City Council Rules Committee
Draft Meeting Minutes
September 28, 2026
City Council Chambers
37 Green Street
3:00 PM

1. Call to Order

Councilor Kretovic called the meeting to order at 3:00 PM.

2. Roll Call

Present: Chair Jennifer Kretovic, Councilor Amanda Grady Sexton, Councilor Brent Todd

Excused: Councilor Jeff Foote, Councilor Judith Kurtz

Also Present: City Solicitor John Conforti, Deputy City Solicitor Danielle Sakowski

3. Approval of Meeting Minutes

- March 30, 2026 Draft Meeting Minutes

Councilor Todd moved approval of the March 30, 2026 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.

- **Code of Conduct.**

The Committee discussed the proposed Code of Conduct for City Council members. Members generally expressed support for the document as a useful framework establishing expectations for Council conduct, civility, communications, and interactions with City staff. It was noted that the Code of Conduct would provide an additional layer of guidance and a point of reference for Council members, particularly because there is currently limited guidance addressing certain types of conduct that may be inappropriate or discourteous but do not rise to the level of an ethics or Charter violation. Members discussed whether the Code of Conduct should be viewed primarily as an aspirational or "soft" policy establishing professional expectations, or whether it should include more specific enforcement provisions and sanctions.

The Committee discussed the role of the City Solicitor and the relationship between the proposed Code of Conduct and the existing ethics framework. City Solicitor John Conforti explained that the Ethics Ordinance provides an enforcement mechanism administered by the City Council, while the Board of Ethics serves primarily in an advisory capacity. He noted that some conduct may be unbecoming or inconsistent with the expectations established in the Code of Conduct without necessarily constituting an ethics violation warranting a sanction. Members discussed whether conduct should be addressed as a matter of civility, professional expectations, or ethical obligations, and whether the Code of Conduct should expressly identify circumstances in which a sanction could be considered. City Solicitor Conforti noted that the Committee could either proceed with the Code of Conduct as a set of professional expectations or consider adding defined sanctions, however, additional sanctions would require corresponding procedures to ensure an appropriate process.

Members also discussed the need for clarity regarding enforcement authority and process. Councilor Grady Sexton questioned the process for reprimanding a sitting Mayor, Councilor, or formally addressing the conduct of a Council member. It was noted that the current draft does not establish additional enforcement authority for the Council beyond existing provisions, although the draft could be expanded to provide additional options. The Committee discussed the possibility of using or adapting procedures contained in the existing ethics framework, including providing the Council with a range of options and establishing a process for consideration and action by the full Council. Members also discussed whether a Council vote, including a potential censure, could provide a separate mechanism for addressing violations of the Code of Conduct. Several members expressed concern that relying solely on the Mayor to address conduct could create limitations in circumstances involving conflicts, friendships, or other relationships, and suggested that the Council should have an independent mechanism for addressing concerns.

The Committee further discussed specific provisions concerning communications and interactions with City staff, including the expectation that requests for staff work be

directed through the City Manager and that competing demands on staff resources be respected. Members also discussed the need for a mechanism to address conduct that is perceived as targeting an individual, discourteous behavior, inaccurate statements, or other conduct that may warrant intervention but may not constitute an ethics violation. The Committee considered whether tools such as a point of order, a request for a conversation to address conduct, or other Council-directed actions could provide appropriate means of accountability. Members generally agreed that the proposed Code of Conduct provides a useful starting point and that further consideration should be given to the appropriate balance between aspirational standards and enforceable provisions, including what authority, sanctions, and procedural safeguards should accompany any additional enforcement mechanism. City Solicitor Conforti will draft proposed language outlining potential enforcement options and processes for the Committee's review and further discussion.

- **Citizen Guide for Filing an Ethics Complaint.**

The Committee discussed revisions to the Citizen's Guide for Filing an Ethics Complaint, including adding language addressing situations in which an individual falsely claims or represents that they are acting in an official capacity. Members noted that such conduct could potentially constitute a violation of the City Charter or an ethics violation. The Committee agreed that the Guide should not identify a specific Charter provision, as the circumstances may implicate different provisions depending on the facts of a particular complaint.

The Committee also discussed the requirement that an ethics complaint be notarized and whether the current requirement could create an unnecessary barrier for individuals wishing to file a complaint, particularly those who are not residents or who are unable to appear in person. Members considered whether notarization requires the complainant to appear before the City Council and clarified that a complaint does not need to be presented directly to the Council. The Committee discussed whether the filing process could provide a practical means for a complainant to satisfy the notarization requirement while submitting a complaint remotely.

City Solicitor Conforti reported that he had discussed the matter with Attorney Sullivan, Ethics Board Chair, and proposed making one revision to the language addressing the filing requirements. With the Committee's consent, City Solicitor Conforti will make the proposed change and include the revised Citizen's Guide in a report to the City Council.

