

CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

Possible Charter Amendments for City Council Discussion

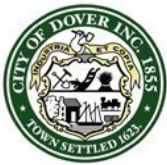
1. Shall the City of Dover approve the amendments reprinted or summarized below?

- a. *Revise C3-5 to read: A vacancy shall exist when any member dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree they are unable to perform their duties, are judicially declared to be mentally incompetent or, in those instances where residence in the city or in one of its several wards is initially required, they move from the city or ward and establishes their residence in some other place.* Vacancies occurring in the office of Councilor at any time shall be filled at a special election to be called by the City Council. Said election shall be held no later than 60 days following the creation of the vacancy (with a filing period to be established by the City Clerk) except, ~~however~~, in cases where such vacancies shall occur less than one year prior to the expiration of the term of office. In such case, the vacancy shall be filled by the election of a qualified person, as set forth in § C3-4 above, by a majority vote of the Council at the second regular meeting of the Council following the creation of the vacancy. Vacancies in the office of the Ward Councilor shall be filled from the same ward as the prior incumbent. ~~The Council shall declare the existence of vacancies among its membership or any other elective municipal office under this section or § C11-3 of this Charter, except as otherwise provided in this Charter.~~
- b. *Revise C4-5 to read: A vacancy shall exist when any member dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree they are unable to perform their duties, are judicially declared to be mentally incompetent or, in those instances where residence in the city or in one of its several wards is initially required, they move from the city or ward and establishes their residence in some other place.* If a vacancy occurs on the School Board, the vacancy shall be filled by the School Board pursuant to RSA 671:33.

Background/Purpose: These amendments are intended to update, clarify, and slightly modify the process for filling vacancies on the City Council and School. See related Question 10 below.

- c. *Delete C11-3: Vacancies.*
~~In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any department, office or board whenever an officer, member or employee dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree they are unable to perform their duties, are judicially declared to be mentally incompetent or, in those instances where residence in the city or in one of its several wards is initially required, he/she moves from the city or ward and establishes his/her residence in some other place. Unless otherwise provided in this Charter, vacancies occurring under this section shall be declared to exist by the Manager in the case of department heads and by the department head in the case of departmental personnel.~~

Background/Purpose: This amendment coincides with Question 1.a and 1.b, above. The amendments to C3-5 and C4-5 make section C3-11 superfluous.



CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

2. Shall the City of Dover approve the amendments reprinted or summarized below?

- a. Revise C4-2 to read: There shall be a School Board consisting of seven members, One member from each ward and one member elected at large. ~~The term of office shall begin upon the member's election and qualification and end upon the election and qualification of the member's successor.~~ All School Board members shall be elected for terms of two years and shall take office on the first Monday in January (~~holiday~~ **question?**) following the election and shall hold office until their successors are duly elected and qualified.
- b. Revise C4-4 to read "In order to be qualified to be a candidate for election as School Board Member, a person must be a duly qualified voter in the city and a resident of the city for at least one year immediately preceding the election. In order to be a candidate for election as a School Board member from a Ward, in addition to the aforementioned qualifications, a person must be a resident of the ward from which he or she is seeking election. In the event that the ward boundaries are redistricted in conjunction with the Municipal Election said Ward candidate is elected which may result in removing them from said ward, the candidate shall be allowed to serve out their term as the representative of the Ward to which they are elected for one term.

Background/Purpose: These proposed amendments aim to clarify both residency requirements and the beginning and end dates for terms of office for elected officials.

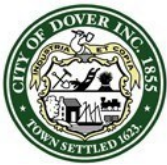
3. Shall the City of Dover approve the amendments reprinted or summarized below?

Revise C6-5 to read: "The budget shall be adopted not later than ~~April~~ June fifteenth of the fiscal year and not earlier than seven days after the public hearing on the budget unless another date shall be fixed by ordinance."

