



LEBANON DIVERSITY, EQUITY, AND INCLUSION COMMISSION

NOVEMBER 21, 2023 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

1. Call to Order

- A. The November 21, 2023, Diversity, Equity & Inclusion Commission (DEI) Meeting is hereby called to order.

2. Approval of Minutes

- A. October 17, 2023

3. Old Business: None

4. New Business

- A. Ethics Workshop

5. Open to the Public

- A. Any member of the public who desires to speak on any item may do so when the item is taken up by the Commission and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)

6. Future Agenda Items

7. Other Business

8. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

DRAFT

CITY OF LEBANON
DIVERSITY, EQUITY, & INCLUSION COMMISSION
October 17, 2023— 6:00pm
COUNCIL CHAMBERS, CITY HALL or
Remote Via Microsoft Teams: LebanonNH.gov/LIVE

MEMBERS PRESENT: Richard Ford Burley (Secretary); Alisha Robinson (Public Representative); Bise Wood Saint Eugene (Vice-Chair); Emily Walton (Chair); Simone Whitecloud (Public Representative Alternate) (via telepresence); Devin Wilkie (City Council Representative);

MEMBERS ABSENT: Karen Liot Hill (City Council Representative); Keiselim Montas (Public Representative); Tia Winter (Public Representative); Karen Zook (City Council Alternate)

STAFF PRESENT: Shaun Mulholland (City Manager)

1. CALL TO ORDER

The October 17, 2023, Diversity, Equity & Inclusion Commission (DEI) Meeting was called to order by Chair Emily Walton at 6:00pm.

2. APPROVAL OF MINUTES

The minutes from the September 19, 2023 DEI Commission Meeting were approved.

3. NEW BUSINESS

A. Check-in Regarding Citywide Equity Plan

Alisha Robinson and Councilor Devin Wilkie discussed progress on the Equity Plan and the scheduling of the next brainstorming session.

B. Proposal from Hartford Committee on Racial Equity and Inclusion (HCOREI) for a Quarterly Joint Meeting

Alisha Robinson presented on events at HCOREI. HCOREI would like joint meetings with Lebanon DEI and UVEAR once per quarter. The Commission's response was positive and discussion largely centered around scheduling. Alisha will coordinate with HCOREI.

C. Update on Multicultural Potluck Event

Chair Emily Walton read a brief report from Tia Winter regarding progress on planning the Multicultural Potluck event.

D. Recommendation for Expansion of Public Transportation

Chair Emily Walton opened discussion of the draft statement on the expansion of public transportation. Several changes were made to the language to clarify the communities most positively affected by the expansion. Secretary Richard Ford Burley read aloud the amended statement.

***A MOTION by Secretary Richard Ford Burley “that the Lebanon DEI Commission send the letter as amended to the City Council.” Alisha Robinson seconds The Motion.
*The Motion is approved unanimously.***

E. Discuss DEI Commission Leadership and Membership Succession Policy

Chair Emily Walton began discussion of leadership positions on the Commission and whether more should be done to cycle through them. Discussion settled on annual discussion at December meetings of the Commission, as reappointments take place in January. At the same meetings the Commission will also discuss outreach for any vacant Commission positions every December.

F. Follow-up on Environmental Justice Task Force

Secretary Richard Ford Burley briefly shared updates on the Environmental Justice Task Force.

G. City Updates

City Manager Shaun Mulholland briefly discussed various issues affecting the city, including digital equity and the mismatch between housing prices and salaries. Further brief discussion items focused on zoning, city planning, state legislative matters, public utilities, etc.

5. OPEN TO THE PUBLIC

No discussion.

6. FUTURE AGENDA ITEMS

7. OTHER BUSINESS

8. ADJOURNMENT

Chair Emily Walton adjourned the meeting at 6:50pm.

Respectfully submitted,
Richard Ford Burley, DEI Commission Secretary



City of Lebanon
New Hampshire

CITY COUNCIL POLICY

ETHICS AND CONFLICT-OF-INTEREST FOR ELECTED AND APPOINTED CITY OFFICIALS

<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
CC-108 <i>Formerly 12-02-C</i>	05/02/2012	08/04/2021	Page 1 of 6
<i>Approved by:</i>	City Council DocuSigned by: <i>Timothy J. McNamara</i> F08A405F81504ED...		

Section 1.0: PURPOSE

This policy is to set forth standards of ethical conduct to assist elected and appointed City officials when they are in the performance of their duties, so as to maintain and enhance a tradition of responsible and effective public service. As such, the City of Lebanon expects our elected and appointed City officials to:

- Act in the best interest of the City and not for any private or personal gain.
- Disclose any potential conflicts of interest— personal or pecuniary—in City matters that come before them for action.
- Recuse themselves from decision-making if they have a conflict of interest.
- Be honest, independent, impartial, and responsible in their actions.
- Make decisions and policies through the proper channels and procedures of government.
- Openly conduct the public's business, unless legally confidential under New Hampshire statute (RSA 91-A:3), in a respectful and civil atmosphere with due care, competence, and diligence.

Section 2.0: SCOPE

This policy applies to all City officials elected by the voters or appointed by the City Council.

Section 3.0: DEFINITIONS

Elected and Appointed City Official – City Councilors and Members of City Boards, Committees, and Commissions, when acting in a position other than as a member of the general public.

Body - A formal group of elected or appointed municipal officials, such as the City Council and any City Board, Committee, or Commission.



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Conflict of Interest – A situation or circumstance in which one’s personal or pecuniary interest has the potential to interfere with the proper exercise of one’s public duty, particularly when deliberating or voting as a member of the City Council or any City Board, Committee or Commission. That interest must be “immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative” (*Atherton v. Concord*, 109 N.H. 164 (1968)).