- **Statutory Limits for Filing Ethics Complaints.**

The Committee held a brief discussion regarding establishing a statute of limitations for ethics complaints. City Solicitor Conforti noted that he had a conversation with Ethics Board Chair Attorney Sullivan who expressed support for a five-year limitation period, noting that this would align with the federal ethics complaint framework. Members noted that other jurisdictions, including some in New Hampshire, have adopted shorter or longer periods. The Committee discussed whether the limitation period should be tied to an individual's time in office and generally favored a straightforward five-year period to provide sufficient time for a complaint to be brought while maintaining an appropriate level of timeliness.

The Committee also discussed the application of the limitation period when an individual is no longer serving in office. City Solicitor Conforti explained that potential approaches could include an absolute five-year limitation period for matters before the Ethics Board or a limitation based on the individual's term of office plus one year. Members noted that the latter approach would allow an additional year for an ethics complaint to be filed after an individual leaves office. The discussion included an example involving a former official who resigned following a controversy, with members noting that the additional one-year period would preserve an opportunity to bring a complaint and provide greater clarity regarding the timeframe for filing.

The Committee agreed to a five-year limitation period, with an alternative provision allowing a complaint to be filed during an individual's term of office and for one year following the end of the term. City Solicitor Conforti noted that the Ethics Ordinance will need to be amended, and the proposed changes will be included in the Council report with notice of a public hearing anticipated for November.

- **Should Ethic Complaints be Sealed/Non-Public under RSA 91-A with review by the Board of Ethics Before Release.**

The Committee discussed whether ethics complaints should be sealed or otherwise kept confidential until they have been reviewed by the Board of Ethics. City Solicitor Conforti reported that the Chair of the Ethics Board Attorney Sullivan had expressed concerns about fully sealing complaints. Based on his experience, there was concern that a process perceived as concealing complaints could lead to speculation or exacerbate public concerns if the public believed matters were being hidden. The Committee also discussed the requirements of RSA 91-A and the expectation that members of public bodies have a reduced expectation of privacy. City Solicitor Conforti noted that the Committee could ultimately determine the appropriate balance between transparency and protection from unwarranted reputational harm.

Members expressed concerns about the potential impact of ethics complaints on individuals who are not the subject of the complaint, including volunteers serving on City boards and commissions. The Committee discussed the possibility of redacting names and other information that is ancillary or unrelated to the substance of a complaint. City Solicitor Conforti explained that RSA 91-A would permit appropriate redactions where warranted and distinguished this approach from automatically sealing an entire complaint before it has been reviewed. Members also expressed concern that the ethics complaint process could be used to cause reputational harm or otherwise be "weaponized," potentially discouraging individuals from volunteering or serving in public office. It was noted that, under the current process, complaints are initially received by the City Clerk and forwarded to the Ethics Board, the accused subject of the complaint, and the Solicitor's Office, and that complainants or others may independently provide complaints to the media.

The Committee discussed a potential process under which an ethics complaint would initially be treated as confidential and reviewed by the Ethics Board before becoming subject to public inspection. City Solicitor Conforti explained that the Board could review the complaint, consider whether it alleges conduct warranting further action, and determine whether the complaint should remain confidential, be partially disclosed with appropriate redactions, or be opened to public inspection. He noted that the process would require the Board to conduct a balancing analysis, including consideration of potential reputational harm and the requirements of RSA 91-A. Members discussed whether the term "confidential" would be preferable to "sealed," with City Solicitor Conforti noting that, functionally, both concepts would prevent public disclosure during the initial review, while "sealed" may imply a greater degree of authority or permanence.

The Committee also discussed the importance of ensuring that the process does not prevent legitimate matters from being reviewed publicly when appropriate. City Solicitor Conforti noted that complaints would need to be reviewed by the Ethics Board before a determination could be made regarding confidentiality or disclosure, and that complaints that do not allege a matter warranting action could potentially be addressed without proceeding to a public hearing. Members agreed that the process should provide protections against complaints being used for improper purposes while preserving appropriate transparency and public accountability. The Committee reached consensus to forward the matter to the City Council for its recommendation, with the concept that ethics complaints would remain confidential until the Ethics Board has reviewed the complaint and determined the appropriate level of disclosure. City Solicitor Conforti will proceed with language using the concept of confidentiality rather than sealing as the basis for further consideration.

6. Other Business

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 October 26, 2026 at 3:30 PM.

8. Adjournment

At 4:30 PM, there being no additional business to discuss, Councilor Grady Sexton moved to adjourn. The motion was duly seconded by Councilor Todd, and passed with no dissenting votes.

A true copy; I attest:

Deborah Tuite
Deputy City Clerk

This meeting is open to the public although there is no public input or testimony.