, except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the~~ item of business **or question so decided** shall not be taken up again by the **City** Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the

majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~Rules~~ not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the **City Council**, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 36. TO AMEND RULES. These ~~Rules of Order~~ may be amended or new ~~Rules~~ adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting **of the City Council** and shall be referred to the ~~Planning Licenses and Development Committee~~ **Finance, Organization and Personnel Committee**. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes **to the Rules** shall become effective upon ~~passage~~ **adoption**.

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. **The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.**
- B. When a vacancy is declared to exist, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.

The following procedure shall be followed on the date of the election:

1. The Mayor, or ~~Temporary~~ **Chairman** in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.

2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary~~ **Chairman may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman** shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office **and be immediately seated.**

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A **City** Council policy shall remain effective until ~~superceded~~ **superseded** by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.

RULES OF ORDER OF THE CITY COUNCIL

CITY COUNCIL MEETINGS

SECTION 1. REGULAR CITY COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the City Council. **Except in the event of an emergency declared by appropriate authority,** the City Council shall meet at least once per month.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, **incapacity** or absence from the City, by ~~five~~ **seven (5 7)** or more members of the City Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating **the** time, place, and ~~object~~ **subject matter**, and this notice shall either be mailed or ~~sent~~ **delivered** by cell phone text message at least forty-eight (48) hours before the time of the meeting **to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law,** the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. **In the event that a quorum is not achieved,** ~~case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ **Chairman. Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.**

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the **City** Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present **and absent**. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the **City** Council to order and call the roll of the members. If a quorum is found to be present, the **City** Council shall proceed to elect a Councilor, by a majority vote of those present, as **Temporary** Chairman of the meeting to act until the Mayor appears. The **Temporary** Chairman shall have the obligation to vote in accordance with Section 15, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the **City** Council and shall perform such other duties as the Mayor and a majority of the **City** Council may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the **City** Council unless excused by the **City** Council or Mayor. Any member of the **City** Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the ~~presiding officer~~ **Mayor or Temporary Chairman**, subject to the provisions of Section 13, "Right of Appeal," of these Rules of Order.

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall preserve decorum and if a member transgresses the ~~Rules of the~~ **City** Council, ~~the~~ ~~presiding officer~~ **the Mayor or Temporary Chairman** shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section ~~12-13~~, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and **City** Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the **City** Council. **Any electronic communication by and among members of the City Council during any City Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.**

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ **Mayor or Temporary Chairman**, shall confine himself or herself to the question under debate, avoid ~~personalities~~ **personal attacks**, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the **City** Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without **first obtaining** permission from the ~~presiding officer~~ **Mayor or Temporary Chairman**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chairman** in the absence of the Mayor, a recess of approximately (5) minutes, after the **City Council** has been in session for two (2) hours, ~~including hearings~~.

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the **City Council** a ruling of the ~~presiding officer~~ **Mayor or Temporary Chairman**. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ **Mayor or Temporary Chairman** may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall then put the question **to the City Council**: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the **Mayor or Temporary Chairman** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chairman** shall not have a vote.

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ **item of business before the City Council** until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ **item of business**, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ **Mayor or Temporary Chairman**.

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when ~~a question is put~~ **a vote is required** shall **state their** vote ~~thereon~~, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; **provided, however, that** A a conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict ~~may exist~~ when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the **City Council** and a Councilor is employed by the business, or is otherwise a party in interest. ~~If the conflict becomes known prior to a City Council meeting, the Councilor~~ **A Councilor with a conflict of interest on a City Council agenda** shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the **City Council** agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and ~~voting~~ **vote** on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public

hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the **City** Council as set forth above.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chairman** ~~Chair~~ so directs; or if any member of the **City** Council requests it. When a main motion is under debate, the **Mayor or Temporary Chairman** may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the **Mayor or Temporary Chairman** may receive the following incidental ~~and restorative~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
--------	--------------	-----------------	---------------	---------------

Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 18. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL. Persons other than the Mayor, members of the **City Council**, ~~or~~ the City Manager, **City Clerk and City Attorney**, shall not be permitted to address the **City Council** except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered~~ **moved**
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for~~ **of** that action at the next regular

meeting of the **City Council**. For the purposes of this **Rule**, the next regular meeting of the **City Council** shall be the next regularly scheduled meeting of the **City Council** which is at least ten (10) days after the meeting of the **City Council** at which the decision to be reconsidered occurred. The Councilor shall submit a written notice **to the City Clerk** and the question shall be placed on the agenda in accordance with these ~~R~~**Rules**. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration **of the question** shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the **City Council** shall have no further right of reconsideration on the question.

SECTION 21. TIE VOTE. In case of a tie vote on any ~~proposal question~~, the ~~presiding officer~~ **Mayor** shall cast his or her vote to dissolve the tie vote. **In the absence of the Mayor, a tie vote on any question, which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.**

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the **City Council** such as the **City Council** may establish, **other than Standing Committees under section 23**, shall be appointed and announced by the Mayor. **The vote on each member appointed by the Mayor to such Committees shall be by roll call.** ~~The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council.~~ Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 23. STANDING COMMITTEES. ~~On or about January 1st, At the commencement of each municipal year,~~ the following Standing Committees of the **City Council** shall be appointed by the Mayor. All Standing Committees of the **City Council** shall consist of five (5) members. No member shall serve on more than one Standing Committee of the **City Council** at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items **of business** referred to Committee ~~shall may~~ be in accordance with ~~the their~~ areas of concern as set forth below, **including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business coming before the City Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:**

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes, ~~Rules of Order.~~

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, ~~legislative review~~, licensing, management of open space, conservation, planning, ~~Rules of Order~~, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the **public** discussion, but may not participate in the **Committee** deliberations after a motion and 2nd has been made concerning an item on a Committee agenda, unless the Councilor is the petitioner on the item before the Committee. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, **or if an adjournment permitted by law is necessary**, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions **and adjournments** by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on ~~the~~ **an alternating** Wednesday following a regularly scheduled **City** Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first and third Thursday following the regularly scheduled **City** Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will ~~make arrangements~~ **confer as necessary** to avoid conflicting demands on the City Manager's time.