Pecuniary Interest – Any private financial advantage (whether in the form of money, property, commercial or other interest), the primary significance of which is economic gain from the outcome of one’s official actions. Financial advantage applicable to the public at large, such as reduced taxes or increased general prosperity, does not constitute a pecuniary interest, for the purpose of this Ethics and Conflict-of-Interest Policy.

Personal Interest – Any direct benefit or non-financial interest in the outcome of a matter, when such benefit or interest could influence one’s official actions. Examples of direct personal benefit include family (by blood or marriage), employment, and/or business relationships that would bias one’s official decision-making against the public interest. Official interest as a function of one’s elected or appointed position does not constitute a personal interest, for the purpose of this Ethics and Conflict-of-Interest Policy.

Recuse – To remove or excuse oneself from participating in an official action due to an actual or potential conflict of interest. Recusal means removing oneself completely from all further participation as a public official in the matter in question. Elected or appointed City officials who are recused shall immediately leave the table of deliberation and sit in the audience with the other members of the general public. Recused officials shall not participate in further discussions unless they clearly state for the record that they are doing so only as a member of the general public.

Section 4.0: POLICY DETAIL



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The proper operation of democratic government requires that elected and appointed public officials be independent, impartial, and responsible to the people; that government decisions and public policy be made through the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government officials to perform their duties free from private influence upon the public interest.

Section 5.0: PROCEDURES

1. Elected and appointed City officials shall avoid conflicts of interest and shall strive to recognize them.
2. When an elected or appointed City official recognizes a conflict of interest, he or she shall publicly disclose the reason(s) for the conflict at the earliest possible opportunity and shall recuse himself or herself from any and all official activity on the matter to which the conflict pertains.

When an uncertainty arises as to whether an elected or appointed City official has a conflict of interest in a particular circumstance, the body shall, at the request of that official or of another member of that body, vote on the question. Such vote shall be advisory and non-binding. Any member of the public may voice an objection to a body officials' participation, setting forth specific reasons, and may also request such a vote, but such a request shall be non-binding. Any such request or objection shall be made either prior to or at the commencement of the body's discussion or public hearing on that matter, or at such later time as the facts claimed to warrant disqualification first become known. No vote on disqualification shall be taken if the body's official steps down voluntarily.

The mayor, chair or presiding officer of the meeting shall ensure that the reason(s) for recusal are clearly stated (as stated by the member in person) and are recorded into the minutes of the meeting. Members of the Planning Board, Zoning Board of Adjustment, Building



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Code Board of Appeals, and Heritage Commission are further bound by the provisions of New Hampshire RSA 673:14.

3. Elected and appointed City officials shall not directly or indirectly solicit gifts, nor accept or receive any gift (whether money, services, loans, travel, entertainment, hospitality, equipment, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
4. Elected and appointed City officials shall not disclose nor improperly use confidential information obtained in the course of their official duties.
5. Elected and appointed City officials shall not use City letterhead or stationery for any purpose other than official City business. Under the City Charter, official City business is determined by formal action of the City Council and not by individual City Councilors. Members of Boards, Committees, and Commissions may use City letterhead only for purposes approved by their respective Board, Committee, or Commission.
6. Elected and appointed City officials shall not speak on behalf of their respective Council, Board, Committee, or Commission unless authorized to do so by said Council, Board, Committee, or Commission. Individual members speaking publicly shall clearly state that they are speaking only as an individual and not on behalf of the Council, Board, Committee, or Commission.
7. No member of the City Council, nor any member of a Board, Committee, or Commission, shall appear before his or her own public body on behalf of the private interests of third parties.

5.1 Distribution



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The City Clerk shall be responsible for providing a copy of this Ethics and Conflict-of-Interest Policy to all elected and appointed City officials, as defined in this Policy, upon its issuance and upon the subsequent appointment or re-appointment of any said official. The City Clerk shall have each elected and appointed City official sign a statement that he or she has read this Policy and shall comply with all requirements set forth in this Policy. This signed statement shall be available for public review.

5.2 Complaints

Complaints shall be addressed by the City Council in a manner to be determined by the body in accordance with the provisions of ADM-126.1. Boards, Committees, and Commissions are expected to govern themselves. If the complaint cannot be resolved at that level, it may be brought to the City Council for resolution.

The City Council shall consider compliance with this Ethics and Conflict-of-Interest Policy during the reappointment process for members of Boards, Committees, and Commissions.

Section 6.0: REFERENCES

1. ADM-126.1 Complaints & Investigations Policy
2. NH RSA 673:14 Disqualification of Member
3. NH RSA 95:1 Public Officials barred from certain private dealings
4. NH RSA 640:2 Bribery in official and political matters
5. NH RSA 640:3 Improper Influence
6. NH RSA 640:4 Compensation for Past Action
7. NH RSA 640:5 Gifts to Public Servants
8. NH RSA 640:6 Compensation for Services
9. NH RSA 640:7 Purchase of Public Office
10. City of Lebanon, Charter C419:20 Dealings of Council with City.
11. City of Lebanon, Charter C419:29 Non-Interference by the Council.
12. City of Lebanon, Charter C419:62 Disqualification of Councilor, Board Member or Employee.
13. City of Lebanon, Charter C419:63 Private Use of Public Property.



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14. NH RSA 49-C:33 Optional Provisions: Limitations, Section I(c).

Section 7.0: POLICY & PROCEDURE REVISION HISTORY

	Section	Revisions	Date
Original Adoption		Initially adopted 12-02-C	5/2/2012
Amendment		Reformatted, references added, renumbered	8/4/2021