City Council Rules Committee
Meeting Minutes
March 30, 2026
City Council Chambers
37 Green Street
3:00 PM
Meeting to be preceded by a non-meeting with legal counsel in accordance with RSA 91-A:2 I (b)

1. Call to Order

Chair Kretovic called the meeting to order at 4:08 P.M.

2. Roll Call

Present: Chair Jennifer Kretovic, Councilor Amanda Grady Sexton, Councilor Jeff Foote, Councilor Judith Kurtz, Councilor Brent Todd

Also Present: City Solicitor John Conforti.

3. Approval of Meeting Minutes

- December 9, 2025 Draft Meeting Minutes

Councilor Todd moved approval of the December 9, 2025 Meeting Minutes. The motion was duly seconded by Councilor Amanda Grady Sexton and passed with no dissenting votes.

4. Meeting Overview

Chair Kretovic reviewed the items for discussion.

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

a. Review of a proposed Citizen's Guide to Filing Ethics Complaints.

Chair Kretovic introduced a draft citizen's guide for filing an ethics complaint. The guide was developed in collaboration with staff and with input from the City Clerk's Office. It responds to concerns that past complaints were often unstructured and did not clearly connect to ethics rules or ordinances. The guide is meant to be a voluntary tool to help individuals organize their concerns. It includes basic information such as name, date, involved parties, and a description of the alleged violation. It also asks whether the issue is a single incident or part of a pattern, and encourages references to relevant ethics ordinances and Council rules.

The document is designed to make the process more accessible, especially for citizens unfamiliar with formal procedures. The guide could be made available online, however, formal complaints will still require in-person, notarized submission at the City Clerk's Office. Chair Kretovic encouraged members to review the draft from a typical citizen's perspective. The committee agreed to table the item for further consideration.

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b. Discussion regarding sealed complaints and the associated procedural concerns.

Chair Kretovic introduced the topic as a continuation of a discussion first raised in December regarding whether ethics complaints should remain sealed during the initial review process. She explained that the issue stemmed from concerns about reputational harm and procedural fairness, citing a recent complaint that named individuals with no connection to city business who, in a typical legal review, might have been redacted.

City Solicitor John Conforti noted that most municipalities conduct an initial confidential review to determine whether a complaint warrants a formal hearing or should be dismissed. If a hearing proceeds, it is typically held in public. He explained that the City of Concord currently follows a two-step process: complaints are first accepted and vetted to determine whether they merit a hearing or should be summarily dismissed. In most communities, this initial step is conducted confidentially.

He added that such an approach could be supported under RSA 91-A through exemptions related to reputational interests. However, he emphasized that adopting this practice remains a policy decision with both advantages and

drawbacks, including the fact that complainants cannot be prevented from publicly sharing allegations outside the formal review process.

Committee members discussed whether confidentiality at the initial stage should be mandatory ("shall") rather than discretionary ("may"), and whether respondents should have the option to request a public review. They also raised practical concerns about how such a process would function for the Board of Ethics, noting that the Board is composed of volunteers and already faces challenges coordinating meetings within required timeframes. Adding a confidential preliminary review step could require additional meetings or deliberations, potentially complicating scheduling, delaying decisions, and placing further administrative burden on both board members and staff. Questions were also raised about whether a smaller subgroup or vetting committee could handle the initial review more efficiently, though it was noted this might not significantly improve timing given existing constraints on member availability.

It was further noted that RSA 91-A does not provide a mechanism to screen out unsupported complaints before they become public records, reinforcing the need to rely on established exemptions. Councilor Grady Sexton suggested adding an additional basis for non-public review beyond reputational harm, specifically to allow for private discussion with legal counsel under RSA 91-A, 3:2, which the City Solicitor indicated could be incorporated. Examples of recent complaints that were publicly circulated prior to filing and later dismissed for lack of merit were cited as illustrating the potential for reputational harm. Following discussion, the committee agreed to seek input from the Chair of the Board of Ethics before moving forward, and City Solicitor Conforti will report back with that feedback.

c. Discussion on implementing statutory limitations on ethic complaint filings.