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the **City** Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting

5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments

10. Acceptance of Donations

- ~~110.~~ Legislation (Ordinances/Resolutions)
- ~~121.~~ Non-Public Session
- ~~132.~~ Adjournment

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be **addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) introducing the same submitting the communication, and must give his or her and contain a residential address or mailing address, if different, and an email address. at which he or she can be reached to be notified of committee meetings, etc.** Communications containing a scanned image of the person's actual signature, **or a digital signature created in accordance with applicable law or City Ordinance,** may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. ~~and will not be placed on the agenda of the City Council.~~ Communications addressed to a Councilor of a personal, **defamatory,** or argumentative nature, shall not be ~~introduced in Council~~ **accepted by the City Clerk.**

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the **City** Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the **City** Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor ~~or~~ **and** City Manager to be routine City business, or ~~easily resolved within the purview of~~ **by the City staff Manager,** or of a nature that investigation by the City would be ~~appropriate desirable in order to better determine how to proceed with that item of business,~~ **appropriate** or of a nature that the matter **should** be dealt with confidentially ~~under applicable law~~ shall be referred, as appropriate, to the City ~~officer,~~ **department Manager, the City Council, Council Committee, Council Committee,** or other **appropriate governmental** agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or~~ **and** City Manager shall determine to be appropriate. The **City** Council shall be provided with a summary of these items of business **not placed on the Council agenda** and their disposition **of the items.** The City Manager shall take reasonable measures to insure that these referrals are ~~followed up dealt with appropriately.~~ **Except as otherwise provided by these Rules,** items of business not

Formatted: Not Highlight

resolved to the satisfaction of their sponsor, ~~shall~~ **may** be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the **City** Council agenda for the first time shall be referred by the Mayor **as appropriate** to a Committee or Committees ~~in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their~~ consideration and report **by the Committee** ~~for~~ **at** the next meeting of the **City** Council, unless more time is ~~granted~~ **requested** by the ~~Council~~ **Committee**. Any item appearing on the **City** Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~#~~**Rules**, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the **City** Council agenda without suspension of the rules.

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in **City** Council. No item which has been the subject of a public hearing may be considered by **City** Council on the same day as the hearing.

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the any~~ appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, **or a Resolution calling for the repurposing of an issued Bond**, shall require a 2/3 roll call vote of all **elected** members. Every member shall be required to vote unless excused for conflict of interest by vote of the **City** Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the **respective** budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the **City** Council agenda no later than 4:00 p.m. on the Tuesday prior to the **City** Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~ **adopted**, subsequent **unbudgeted** expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said~~ **If subsequent the unbudgeted expenditure** creates a City debt, the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the **annual** budget, Resolutions calling for the appropriation of **unbudgeted** funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call of all members.~~

SECTION 32. REPORT BY COMMITTEE. All matters referred to a **eCommittee** must be reported out of that **eCommittee** at the next regular meeting of the **City** Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ **submitted after** a public hearing **held before the City Council** shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the **eCommittee** meeting. Written testimony with regard to any other business before the **eCommittee** shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the **eCommittee** meeting ~~in order to be included in~~ **on** the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a **eCommittee** at the next regular meeting after the hearing unless otherwise ordered **retained** by a majority of the Council Committee members present. If not reported **out** as **provided** above, or if immediate action is required, a motion by the City Council to call the matter out of **eCommittee** will then be in order. Passage of that motion will place the matter before the **City** Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the **eCommittee's** recommendation shall be ~~verbally shared with the Council~~ **stated**. Moving to carry out the intent of the **eCommittee** report does not restrict the ~~maker~~ **proponent** of the motion from speaking against the recommendation of the Committee.

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the **City** Council regarding the disposition of an item of business submitted to it, **or on any question properly before it**, except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the~~ item of business **or question so decided** shall not be taken up again by the **City** Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result.~~ During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. ~~Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the

majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~#~~Rules not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the **City Council**, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 36. TO AMEND RULES. These ~~#~~Rules of **Order** may be amended or new ~~#~~Rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting **of the City Council** and shall be referred to the ~~Planning Licenses and Development Committee~~ **Finance, Organization and Personnel Committee**. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes **to the Rules** shall become effective upon ~~passage~~ **adoption**.

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~€~~Temporary ~~e~~Chairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. **The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.**
- B. When a vacancy is declared to exist, the Mayor or ~~€~~Temporary ~~e~~Chairman (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.
The following procedure shall be followed on the date of the election:
 1. The Mayor, or ~~T~~emporary ~~C~~hairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.

2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary~~ **Chairman may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman** shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office **and be immediately seated.**

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A **City** Council policy shall remain effective until ~~superseded~~ **superseded** by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Mark Howard, Fire Chief
Through: Elizabeth Dragon, City Manager
Subject: 2021 Homeland Security Grant Program Award - HazMat - Fire Chief

Council Action:

In City Council November 18, 2021.

Voted unanimously to suspend Section 26 of the Rules of Order to allow action on this item on first reading. Voted unanimously that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.

Recommendation:

Move that the Finance Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$28,571.43 from the 2021 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.

Attachments:

None

Background:

On October 21, 2021, The City of Keene Fire Department was approved by the City Manager to apply for the 2021 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant. All funds and equipment awarded by this grant are 100% funded by the program with no local contribution.

On October 28th, the department received notification from the Grants Management Unit that the department had been approved for \$28,571.43 in grant funds.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Mari Brunner, Planner
Through: Rhett Lamb, AMC/Community Development Director
Subject: **Resignation of Hillary Ballantine and Cary Gaunt from the Energy and Climate Committee**

Council Action:

In City Council November 18, 2021.

Voted unanimously to accept the resignations with regret and appreciation for service. Mr. Gaunt's resignation to be effective December 31, 2021.

Recommendation:

To accept the resignation of Hillary Ballantine from the Energy and Climate Committee effective immediately, and accept the resignation of Cary Gaunt from the Energy and Climate Committee effective December 31, 2021.

Attachments:

1. Hillary Ballantine_Resignation
2. Cary Gaunt_Resignation

Background:

Hillary Ballantine is currently an alternate member of the Energy and Climate Committee and has served on the committee since July 2021. She has submitted her resignation, effective immediately (see attachment #1).

Cary Gaunt is currently the vice chair of the Energy and Climate Committee and has served on the committee since 2019. She has submitted her resignation, effective December 31, 2021 (see attachment #2).

From: [Hillary Ballantine](#)
To: [Mari Brunner](#)
Subject: Re: November 3 ECC Agenda Packet
Date: Monday, November 1, 2021 4:18:38 PM

Hi Mari,
I don't know who to contact about this, but I have accepted a new job offer in Massachusetts and will be moving out of state by the end of the year, and therefore need to step down from my role on the committee. Can you let me know to whom I should send my resignation?
Thanks,
Hillary Ballantine

On Thu, Oct 28, 2021 at 9:15 AM Mari Brunner <mbrunner@ci.keene.nh.us> wrote:

Hello Energy and Climate Committee, and interested parties:

Please find attached the agenda packet for the November ECC meeting, which is scheduled for **Wednesday, November 3 at 8:00 AM in the 2nd Floor Council Chambers of City Hall**. The agenda packet will also be posted online under “agendas” at ci.keene.nh.us/energy-and-climate-committee.