Background/Purpose: This amendment is intended to update the due date for initial budget adoption to better align with practices and timing with respect to annual budgeting. The City's final budget is typically adopted in May or June. The City's fiscal year begins July 1.

4. Shall the City of Dover approve the amendments reprinted or summarized below?

Revise C7-6 to read: "There is hereby established a Personnel Advisory Board of three (3) citizens holding no other political office, who shall be appointed as follows: One (1) member by the Manager, one (1) by the council and the third by these two (2) appointees. The terms of all members shall be for three (3) years. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the Council concerning the personnel policies of the city and to advise the Manager regarding administration of the Merit Plan and to hear appeals from any employee aggrieved as to the status or condition of their employment or retirement. The Board shall promptly issue written reports containing findings of facts and recommendations to the Manager upon such appeals, but the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee without just cause. The term "employee" as used in this section shall not include department heads and officers of the city (conduct of elected officials and appointed members of boards and commissions shall be addressed by the Ethics Commission as set forth in § C11-4). Nothing herein shall be construed as prohibiting an appeal by an aggrieved employee to the court."



CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

Background/Purpose: This amendment is intended to clarify that the City's Personnel Advisory Board is intended to address solely employee issues or concerns, and not conduct of elected or appointed officials within the City.

5. Shall the City of Dover approve the amendments reprinted or summarized below?

Revise C10-1 to read: "Except as provided by state law, no employee of this city shall hold an elective or appointive office in this city government while they are in the employ of this city or any of its agencies. An employee of a City or the School Department may volunteer on a board or commission provided it is not directly related to their employment, **their department**, or if they are appointed ex officio."

Background/Purpose: This amendment is intended to enable interested employees—who are otherwise qualified and willing to serve as a volunteer—to serve on City boards or commissions.

6. Shall the City of Dover approve the amendments reprinted or summarized below?

- a. Revise C10-2 to read "Conflicts of Interest and Disqualification from Decision-Making Process. [Amended 9-5-1990, approved 11-6-1990 by election; 2-12-2003, approved 11-4-2003 by election] No elective or appointive officer or employee of this city shall **knowingly** take part in a decision concerning the business of this city in which he/she or a member of their **immediate** family directly or indirectly has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer. Any elective or appointive officer or employee of the city who has such financial interest in any such decision shall make full, public disclosure of such interest prior to the city's deliberating on such decision.
- b. Delete C10-3 in its entirety: "~~Disqualification from Decision-Making Process. No elective or appointive officer or employee of this city shall take part in a decision concerning the business of this city in which they or a member of their family, directly or indirectly, has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer.~~"

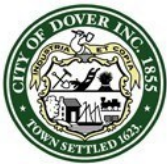
Background/Purpose: This amendment aims to clarify the circumstances under which a conflict of interest exists, as well as the action to be taken when such a conflict exists.

7. Shall the City of Dover approve the amendments reprinted or summarized below?

Revise C11-2 to read: "Written notice of the election or appointment to any city office or board shall be mailed (hard copy or electronic) to the individual involved at their last known physical or electronic address, by the City Clerk, within forty-eight (48) hours after the appointment is made or the results of any vote are certified by the Board of Supervisors of Elections to the City Council. Said notice shall state that within ten (10) days, the individual involved shall file with the City Clerk an acceptance of his/her election or appointment and failure to do so shall be deemed a refusal to serve, and the position shall thereupon be vacant."

Background/Purpose: This amendment is intended to modernize the options for giving notice by recognizing the validity of electronic notification methods.

8. Shall the City of Dover approve the amendments reprinted or summarized below?



CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

Revise C11-4 to read: "The City Council shall establish by ordinance a five member Ethics Commission.[1] The Commission will investigate complaints filed against members of the City Council, School Board, and members of standing city boards and commissions. If the Commission believes a complaint warrants further action or censure it will forward its recommendation to the City Council for adjudication or the school board for complaints made against school board members. The Commission may also provide advice to the Council, City Manager, and Superintendent on matters of ethics and shall coordinate where appropriate with the Personnel Advisory Board described in § C7-6. At least one member of the Commission shall be a former Councilor or School Board member.