Chair Kretovic introduced the agenda item regarding statutory limitations on ethics complaints, noting that issues have arisen due to a lack of clear guidance in the current ordinance. She referenced a recent complaint in which the Board of Ethics determined that the allegations were too old. She highlighted confusion stemming from references to a seven-year statutory limitation despite no such provision existing in the ordinance. She emphasized the need for the committee to provide clear direction to the Board by establishing a defined statute of limitations.

City Solicitor John Conforti confirmed that the ordinance, as currently written, contains no statute of limitations. He advised that establishing a standard, whether tied to a specific number of years or to a councilor's term of service, would provide needed consistency and clarity for the Board's review process.

The committee discussed various approaches, including aligning with the State of New Hampshire's model, which allows review of conduct occurring during a person's time in office and for a defined period after leaving office. Chair Kretovic suggested that a timeframe tied to a councilor's term plus one year after leaving office could align with existing post-service ethical restrictions, while also raising the question of how far back complaints should reasonably extend. Members debated the purpose and practicality of applying limitations, with some noting that misconduct could surface years later, while others questioned the value of pursuing complaints against individuals no longer in office beyond reputational considerations. Councilor Kurtz expressed support for tying reviewability to the period of service, while Councilor Grady Sexton suggested that serious ethical violations may warrant review regardless of time limitations.

City Solicitor Conforti explained that statutes of limitations generally exist due to the declining reliability of evidence over time, such as fading memories and unavailable documentation, though he noted that such concerns could also be addressed through the Board's evaluation of the weight and credibility of evidence rather than a strict cutoff. He further clarified that any review would be based on the laws in effect at the time of the alleged conduct. Following discussion, the committee agreed to move forward with drafting language for consideration that would establish a statute of limitations tied to the duration of a councilor's service plus one year after leaving office, and to include this proposal as part of a broader set of items being referred to the Chair of the Board of Ethics for input. City Solicitor Conforti will prepare draft language and report back.

6. Other Business

Chair Kretovic introduced an additional agenda item regarding the potential development of a City Council code of conduct, noting that the concept originated prior to recent concerns about online behavior and was intended to establish clear expectations for how councilors interact with staff, the public, and one another. She explained that the proposed guideline would function similarly to existing oaths to the city charter, ethics ordinance, and Council rules, serving as a shared commitment to professional conduct. City Solicitor John Conforti distributed a draft document, which was developed based on practices from other

municipalities and incorporates both statutory considerations and commonly accepted standards of conduct. Chair Kretovic emphasized that the goal is to promote respectful and professional communication, particularly in public meetings and public engagement, and to address concerns that negative interactions, both in meetings and on social media, may discourage public participation and civic involvement.

Committee members discussed the scope and purpose of the proposed guidelines, with general agreement that such a document could be valuable, particularly as a reference for new councilors during orientation. However, significant discussion centered on the question of enforcement, including whether the guidelines should be purely aspirational or carry enforceable consequences. City Solicitor Conforti advised that the committee should be explicit in terms of enforcement. He said the committee should determine whether this is in addition to existing ethics or Council rules, or function as a separate, self-governing standard. He noted that some provisions are inherently subjective and may not lend themselves to formal adjudication, while others, particularly those related to treatment of staff, could be more clearly enforceable. Members also considered whether the document should be structured in tiers, separating aspirational guidance from enforceable rules.

Further discussion addressed how the guideline would be implemented and presented to the full City Council, with suggestions that it could be introduced as part of a broader Council discussion on expectations and professional conduct, or incorporated into orientation materials for new members. Members agreed that additional review and refinement are needed, particularly to clarify enforcement mechanisms and overall structure, before advancing the proposal. The committee expressed general support for the concept and agreed to continue reviewing the draft and revisit the item at the next meeting.

7. Scheduling of Next Meeting

The Committee agreed to schedule a follow up meeting. Chair Kretovic will work with the City Clerk's Office to schedule the next meeting, possibly May 4, 2026 at 3:00 PM.

8. Adjournment

At 5:07 PM, there being no additional business to discuss, Councilor Kurtz moved to adjourn. The motion was duly seconded by Councilor Grady Sexton, and passed with no dissenting votes.

A true copy; I attest:

Deborah Tuite
Deputy City Clerk