Please, respond to this email or call 603-352-5440 to confirm that we will have a quorum of committee members participating in person for this meeting. Members of the public may join the meeting either online or at City Hall, as described at the top of the meeting agenda.

Best,

Mari

Mari Brunner

Planner, City of Keene

Community Development Dept.

(603) 352-5440

CONFIDENTIALITY NOTICE

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential, privileged or exempt information in accordance with NH RSA 91-A and other applicable laws or regulations. If you are not the intended recipient, please reply to the City of Keene sender or notify the City of Keene immediately at (603) 357-9802 and delete or destroy all copies of this message and any attachments. Any unauthorized use, disclosure, or distribution of this message and any attachments is strictly prohibited. Thank you for your assistance.

From: [Cary Gaunt](#)
To: [Mari Brunner](#); [Peter Hansel](#)
Subject: Strategizing
Date: Thursday, October 21, 2021 11:03:08 AM

Hi Mari and Peter,

It was great to meet with both of you the other day. Mari, it is wonderful to have you back!!!! We missed you *and* Peter and Will did a great job keeping the Committee moving forward. The ECC is doing many excellent things to advance the vision of the Sustainable Energy Resolution and Plan.

I've loved being part of the ECC. It feels good to collaborate with a group of volunteers and city staff who are innovative thinkers making a difference in the local community. I'm also aware that since leaving Keene State, my time and attention have been drawn in other areas. Because my personal integrity does not like when I commit to something but then become unable to show up in a meaningful way, I would like to work with the two of you on an approach to conclude my time with the ECC in the next month or so; certainly by the end of the year if not before. I've spoken with my former KSC colleague Diana Duffy, the College's Energy Coordinator, about filling my seat. She also took early retirement but wants to stay engaged in sustainable energy, so she might be a great candidate to replace me.

I deeply believe in the work of the ECC, but since leaving Keene State I've explored working with the faith sector to do climate and sustainability work from a facilities/operation transformation and educational program development and worship/eco-spiritual formation perspectives. This has long been my passion work, sidelined by my time at Keene State. It formed the basis for all of my doctoral work and dissertation.

Much to my astonishment and delight, I've been unexpectedly blessed with many opportunities to serve churches, retreat centers and two national nonprofits. I did not expect this new vocation to emerge so rapidly, so it has negatively impacted my ability to engage fully with the ECC.

I think it is most honest and fair for me to step back from the ECC and please let me know the next steps and how I can do this in a responsible way.

I look forward to hearing from you both about next steps.

All my best,
Cary

--

Cary Gaunt, Ph.D.
Consulting, Researching, and Educating for Sustainable and Flourishing People and Places
P.O. Box 2113
Brattleboro, VT 05303
802-734-5009



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Rhett Lamb, AMC/Community Development Director
Through:
Subject: **Ordinance O-2021-14: Relating to Amendments to the Business, Growth and Reuse District - Joint PB/PLD**

Council Action:

In City Council November 18, 2021.

Memorandum filed as informational. Public hearing on Ordinance O-2021-14 set for December 2, 2021 at 7:10 PM.

Recommendation:

A motion was made by Mayor Hansel that the Planning Board find this Petition consistent with the City's Master Plan. The motion was seconded by Councilor Remy and was unanimously approved.

A motion was made by Chair Bosley that the Planning, Licenses and Development Committee request that the Mayor set a public hearing date for Ordinance O-2021-14. The motion was seconded by Councilor Philip Jones and was unanimously approved.

Attachments:

None

Background:

Included below is an excerpt from the draft minutes of the November 8, 2021 Joint Planning Board and Planning, Licenses, and Development Committee meeting where this item was discussed.

"Mr. Randall Walter of Westmoreland addressed the committee first. Mr. Walter began by addressing how his request fits in with the master plan and is consistent with the BGR District as well as how this use is similar to other uses in the area. He noted this application is not for a single use but a relatively small zoning district, which has two very large properties; the Kingsbury property and the City property. Mr. Walter stated 310 Marlboro Street is a mixed-use building under a redevelopment plan with the hope of making it a very active and vibrant site. It includes new tenants and fit ups. Residents who are going to be occupying the site will be Modestman Brewing, MC2 School, Jack's Crackers, to name a few. They are also working with Revision Energy to bring solar to this site.

Mr. Walter stated this request to include a personal service establishment in the zone stems from what is permitted in this zone; light industrial, multifamily, small restaurants (under 50 seats), neighborhood grocery stores, and gyms and felt these uses are not that different from personal care

service. He added with this redevelopment they are looking for a healthy mix and added the small businesses are ones who have just graduated from being an in-home business and felt the BGR District can accommodate some of these transitions. Mr. Walter felt personal care service is compatible as it is permitted in the Neighborhood District, which is an adjoining zone. As far as patterns and consistency with others, this use is similar to a gym or having a meeting in an office. Parking for this use is minimal, meetings are only by appointment and hence the use is less intrusive when compared perhaps to a restaurant for 50 people or a small grocery store.

Mr. Walter stated he would like to explain how buildings like this can be developed in the spirit of the master plan. Light industrial uses, for instance, are typically on the first floor of a building. The buildings in the BGR have second floors and the second floor is where this use would be conducted, which could be difficult for a light industrial use. There will be an elevator added at 310 Marlboro Street for second floor access. This concluded Mr. Walter's presentation.

Councilor Jones thanked the petitioner for bringing this item forward and felt it was a good fit for the BGR District.

Chair Russell Slack asked for staff comments.

Planner Mari Brunner addressed the committee. She indicated with respect to rezoning, the committee should be looking at the suitability of this use for the entire district. Hence, looking at the consistency of the proposed rezoning request with the Master Plan.

Ms. Brunner went on to say that the Business Growth and Reuse (BGR) District was established in 2017 as part of the Marlboro Street rezoning effort. The intent of the District is to serve as an additional downtown zoning district that provides opportunity for redevelopment of this area which was previously zoned industrial. Also, for revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods.

Ms. Brunner went on to say, the intent of the rezoning initiative in 2017 was to encourage redevelopment of the area with industrial and business uses that were cleaner and more environmentally friendly than traditional smoke stack industrial uses. This Ordinance proposes to introduce Personal Service Establishment as a principal permitted use in the BGR District. Personal Service Establishment is defined in the Zoning Regulations as an establishment that provides services of a personal nature including, but not limited to, barbershops or hair salons, spas, nail salons, laundromats, dry cleaners, tailors, tattoo or body piercing parlors.

