



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Special Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, January 6, 2021**
Meeting Time: **7:00 pm**

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL ATTENDANCE**
- 5. CITIZEN'S FORUM**

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.

- 6. NEW BUSINESS**
 - A. ACCEPTANCE OF RESIGNATION BY WARD 4 CITY COUNCILOR JOSHUA MANLEY, DECLARATION OF VACANCY, AND COMMENCEMENT OF PROCESS TO FILL VACANCY PURSUANT TO CHARTER SECTION C3-5**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 7. ADJOURN**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 6.A.

Resolution Number: **R – 2021.01.06 - 001**

Resolution Re: Acceptance of Resignation By Ward 4 City Councilor Joshua Manley, Declaration of Vacancy, and Commencement of Process to Fill Vacancy Pursuant to Charter Section C3-5

WHEREAS: Ward 4 City Councilor Joshua Manley commenced his two-year term of office on January 1, 2020;

WHEREAS: By letter dated December 15, 2020, Councilor Manley submitted his resignation; and

WHEREAS: The City of Dover's Charter imposes obligations upon the City Council for declaring the existence of, and filling, a vacancy in office.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The resignation of Ward 4 City Councilor Joshua Manley is acknowledged and hereby accepted. The City Council extends its gratitude for Councilor Manley's service.

AND, FURTHER BE IT RESOLVED:

Pursuant to City Charter Sections C3-5 and C11-3, the City Council hereby declares the existence of a vacancy for the City's Ward 4 City Councilor.

AND, FURTHER BE IT RESOLVED:

The City Council, through its Appointments Committee, shall immediately begin the process of soliciting, accepting, and reviewing applications for qualified candidates to fill the Ward 4 vacancy declared and created by this resolution.

AND, FURTHER BE IT RESOLVED:

Pursuant to City Charter Section C3-5, the City Council shall, by majority vote, elect a qualified Ward 4 Councilor at the City Council's regular meeting on January 27, 2021.

AUTHORIZATION

Approved as to Finance Daniel R. Lynch
Finance Director

Sponsored by Mayor Robert Carrier
By request

Approved as to Joshua M. Wyatt
Form and Compliance City Attorney

Recorded by Susan M. Mistretta
City Clerk



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DOCUMENT HISTORY:

First Reading]	Public Hearing]
Approved]	Effective]

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

By letter dated December 15, 2020, Ward 4 City Councilor Joshua Manley tendered his resignation from office. Councilor Manley's letter stated that he has relocated outside of the City of Dover.

[Section C3-5](#) of the City's Charter, as well as [Section C11-3](#), address vacancies in office. A vacancy can occur for several reasons, including whenever an official resigns or locates his or her required residency. *See also* [Section C3-4](#) (residency requirement).

Pursuant to Section C3-5 of the City's Charter, a "vacancy" does not exist unless and until the City Council declares the existence of a vacancy. By this resolution, the City Council is declaring the vacancy.

Councilor Manley was serving a two-year term, *see* [Section C3-1](#), expiring on December 31, 2021. Accordingly, Section C3-5 of the City's Charter provides that where, as here, a vacancy occurs "less than one year prior to the expiration of the term of office," then the City Council shall elect a replacement by majority vote, which vote must occur "at the second regular meeting of the Council following the creation of the vacancy." The City Council's second regular meeting after the creation of the vacancy in this resolution is scheduled for January 27, 2021.

A qualified replacement for Councilor Manley will need to meet the qualifications of office set forth in [Section C3-4](#) of the City's Charter by: (1) being a resident of the city for at least one year immediately preceding the election; and (2) being a resident of the ward which he or she seeks to represent.