Background/Purpose: This amendment clarifies and confirms that the City's Ethics Commission may conduct educational or advisory activities in an attempt to be proactive and promote ethical conduct.

9. Shall the City of Dover approve the amendments reprinted or summarized below?

Section C11-13: Revise to read: "All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be violations, and all such violations and all violations of city ordinances for which no other punishment is provided shall ~~be punishable by a fine of up to one thousand dollars (\$1,000) in the discretion of the court~~ be fined not more than \$500, or imprisoned not more than 90 days, or both, at the discretion of the court.."

Background/Purpose: This proposed amendment is intended to clarify C11-13 and bring the Charter's default fine provision into alignment with RSA 49-C:31.

10. Shall the City of Dover approve the amendments reprinted or summarized below?

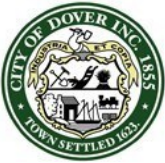
- a. Section C2-12: Revise "thirty" to "30."
- b. Section C3-6: Revise "the sum of one thousand dollars (\$1,000)" to "the sum of \$1,000."
- c. Section C5-3: Revise "at least six (6) days" to "at least six days", revise "at least thirty (30) days" to "at least 30 days", revise "within ten (10) days" to "within 10 days".
- d. Section C5-4: Revise "at least six (6) days" to "at least six days"
- e. Section C5-6: Revise "at least thirty (30) days" to "at least 30 days", revise "within ten (10) days" to "within 10 days".
- f. Section C6-3.1 A. Revise "the average of the thirty-six (36) month changes" to "the average of the 36 month changes".
- g. Section C6-3.1 D. Revise "by a two-thirds (2/3) majority" to "by a 2/3rds majority".
- h. Section C7-2: Revise "within sixty days" to "within 60 days".
- i. Section C7-6: Revise "three (3) citizens holding no other political office, who shall be appointed as follows: One (1) member by the Manager, one (1) by the council and the third by these two (2) appointees. The terms of all members shall be for three (3) years." to "three citizens holding no other political office, who shall be appointed as follows: One member by the Manager, one by the council and the third by these two appointees. The terms of all members shall be for three years."
- j. Section C10-10: Revise "within one (1) year after" to "within one year after".
- k. Section C11-2: Revise "within forty-eight (48) hours" to "within 48 hours", revise "within ten (10) days" to "within 10 days".



CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

- l. Section C11-11 A: Revise "once every ten (10) years" to "once every 10 years".
- m. Section C3-9A: "To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance[,] authorize the issuance of emergency notes..."
- n. Section C5-7: "There shall be appointed by the Manager[,] such officers as are necessary to administer all departments which the Council shall establish..."
- o. Section C6-15: "The City of Dover may at any time have and incur debt for all purposes, subject in all respects[,] to the limits set forth in the Municipal Finance Act, RSA 33 subsequent amendments thereto."
- p. Section C8-4: "The City of Dover may furnish to the Town of Rollinsford such assistance for the protection against and the extinguishment of fires by the extension of its hydrant system and through the services of its Fire Department and fire-fighting apparatus[,] as may be agreed upon by said city and town."
- q. Section C5-6: Revise "but his pay shall continue" to "but the officer's or department head's pay shall continue"
- r. Section C5-8: Revise "or his removal" to "or removal"
- s. Section C7-6: Revise "condition of his employment or retirement" to "condition of the employee's employment or retirement"
- t. Section C10-10: Revise "with which he or his department" to "with which the officer's or employee's department", revise "by his official action" to "by the officer's or employee's official action".
- u. Section C11-1: Revise "duties of his office" to "duties of their office".
- v. C1-3: Revise within the Ward Two description "Central Avenue Street" to "Central Avenue", revise "along the railroad to center line of the Washington Street" to "along the railroad to center line of Washington Street".
- w. Section C2-11C: Revise the fifth sentence to read "...Adjudication Proceedings 206.01 through 206.13..."
- x. Section C3-2: Revise to include a comma, and the word "and" before "adopting rules" as follows: "The Councilors so chosen shall meet in their capacity as the City Council on the first Monday of January next following their election for the purpose of taking their respective oaths of office[,] and adopting rules for the transaction of business required by law or ordinance to be transacted at such meeting."
- y. Section C3-3: Revise "it is the voters intent" to "it is the voter's intent".
- z. Section C3-8B: Revise "any regular special meeting of the Council" the "any regular or special meeting of the Council".
- aa. Section C3-8D and C3-9B: Revise each by adding omitted word "as" and "and" (underlined) to read "All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the City Clerk, and each ordinance so recorded shall be approved as to form by the City Attorney, authenticated by affixing the signatures of the Mayor, City Clerk, and City Attorney and City Seal and kept on file in the office of the City Clerk."
- bb. Section C3-10: Revise by adding " ," and "and" (underlined) to read "Each bound volume shall be duly authenticated by affixing the signatures of all members of the City Council[,] and the City Clerk and the City Seal."
- cc. Section C3-10: Replace "City of over" with "City of Dover".
- dd. Section C4-2: Remove duplicate word "elected" in the second sentence.
- ee. Section C5-3: Revise the word "therefore" to "therefor".
- ff. Section C5-5: Revise the word "charted" to "charged".
- gg. Section C5-9: Revise "Personnel Board" to "Personnel Advisory Board".



CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

- hh. Section C6-17: Revise by adding the word “and” (underlined) to read "Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments and what part, if any, shall be a general obligation of the city, and the number of installments in which special assessments may be paid and shall designate the districts or land and premises upon which a special assessment shall be levied."
- ii. Section Revise the first sentence to read “The City shall provide such insurance as authorized by RSA 31:107,...”
- jj. Section C8-1 and C8-2: Revise to improve the clarity of the sections, as follows (added text is underlined, deleted text is struck through): C8-1: “The City of Dover may erect, construct and maintain such dams, reservoirs and buildings as may be necessary for such waterworks and dig ditches, break up ground and place and maintain pipes for conducting water wherever it may be necessary, including the highways and streets, and relay and change said pipes from time to time, due regard being paid to the safety of the citizens and the security of public travel. , and, for the more convenient management of said work, may place the same, either before or after they are constructed, under the direction of a superintendent or a board of water commissioners, or both, and the duties of such officer or officers shall be defined by vote of the City Council.” C8-2: “The City of Dover is authorized to contract with individuals and corporations for supplying said corporations and individuals with water and to make such contracts, establish such tolls and charge such rate for use of water as shall be deemed reasonable ~~and, for the more convenient management of said work, may place the same, either before or after they are constructed, under the direction of a superintendent or a board of water commissioners, or both, and the duties of such officer or officers shall be defined by vote of the City Council.~~”
- kk. Section C8-3: Revise “and” to “to” after the word “taxes”.
- ll. Section Revise C10-9 by changing the word “section” to “article”.
- a. Section C11-10: Revise to include a comma and the word “and” (underlined) so that it reads: "Upon adoption, the Official Charter, duly authenticated by affixing the signatures of all members of the City Council, and the City Clerk and the City Seal, shall be filed with the City Clerk and remain in the Clerk's office as the Official Charter of the City of Dover."

Background/Purpose: The City has engaged a professional code service (General Code), who conducted an editorial review of the City’s charter and suggested a variety of editorial, grammatical, and formatting changes. Those changes eliminate certain typographical errors, bring the formatting and punctuation conventions used in line with the rest of the City’s code, and eliminate remaining gendered references. General Code’s suggested editorial amendments are embodied in the proposed amendments summarized above, in Question 1.