The BGR District is surrounded by the Residential Preservation District to the west, which is largely limited to single family dwellings. The Neighborhood Business District is to the south along Marlboro Street, which promotes small-scale commercial development. The Medium Density District and a small portion of the Downtown Growth District are to the north. The Low Density District is to the east. Personal Service is already permitted in the Neighborhood Business and in the Downtown Growth Districts. Ms. Brunner called the committee's attention to page 9 of their packets which outlines the current uses in the BGR District.

With respect to consistency with the master plan, the plan includes Marlboro Street as a Strategic Planning Area. On Page 119 of the Plan, it states, "*To the east side of Main Street, along Marlboro Street, there are similar opportunities to balance higher density housing with the existing single- and two-family residential neighborhoods. There is also the opportunity to extend light commercial uses from the Main Street roundabout to the Public Works Facility just before Optical Avenue. As this area transitions towards the Optical Avenue gateway into the community from Route 101, the inclusion of*

a higher density of industrial/manufacturing/business/office uses should be pursued with the provision of connections to adjacent neighborhoods, creating a walkable area."

Ms. Brunner noted there is also reference to the 2002 Transportation Master Plan, which talks about making connections between this area, the Rail Trail and some of the adjacent neighborhoods. Ms. Brunner stated some of the uses have limitations in this district, such as restaurants calling for 50 seats or less or, for instance, limiting a use to 30,000 square feet or less. This concluded staff comments.

Councilor Jones asked whether there was any other district where this use does not exist and might be a good fit. The Councilor asked whether now would be the time to change other zones to be able to accommodate this use. Ms. Brunner said the use is just being proposed today for the BGR District, if other districts were to be considered the item would have to be re-noticed.

The Chair asked for public comment. With no public comment, the Chair closed the public hearing.

A motion was made by Mayor Hansel that the Planning Board find this Petition consistent with the City's Master Plan. The motion was seconded by Councilor Remy and was unanimously approved.

A motion was made by Chair Bosley that the Planning, Licenses and Development Committee request that the Mayor set a public hearing date for Ordinance O-2021-14. The motion was seconded by Councilor Philip Jones and was unanimously approved."



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Downtown Group – Request to Use City Property – Ice and Snow Festival**

Council Action:

**In City Council November 18, 2021.
More time granted.**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the request for use of City property for the Ice and Snow Festival be placed on more time.

Attachments:

None

Background:

Chair Bosley stated that she does not think anyone from the Ice and Snow Festival is here tonight. She asked for a report from City staff.

City Manager Elizabeth Dragon stated that staff asks the Committee to place this item on more time to allow for a meeting with the Keene Downtown Group.

Chair Bosley asked if the Committee had any questions or comments. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the request for use of City property for the Ice and Snow Festival be placed on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: November 18, 2021

To: Mayor and Keene City Council

From: Kendall Lane
Chairman - ad hoc Redistricting Committee

Through:

Subject: **Redistricting of Ward Lines - ad hoc Redistricting Committee
Ordinance O-2021-15**

Council Action:

In City Council November 18, 2021.

Ordinance O-2021-15 referred to the Finance, Organization and Personnel Committee. Public hearing on Ordinance O-2021-15 set for December 2, 2021 at 7:20 PM.

Recommendation:

That Ordinance O-2021-15 relating to City Ward Lines be referred to the Finance, Organization and Personnel Committee, and that the Mayor set a public hearing date for Ordinance O-2021-15.

Attachments:

1. Ordinance O-2021-15_referral
2. Streets Impacted by Ward Line Redistricting
3. Proposed Redistricting Map

Background:

On August 19, 2021, Mayor Hansel appointed the following individuals to serve on the Ad Hoc Redistricting Committee: Kendall W. Lane, Chairman, Councilor Jan Manwaring, Michael Giacomo, Alexander (Sparky) VonPlinsky, and Marilyn Huston. Mayor Hansel charged the Committee with the assignment to reapportion the City's five wards based upon the 2020 census population data to reflect a reasonable deviation of populations between each other and to make a report to the Keene City Council.

On September 28, 2021, the Committee held its first meeting. The Chairman reviewed the charge of the Committee and explained the City had anticipated receiving the census data from the US Census Bureau by March of 2021, but because of the pandemic, the data was not expected to be released until September 30, 2021. Because of this significant delay there was not sufficient time to determine the necessary changes to the ward lines and to follow the required statutory notice for a charter amendment on the November 2, 2021 Municipal General Election ballot. As a solution to this delay, the Council voted to propose a charter amendment that would remove the ward descriptions from the City Charter and provide that in order to comply with any Constitutional requirement to equalize ward populations, the City Council would have the authority to adjust ward boundaries

through the adoption of an Ordinance.

Assuming that the charter amendment would receive a favorable vote at the election, the Committee began its work by identifying any criteria that would be used in the 2021 redistricting process. They determined that the following criteria would guide their efforts:

- All wards would originate from the Central Square Common
- All wards would be contiguous to each other
- All wards lines would follow physical features
- Aim for a deviation of ward populations of less than 1%, but no more than 2.5%
- All of Keene State on-campus housing would be located in Ward One
- Avoid moving any polling locations out of its ward
- Avoid moving any elected Moderator out of their ward to avoid difficulty in administering Federal elections
- Ignore any impact on incumbent State Representative or City Councilors

It was noted that since the 2020 census, 350 residents had moved from the City. Keene’s population is now 23,047. It was also reported that when the census takers were in Keene, the KSC students were not on campus. The Committee recognized that this created a significant underreporting of KSC students in Keene for this ten-year census, but there was nothing that the Committee could do to address this at this time.

The Committee reviewed the deviations in each ward as compared to the average or “ideal” population of 4609 residents per ward. This initial review of the data showed the following:

Ward	Total Population	Deviation from the Average or “Ideal” Population of 4609 Residents per Ward	% Deviation from the Average or “Ideal” Population of 4609 Residents per Ward
1	3472	1137	-24.68%
2	4725	-116	2.51%
3	4720	-111	2.40%
4	5104	-495	10.73%
5	5026	-417	9.05%

With the aid of a software application, the Committee moved census blocks and their associated populations between the City’s five wards. The Committee recognized that the -24.68% deviation in Ward One’s population was their primary focus. At the conclusion of the Committee’s efforts, the following ward populations as well as their deviation from the “ideal” population of 4609 showed the following:

Ward	Total Ward Population after Redistricting	Deviation from Ideal Population
1	4643	.7%
2	4558	-1.1%
3	4550	-1.3%
4	4620	.2%
5	4676	1.4%

The charter amendment which authorizes the City Council to redistrict ward lines as constitutionally required passed at the November 2, 2021 Municipal General Election on a vote of 1648 in favor and 505 opposed. As provided for in the Charter amendment, the boundaries of the five wards would be described in an Ordinance, A Public Hearing would be required before the City Council. The Charter provision also requires that the City Council's vote on the Ordinance occur within 30 days of the Public Hearing.

