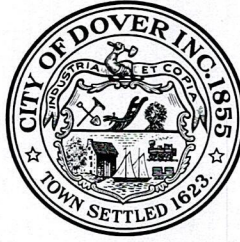


Susan Mistretta
City Clerk
s.mistretta@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169

(603) 516-6520
Fax: (603) 516-6523
www.dover.nh.gov

City of Dover, New Hampshire
OFFICE OF THE CITY CLERK

Via U.S. Mail

June 2, 2021

John Formella
New Hampshire
Attorney General
33 Capitol Street
Concord, NH 03301

William M. Gardner
Secretary of State's Office
N.H. Department of State
State House, Room 204
107 North Main Street
Concord, NH 03301-4989

Lindsey M. Stepp
Commissioner
NH Department of Revenue Administration,
Municipal and Property
PO Box 487
109 Pleasant Street
Concord, NH 03301

RE: City of Dover Final Report on Proposed Charter Amendments

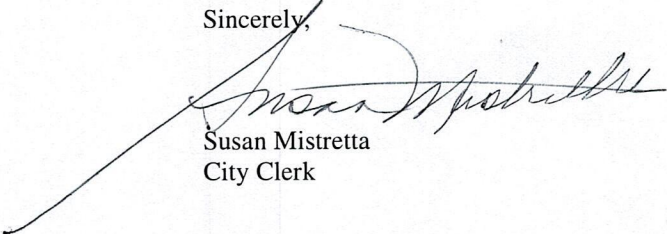
Dear Sir/Madam:

Enclosed for your review pursuant to RSA 49-B:4-a, please find a certified copy of City of Dover's Final Report on Proposed Charter Amendments to be Placed on the Ballot for November 2, 2021 Election. The City of Dover looks forward to your review and comments.

If you have any questions, or comments, please feel free to contact me or City Attorney Joshua Wyatt, anytime. Our physical mailing address is 288 Central Avenue, Dover, NH 03820. Below I have included our email addresses:

s.mistretta@dover.nh.gov
j.wyatt@dover.nh.gov

Sincerely,


Susan Mistretta
City Clerk

SM/pm
Enclosure

Cc: Joshua M. Wyatt, Esq. (via email j.wyatt@dover.nh.gov)
Nicholas Chong Yen (via email Nicholas.A.ChongYen@doj.nh.gov)
Orville Fitch (via email Orville.Fitch@sos.nh.gov)
David Scanlan (via email David.Scanlan@sos.nh.gov)
Bruce Kneuer (via email Bruce.Kneuer@dra.nh.gov)



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CITY OF DOVER'S FINAL REPORT ON PROPOSED CHARTER AMENDMENTS TO BE PLACED ON THE BALLOT FOR NOVEMBER 2, 2021 ELECTION

Outlined below are proposed amendments to the City of Dover's City Charter to be placed on the ballot for the November 2, 2021 election, subject to prior approval of the State of New Hampshire Secretary of State, Attorney General, and Commissioner of Department of Revenue Administration, and final Order of the City Council upon receiving said State approvals.

The proposed Charter amendments and ballot questions set forth below were found necessary and initially approved by vote of the Dover City Council Ordinance Committee on May 3, 2021. The amendments set forth in this Final Report were also found necessary and approved by Dover City Council on May 26, 2021 after a duly advertised public hearing on May 26, 2021. A copy of the final resolution is attached for reference.

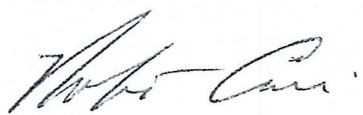
The text of each proposed ballot question, along with an explanatory summary of the purpose of each amendment, is set forth below. Certain germane changes are grouped together to form one amendment and ballot question. *See* RSA 49-B:5, I(c); RSA 49-B:6, II. Text appearing in strikethrough format (~~example~~) indicates text that is proposed to be deleted. Text appearing in underline (example) indicates new text that is proposed to be added.

Questions concerning this Final Report can be directed to:

Susan Mistretta
City Clerk
City Clerk and Tax Collection Office, City of Dover
288 Central Avenue
Dover, NH 03820
603-516-6018
s.mistretta@doover.nh.gov

Once the amendments are ordered to be placed on the ballot by City Council, copies of this Final Report shall be made available to the public in the Clerk's Office at least two weeks prior to the November 2, 2021 election.

Sincerely,


Robert Carrier
Mayor of the City of Dover

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City Clerk / Tax Collector



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Proposed Ballot Questions

1. Shall the City of Dover approve the charter amendment reprinted below?

- a. *Amend § 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 establish 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. *Amend § 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 establish 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.”*
- c. *Delete § C11-3 in its entirety: 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.”

[Signature]
City Clerk / Tax Collector

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Background/Purpose: This amendment is intended to update, clarify, and slightly modify the process for filling vacancies on the City Council and School. The changes to C3-5 and C4-5 make section C3-11 superfluous.