In terms of the effective date of ward lines adjustments, typically the ward lines go into effect the day before the filing period starts for State offices. Because the census delay is also impacting the House and Senate redistricting efforts, the House and Senate Committee Redistricting Chairs have requested that the City attempt to have its new ward lines in place by January 1, 2022. With the City Council's normal process for considering an Ordinance, it is anticipated that the City will be able to comply with the State's request with an effective date of the Ordinance anticipated for January 1, 2022.

A listing of the streets that will be impacted by the redistricting of the ward lines is attached. There will be no impact to polling locations or elected Moderators in each of the City's five wards. Although not an identified criteria in the Committee's efforts; the 2020 redistricting will not affect any incumbent Ward Councilors or Ward election officials.

After the new ward lines go into effect, any voters who are impacted by the redistricting will be notified of their new ward designation and polling locations.



CITY OF KEENE

Ordinance O-2021-15

Twenty-one

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to City Ward Lines**

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by adding a new Chapter 3. to be entitled "Wards" as follows:

Chapter 3. – WARDS

ARTICLE I. – CITY WARDS LINES

Sec. 3-1. - Wards defined.

The City of Keene is hereby divided into five wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the terms for which they were elected.

Sec. 3-2. - Amendments to boundaries.

Pursuant to Section 2. of the Keene City Charter, if necessary to comply with any Constitutional requirement to equalize populations, the city council shall review the ward boundaries and, shall, by ordinance, re-divide the city into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the city council, at such time and place as the city council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk.

Sec. 3-3. – Ward line descriptions.

The City of Keene shall be divided into five (5) wards, the boundaries of which shall be as follows:

Ward 1: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence southerly on Main Street to Emerald Street; thence westerly on Emerald Street

to Wilson Street; thence southerly on Wilson Street to Davis Street; thence westerly on Davis Street to Ralston Street; thence southerly on Ralston Street to Winchester Street; thence westerly and southerly on Winchester Street to the junction of NH State Highway Routes 10; 12 and 101; thence westerly on NH State Highway Routes 10; 12 and 101 to the junction of State Highway Route 9; thence westerly on State Highway Route 9 to Ash Swamp Brook; thence southerly along Ash Swamp Brook; thence southwesterly along a cleared 60 foot wide property right-of-way to Base Hill Road; thence southerly to the Keene/Swanzey town line; thence easterly and southerly along the Keene/Swanzey town line to the Keene/Swanzey/Marlborough town line; thence northerly and easterly to NH State Highway Route 101; thence westerly on NH State Highway Route 101 to Optical Avenue; thence northerly on Optical Avenue; thence easterly on Optical Avenue to Marlboro Street; thence northwesterly on Marlboro Street to Eastern Avenue; thence northerly on Eastern Avenue to Water Street; thence westerly on Water Street to Beaver Brook; thence northerly and westerly along Beaver Brook to Harrison Street; thence northerly on Harrison Street to Roxbury Street; thence westerly on Roxbury Street to the point of beginning.

Ward 2: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence easterly along the northern and eastern boundary line of Ward 1 as previously described to the Keene/Swanzey town line; thence easterly along the Keene/Swanzey town line to the Keene/Marlborough town line; thence northerly to the Keene/Marlborough/Roxbury town line; thence westerly along the Keene/Roxbury town line to Otter Brook; thence northerly and easterly along the Keene/Roxbury town line to the Keene/Sullivan town line; thence westerly and northerly along the Keene/Sullivan town line to the Keene/Gilsum town line; thence southwesterly along the Keene/Gilsum town line to the Public Service of New Hampshire right-of-way; thence southeasterly along the Public Service of New Hampshire right-of-way to NH State Highway Route 9; thence southwesterly along NH State Highway Route 9 to the discontinued Gilsum Street right-of-way; thence southerly along the discontinued Gilsum Street right-of-way to Gilsum Street; thence southerly on Gilsum Street to Howard Street; thence southerly on Howard Street to Cross Street; thence easterly on Cross Street to Pine Street; thence southerly and easterly on Pine Street to Washington Street; thence southerly on Washington Street to Central Square; thence southerly on Central Square to the point of beginning.

Ward 3: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence northerly along the western boundary line of Ward 2 as previously described to the Keene/Gilsum town line; thence southwesterly along the Keene/Gilsum town line to the Keene/Surry town line; thence southwesterly along the Keene/Surry town line to Old Walpole Road; thence southerly and easterly on Old Walpole Road to Maple Avenue; thence southwesterly on Maple Avenue to NH State Highway Route 12; thence southeasterly on NH State Highway Route 12 to the junction of NH State Highway Routes 9 and 10; thence northeasterly on NH State Highway Routes 9 and 10 to the overpass on Court Street; thence southerly on Court Street to Central Square; thence southerly on Central Square to the point of beginning.

Ward 4: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence northerly along the western boundary line of Ward 3 as previously described to the Keene/Surry town line; thence southwesterly on the Keene/Surry town line to NH State Highway Route 12; thence southerly on NH State Highway Route 12 to the Summit Road discontinued right-of-way; thence southerly on the discontinued Summit Road right-of-way to Summit Road; thence southeasterly on Summit Road to Park Avenue; thence southeasterly on Park Avenue to West Street; thence easterly on West Street to the point of beginning.

Ward 5: Beginning at the intersection of Main Street; West Street; Roxbury Street and Central Square; thence southerly along the western boundary line of Ward 1 as previously described to the Keene/Swanzey town line; thence westerly along the Keene/Swanzey town line to the Keene/Chesterfield town line; thence northwesterly along the Keene/Chesterfield town line to the Keene/Westmoreland town line; thence northeasterly along the Keene/Westmoreland town line to the Keene/Surry town line; thence easterly along the Keene/Surry town line to NH State Highway Route 12; thence southeasterly along the western boundary line of Ward 4 as previously described to the point of beginning.

George S. Hansel, Mayor

In City Council November 18, 2021.
Referred to the Finance, Organization
and Personnel Committee.
Public Hearing on set December 2, 2021 at 7:20 PM.



City Clerk

<u>STREET</u>	<u>ADD RANGE EVEN</u>	<u>ADD RANGE ODD</u>	<u>BLOCK #s</u>	<u>FROM WARD</u>	<u>TO WARD</u>
CROSS STREET	16-40	15-43	1008, 1007	WARD 3	WARD 2
GILSUM STREET	4-92	-	2011	WARD 3	WARD 2
HIGH STREET	18-44	19-37	1019, 1000	WARD 3	WARD 2
HOWARD STREET	-	25-171	2011, 2019, 1000, 1008	WARD 3	WARD 2
PINE STREET	-	19-25	1007	WARD 3	WARD 2
WALNUT STREET	26-34	11-43	2011, 2019	WARD 3	WARD 2
WASHINGTON STREET	168-268	-	2011, 2019, 1000, 1008, 1007	WARD 3	WARD 2
COURT STREET	550-712	597-641	3021, 3022, 2016	WARD 4	WARD 3
ALLEN COURT	18-52	-	2016	WARD 4	WARD 3
EVERGREEN AVENUE	-	9-15	2016	WARD 4	WARD 3
RIVERVIEW STREET	4-10	11-15	3021, 3022	WARD 4	WARD 3
WESTVIEW STREET	10-20	9-17	3021, 3022	WARD 4	WARD 3
TENANT SWAMP	-	-	3020	WARD 4	WARD 3
PARK AVENUE	300-570	-	3015, 3018, 3019, 3020, 3021	WARD 4	WARD 5
SUMMIT ROAD	4-52	-	3017	WARD 4	WARD 5
WAKEFIELD STREET	-	43-59 (All)	3013	WARD 4	WARD 5
SWEENEY ROAD	10-54 (All)	5-53 (All)	3015, 3016, 3018	WARD 4	WARD 5
ROYAL AVENUE	-	37-131	3014, 3021	WARD 4	WARD 5
DORT STREET	22 (All)	All	3014, 3021	WARD 4	WARD 5
ARLINGTON AVENUE	28-112 (All)	33-119 (All)	3013, 3014, 3020, 3021	WARD 4	WARD 5
PINEHURST AVENUE	12-100 (All)	7-103 (All)	3013, 3019, 3020	WARD 4	WARD 5
KENDALL ROAD	34-108	31-109	3015, 3016, 3018, 3020	WARD 4	WARD 5
LEAHY ROAD	8-20 (All)	3-21 (All)	3015, 3016	WARD 4	WARD 5
OLIVO ROAD	4-22 (All)	3-23 (All)	3015, 3018	WARD 4	WARD 5
MARLBORO ROAD (RT 101)					
GRAVES ROAD	14-110 (All)	639-973	1003, 1002, 1001, 1000, 1052	WARD 2	WARD 1
SWANZEY FACTORY ROAD	14-94 (All)	19-55 (All)	1001	WARD 2	WARD 1
DEPOT ROAD	10-20	-	1003, 1002, 1014	WARD 2	WARD 1
JOSLIN STATION ROAD	72	-	1002, 1013, 1014	WARD 2	WARD 1
		71	1002, 1013, 1014	WARD 2	WARD 1

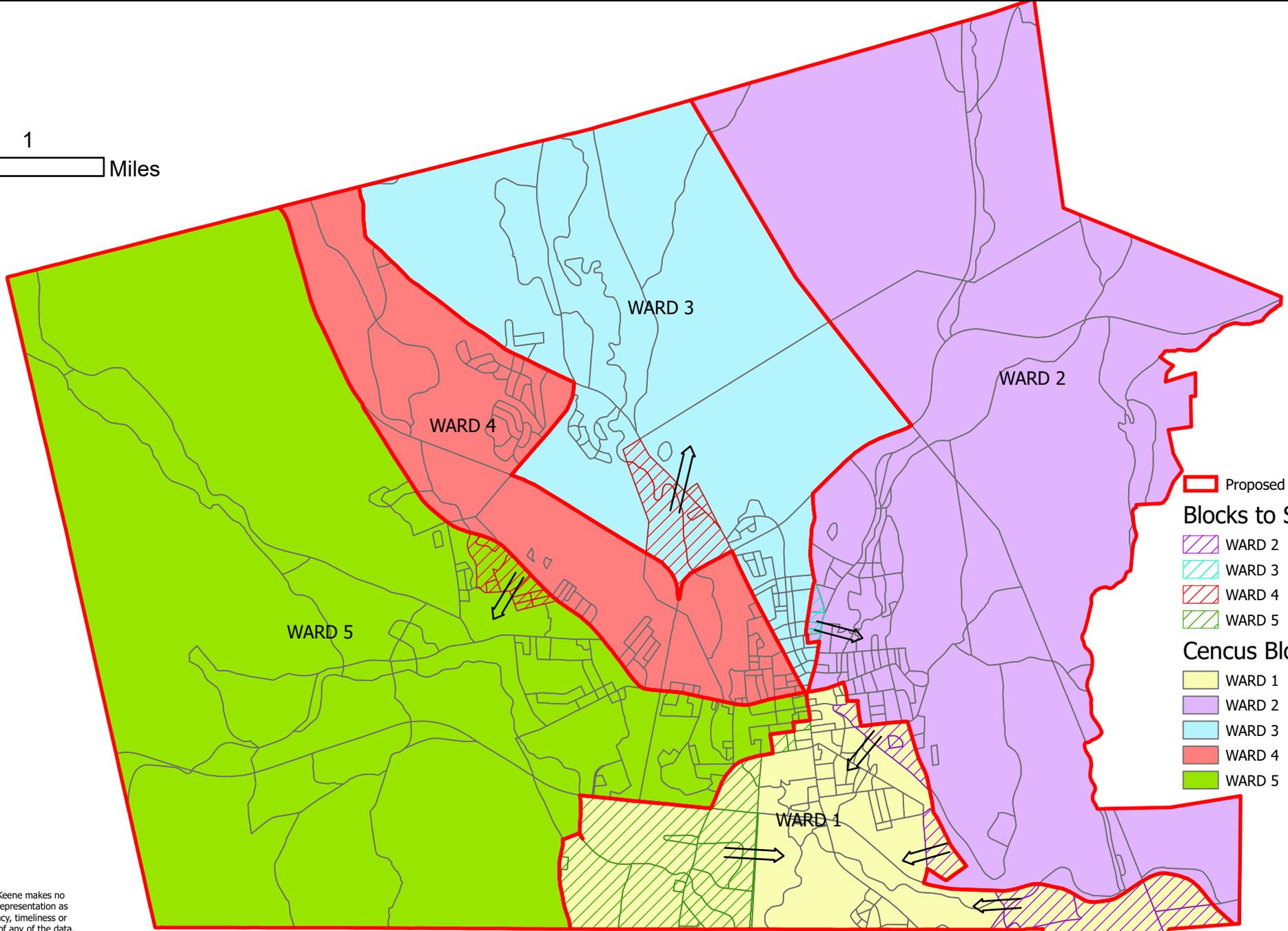
OPTICAL AVENUE	6-58 (All)		1018	WARD 2	WARD 1
MARLBORO STREET (EXT)	-	485-531	1018	WARD 2	WARD 1
EASTERN AVENUE			1008	WARD 2	WARD 1
VICTORIA STREET	16-92 (All)	9-153 (All)	1008, 1009	WARD 2	WARD 1
VICTORIA COURT	8-26 (All)	15-77 (All)	1008, 1009	WARD 2	WARD 1
WATER STREET	140-158	21 (All)	1008, 2018	WARD 2	WARD 1
FAIRFIELD COURT	4-22 (All)	163-327	1008	WARD 2	WARD 1
HANCOCK STREET	16-28 (All)	11 (All)	1008	WARD 2	WARD 1
RAILROAD STREET		11-25 (All)	1008	WARD 2	WARD 1
		93-139	2018	WARD 2	WARD 1
EMERALD STREET	12-48	-	2012	WARD 5	WARD 1
DAVIS STREET	60-94	21-47	2012, 2014, 2015	WARD 5	WARD 1
WILSON STREET	-	73-107	2012, 2014	WARD 5	WARD 1
WILCOX TERRACE	2-32 (All)	1-27 (All)	2015	WARD 5	WARD 1
RALSTON STREET	26-66	-	2015	WARD 5	WARD 1
WINCHESTER STREET	192-362; 410-542	57-131; 401-555.5	1026, 1027, 1028, 1036, 1037, 1053, 1054, 1055, 1056, 0157, 2014, 2015, 3002, 3003,	WARD 5	WARD 1
WINCHESTER COURT	16-52 (All)	13-41 (All)	3002	WARD 5	WARD 1
BLAKE STREET	16-50	7-51	2014, 2015	WARD 5	WARD 1
MAIN STREET	-	125-151	2012	WARD 5	WARD 1
KIT STREET	-	15 (All)	1027	WARD 5	WARD 1
FAIRBANKS STREET	16-40 (All)	9-37 (All)	1027, 1028	WARD 5	WARD 1
WETMORE STREET	8-36 (All)	9-35 (All)	1027, 1028	WARD 5	WARD 1
KRIF ROAD	50-80 (All)	69-95 (All)	1036, 1037	WARD 5	WARD 1
KRIF COURT	-	3-7 (All)	1036	WARD 5	WARD 1
CORNWELL DRIVE	-	39 (All)	1026	WARD 5	WARD 1
BRADCO STREET	12-18 (All)	3-17 (All)	1053, 1054	WARD 5	WARD 1
MAGNOLIA WAY	2-10 (All)	1-7 (All)	1043	WARD 5	WARD 1
BERGERON AVENUE	10-16 (All)	3-13 (All)	1053	WARD 5	WARD 1
MATTHEWS ROAD	14-52 (All)	3-33 (All)	1055, 1056	WARD 5	WARD 1