2. Shall the City of Dover approve the charter amendment reprinted below?

- a. *Amend § C4-2 to read: “There shall be a School Board consisting of seven*



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- 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 following the election. In the event that the first Monday of January is a holiday, the organization meeting shall take place on the Tuesday immediately following the first Monday of January.
- b. *Amend § C4-4 to read:* "~~In order t~~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 t~~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 they are 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 elected candidates shall be allowed to serve out their term as the representative of the Ward to which they are elected ~~for one term.~~"
- c. *Amend § C3-1 to read:* "Except as otherwise provided in the Charter, all of the powers of the city shall be vested in a Council of nine Councilors, one Councilor from each ward, two Councilors at Large, and one Councilor to serve as Mayor, to be elected as provided in §§ C2-1 and C3-3. All Councilors shall be elected for terms of two years and shall take office on the first Monday in January following the election ~~and shall hold office until their successors are duly elected and qualified.~~"
- d. *Amend § C3-4 to read:* "~~In order t~~To be qualified to be a candidate for election as Councilor at Large, a person must be a duly qualified voter in the city and must have been a resident of the city for at least one year immediately preceding the election. ~~In order t~~To be a candidate for election as a Ward Councilor, in addition to the aforementioned qualifications, a person must be a resident of the ward from which he or she is seeking election. A Councilor shall not be eligible to hold any other municipal office except Mayor or Deputy Mayor. In the event that the ward boundaries are redistricted in conjunction with the Municipal Election which may result in removing them from said ward, the elected candidates shall be allowed to serve out their term as the representative of the Ward to which they are elected."

Background/Purpose: This proposed amendment aims to clarify both residency requirements and the beginning and end dates for terms of office for elected officials. This subject impacts and requires changes to several sections of the City's charter for consistency.

3. Shall the City of Dover approve the charter amendment reprinted below?

Amend § 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

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City Clerk / Tax Collector

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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 charter amendment reprinted below?

Amend § 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."

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.

[Signature]
City Clerk / Tax Collector

5. Shall the City of Dover approve the charter amendment reprinted below?

Amend § 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 or 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. The City Council's appointments committee screens, interviews, and preliminary approval of appointments to the City Council's bodies and committees.

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6. Shall the City of Dover approve the charter amendment reprinted below?

- a. *Amend § 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



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business of this city in which ~~he/she~~ they or a member of their immediate family directly or indirectly has a financial interest, aside from ~~his/her~~ their 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. The changes to C10 make C10-3 superfluous.

7. Shall the City of Dover approve the charter amendment reprinted below?

Amend § 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 charter amendment reprinted below?

Amend § 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.

[Signature]
City Clerk / Tax Collector

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9. Shall the City of Dover approve the charter amendment reprinted below?

Amend § C11-13 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 \$500, or imprisoned not more than 90 days, or both."

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

10. Shall the City of Dover approve the charter amendment summarized below?

- a. § C2-12: Amend "thirty" to "30."
- b. § C3-6: Amend "the sum of one thousand dollars (\$1,000)" to "the sum of \$1,000."
- c. § C5-3: Amend "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. § C5-4: Amend "at least six (6) days" to at "least six days"
- e. § C5-6: Amend "at least thirty (30) days" to "at least 30 days", revise "within ten (10) days" to "within 10 days".
- f. § C6-3.1 A. Amend "the average of the thirty-six (36) month changes" to "the average of the 36 month changes".
- g. § C6-3.1 D. Amend "by a two-thirds (2/3) majority" to "by a 2/3rds majority".
- h. § C7-2: Amend "within sixty days" to "within 60 days".
- i. § C7-6: Amend "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. § C10-10: Amend "within one (1) year after" to "within one year after".
- k. § C11-2: Amend "within forty-eight (48) hours" to "within 48 hours", revise "withinten (10) days" to "within 10 days".
- l. § C11-11 A: Amend "once every ten (10) years" to "once every 10 years".
- m. § C3-9A, Amend as follows: "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. § C5-7, Amend as follows: "There shall be appointed by the Manager[,] such officers as are necessary to administer all departments which the Council shall establish..."
- o. § C6-15, Amend as follows: "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. § C8-4, Amend as follows: "The City of Dover may furnish to the Town of Rollinsford such assistance for the protection against and the extinguishment of

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fires by the extension of its hydrantsystem and through the services of its Fire Department and fire-fighting apparatus[,] as may be agreed upon by said city and town."