BUFFUM ROAD	-	-	1053	WARD 5	WARD 1
LUCINDA TERRACE	4-32 (All)	3-35 (All)	1056, 0157	WARD 5	WARD 1
PRODUCTION AVENUE	14-42 (All)	11-43 (All)	1027	WARD 5	WARD 1
BASE HILL ROAD	180-272	-	1031	WARD 5	WARD 1
ANDERSON AVENUE	-	1-9 (All)	1031	WARD 5	WARD 1
ELCONA DRIVE	2-8 (All)	-	1031	WARD 5	WARD 1
SCHULT STREET	2-44 (All)	1-51 (All)	1031	WARD 5	WARD 1
IMPERIAL DRIVE	2-22 (All)	1 (All)	1031	WARD 5	WARD 1
FARMSTEAD COMMONS	BASE HILL ROAD	BASE HILL ROAD	1031	WARD 5	WARD 1

Keene, NH 2020 Census Redistricting Proposal



1
 Miles



Proposed Wards 2022

Blocks to Shift

- WARD 2
- WARD 3
- WARD 4
- WARD 5

Census Blocks

- WARD 1
- WARD 2
- WARD 3
- WARD 4
- WARD 5

The City of Keene makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data.
 The City of Keene shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: November 18, 2021

To: Mayor and Keene City Council

From: Duncan Watson, Assistant Public Works Director

Through: Merri Howe, Finance Director/Treasurer
Elizabeth Dragon, City Manager

Subject: **Relating to an Appropriation of Funds for the Solid Waste Fund
Resolution R-2021-42**

Council Action:

In City Council November 18, 2021.

Voted unanimously to suspend Section 26 of the Rules of Order to allow action on this item on first reading. Voted unanimously for the adoption of Resolution R-2021-42.

Recommendation:

The City Council suspend the Rules of Order to adopt Resolution R-2021-42 relating to the appropriation of funds for the Solid Waste Fund for FY 20/21.

Attachments:

1. Resolution R-2021-42_adopted

Background:

The City of Keene Transfer Station received greater volume than expected in FY 20/21. The forecast for the amount of material anticipated to be received at the transfer station and recycling center is developed 18 months prior to the end of the fiscal year and is based on previous volumes received as well as economic forecasts. Economic activity, including greater than anticipated solid waste and construction and demolition disposal as well as more robust recycling markets has resulted in both higher revenues and expenses than budgeted. Resolution R-2021-42 adjusts the authorized budget to reflect the increase in revenue and expenses at the recycling center/transfer station.

The amount of the budget adjustment is not known until the audit preparation and fieldwork is completed. In order for the city auditors to complete the FY 20/21 audit and prepare the City's FY 20/21 financial statements, an adopted budget adjustment resolution for the Solid Waste is needed. Without the suspension of the rules, the adoption of R-2021-42 would occur at the December 16, 2021 Council meeting which would interfere with the required filings of financial information prior to December 31, 2021.

It should be noted, that the Solid Waste Fund is completely separate from the General Fund in that no tax dollars support the Solid Waste Fund. Revenues are primarily derived from the tipping fees from disposal of solid waste

and the revenue received from the sale of recyclable commodities. The net revenue in the Solid Waste Fund for FY 20/21 exceeds expenses and the excess revenue is placed in the Solid Waste Fund for future needs.

Since budget authorization is necessary to expend the additional funds, a resolution is needed to increase the appropriations as follows:



CITY OF KEENE

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Appropriation of Funds for the Solid Waste Fund

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

That, pursuant to Section 32 of the Rules of Order, the sum of ninety-eight thousand eight hundred and eighty-five dollars (\$98,885) be added as an additional expenditure in the Disposal-Operations account 10002-62448, and eleven thousand one hundred and fifteen dollars (\$11,115) be added as an additional expenditure in the Disposal-Demolition account 10006-62448 for a revised budget of two million seven hundred thirty seven eight hundred and twelve dollars (\$2,737,812) and is hereby appropriated in the 2020/2021 fiscal year for costs associated with City operation of the Keene Transfer Station, and the sum of ninety eight thousand eight hundred eighty five dollars (\$98,885) be added as additional revenue in the Tipping Fees account 10000-44119 and eleven thousand one hundred and fifteen dollars (\$11,115) be added as additional revenue to the Recycling Fees account 10000-47120 for a revised budget of four million seven hundred sixty seven, one hundred nine dollars (\$4,767,109) in the 2020/2021 fiscal year as follows:

FY 20/21 Solid Waste Expenditure Appropriation

Account#	Description	FY20/21 Budget	Additional Request	Revised Budget
10002-62448	Disposal-Operations	\$2,519,286	\$98,885	\$2,618,171
10006-62448	Disposal-Demolition	108,526	11,115	119,641
		<u>2,627,812</u>	<u>110,000</u>	<u>2,737,812</u>

FY 20/21 Solid Waste Revenue Appropriation

Account#	Description	FY20/21 Budget	Additional Request	Revised Budget
10000-44119	Tipping Fees	\$4,227,109	\$98,885	\$4,325,994
10000-44120	Recycling Fees	430,000	11,115	441,115
		<u>4,657,109</u>	<u>110,000</u>	<u>4,767,109</u>


George S. Hansel, Mayor

PASSED November 18, 2021



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Elizabeth Dragon, City Manager
Through:
Subject: In Support of a Medicare for All Plan
Resolution R-2021-46

Council Action:

In City Council November 18, 2021.
Referred to the Planning, Licenses and Development Committee.

Recommendation:

That Resolution R-2021-46, in Support of a Medicare for All Plan have a first reading in front of the City Council and that it be referred to the Planning, Licenses and Development Committee.

Attachments:

1. Resolution R-2021-46_referral

Background:

At the request of the City Council, the attached draft resolution In Support of Medicare for All is submitted for review and further consideration.



CITY OF KEENE

R-2021-46

2021

In the Year of Our Lord Two Thousand and
In Support of a Medicare for All Plan

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

WHEREAS, the number of Americans without health insurance is nearly 30 million, while more than 40 million Americans remain underinsured, despite important gains made since the implementation of the Affordable Care Act; and

WHEREAS, every person in the City of Keene deserves high quality health care; and

WHEREAS, the never-ending rising costs of health care add challenges to our already strapped municipal budget and our small businesses, which keep our communities thriving; and

WHEREAS, a Medicare for all plan would provide national health insurance for every person in the United States for all necessary medical care including prescription drugs; hospital, surgical and outpatient services; primary and preventive care; emergency services; reproductive care; dental and vision care; and long-term care; and

WHEREAS, a Medicare for all plan would provide coverage without copays, deductibles or other out-of-pocket costs, and would slash bureaucracy, protect the doctor-patient relationship and assure patients a free choice of doctors; and

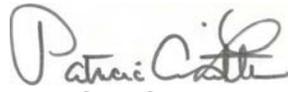
WHEREAS, a Medicare for all plan would guarantee that all residents of the City of Keene will be fully covered for health care without copays, deductibles or other out-of-pocket costs, and would save millions in taxpayer dollars now spent on premiums that provide often inadequate health insurance coverage for government employees; and

WHEREAS, the quality of life for the residents of the City of Keene will vastly improve because they would be able to get the ongoing care they need, instead of waiting until they have a medical emergency that could upend their lives as well as further burden local resources.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene supports a Medicare for all plan and calls on our federal legislators to work towards a plan, which would assure appropriate and efficient health care for all residents of the United States.

In City Council November 18, 2021.
Referred to the Planning, Licenses
and Development Committee.

George S. Hansel, Mayor


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: November 18, 2021
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of William Rhett Lamb Upon His Retirement
Resolution R-2021-45**

Council Action:

**In City Council November 18, 2021.
Voted unanimously for the adoption of Resolution R-2021-45.**

Recommendation:

That Resolution R-2021-45 be adopted by the City Council.

Attachments:

1. Resolution R-2021-45_adopted

Background:

Mr. Lamb will retire from the Community Development Department effective December 3, 2021, with almost 26 years of service.



CITY OF KEENE

Twenty-One

In the Year of Our Lord Two Thousand and

In Appreciation of William Rhett Lamb Upon His Retirement

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: W. Rhett Lamb was to begin his career with the City of Keene April 22, 1996, as Assistant Planning Director but, because the incumbent Director left before his arrival, Rhett became Acting Director; was promoted to Planning Director October 22, 1996; added Assistant City Manager to his responsibilities January 4, 2016; and was advanced to Assistant City Manager/Community Development Director July 1, 2018; and

WHEREAS: A planner extraordinaire, a big-picture thinker, and an amazing teacher, he has guided the public and his team-oriented staff smoothly and successfully with intellectually-stimulated and energized projects involving zoning changes, public hearings, site plan reviews, city council meetings, tax increment financing approval, long-term infrastructure improvements, economic revitalization and development, floodplain management, climate preservation, and comprehensive master planning—with his work setting the tone for policies and programs that have moved the City forward and, in many ways, creating the look and feel of Keene today as created through the lens of the planning process; and

WHEREAS: Rhett has been critical in balancing the economic, natural beauty, and historic characters of our community and helping to set a course of sustainability; and helped remove barriers so that many community and organizational goals could be realized; and as a recognized expert in the planning community for his innovative practices, he achieved the 2021 New Hampshire Planners' Association Award; and

WHEREAS: A fearless advocate for the truth, Rhett demonstrated concern that all voices were heard—balancing objectives by calling attention to different points of view, often based on a human side, and putting together an effective outreach process at the drop of a hat; and

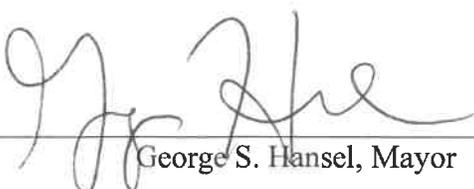
WHEREAS: With the highest level of ethical standards, he has carried out his roles in a manner consistent with his commitment to Keene, always responsive to changing needs; and his leadership helped evaluate the best way to improve customer service by combining the City's planning, code enforcement, and health functions into the Community Development Department; and

WHEREAS: Rhett retires from the City of Keene December 17, 2021, with almost 26 years of dedicated and honorable service;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to William Rhett Lamb and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of his Resolution, properly engrossed, be presented to Rhett in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSED November 19, 2021


George S. Hansel, Mayor