- q. § C5-6: Amend "but his pay shall continue" to "but the officer's or departmenthead's pay shall continue"
- r. § C5-8: Amend "or his removal" to "or removal"
- s. § C7-6: Amend "condition of his employment or retirement" to "condition of the employee's employment or retirement"
- t. § C10-10: Amend "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. § C11-1: Amend "duties of his office" to "duties of their office".
- v. § C1-3: Amend within the Ward Two description "Central Avenue Street" to "Central Avenue"; Amend "along the railroad to center line of the Washington Street" to "along the railroad to center line of Washington Street".
- w. § C2-11C: Amend the fifth sentence to read "...Adjudication Proceedings 206.01 through 206.13..."
- x. § C3-2: Amend 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. § C3-3: Amend "it is the voters intent" to "it is the voters' intent".
- z. § C3-8B: Amend "any regular special meeting of the Council" the "any regular or special meeting of the Council".
- aa. §§ C3-8D and C3-9B: Amend 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. § C3-10: Amend by adding "," and "and" (underlined) to read "Each bound volumeshall be duly authenticated by affixing the signatures of all members of the City Council[,] and the City Clerk and the City Seal."
- cc. § C3-10: Amend "City of over" with "City of Dover".
- dd. § C4-2: Remove duplicate word "elected" in the second sentence.
- ee. § C5-3: Amend the word "therefore" to "therefor".
- ff. § C5-5: Amend the word "charted" to "charged".
- gg. § C5-9: Amend "Personnel Board" to "Personnel Advisory Board".
- hh. § C6-17: Amend 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. §: Amend the first sentence to read "The City shall provide such insurance

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as authorized by RSA 412:3 RSA 31:107”

- jj. §§ C8-1 and C8-2: Amend to improve the clarity of the sections, as follows: § 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. § C8-3: Amend “and” to “to” after the word “taxes”.
- ll. § C10-9 Amend by changing the word “section” to “article”.
- pp. § C11-10: Amend to include a comma and the word “and” 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: This amendment aims to correct technical and grammatical issues in the current Charter. 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 changes are embodied in the proposed amendment summarized above.

Susan D. Proctor
City Clerk / Tax Collector
6-1-2021
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2021.05.12 – 073**
Resolution Re: Approval of Proposed Amendments to City Charter and Authorization to Submit Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration

- WHEREAS: Pursuant to R-2020.10.28-186, the City Council requested that the Ordinance Committee review and study potential amendments to the City's Charter, and return a final proposed set of amendments to City Council no later than May 12, 2021; and
- WHEREAS: The Ordinance Committee's Final Report on City of Dover Charter Amendments ("Final Report"), attached to this resolution and incorporated by reference, provides the Ordinance Committee's final recommended amendments and ballot questions;
- WHEREAS: RSA 49-B:5, I, provides that the City Council "may determine that one or more amendments [to the City's Charter] are necessary and shall, by order, provide for notice and hearing on them".
- WHEREAS: This resolution is intended to constitute the City Council's initial approval of proposed amendments to the City's Charter, to be followed by the other statutory requisites set forth in RSA chapter 49-B.

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

For the reasons discussed in the Final Report, the proposed Charter amendments set forth therein are found to be necessary and in the City's best interest.

AND, FURTHER BE IT RESOLVED THAT:

Within seven days following the public hearing and adoption of this resolution, the Final Report shall be completed with the dates of the City Council's final public hearing and adoption of this resolution, and then filed with the City Clerk as provided by RSA 49-B:5, I(a), who is authorized and directed to thereafter provide a certified copy of the Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration within 10 days as provided in RSA 49-B:4-a, I(b).

REQUIRES PUBLIC HEARING AFTER SEVEN DAYS PRIOR NOTICE PER RSA 49-B:5, I

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City Clerk / Tax Collector

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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2021.05.12 – 073**
 Resolution Re: Approval of Proposed Amendments to City Charter and Authorization to Submit Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Dennis Shanahan
Councilor Lindsey Williams
Councilor Fergus Cullen

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

Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date: 05/12/2021	Public Hearing Date: 05/26/2021
Approved Date: 05/26/2021	Effective Date: 05/26/2021

DOCUMENT ACTIONS:

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 8/0.

VOTING RECORD

Date of Vote: 05/26/2021	YES	NO
Mayor Robert Carrier	X	
Deputy Mayor Ciotti	X	
Councilor Michelle Muffett-Lipinski, Ward 1	Absent	
Councilor Deborah Thibodeaux, Ward 3	X	
Councilor Marcia Gasses, Ward 4	X	
Councilor Dennis Shanahan, Ward 5	X	
Councilor Fergus Cullen, Ward 6	X	
Councilor John O'Connor, At Large	X	
Councilor Lindsey Williams, At Large	X	
Total Votes:	8	0
Resolution does pass.		

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6-1-2021

Approval of Proposed Amendments to City Charter and Authorization to Submit Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration

Document Created by: Legal
Document Posted on: May 27, 2021

Page 2 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2021.05.12 – 073**
Resolution Re: Approval of Proposed Amendments to City Charter and Authorization to Submit Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration

RESOLUTION BACKGROUND MATERIAL:

The City's Charter (C11-11) specifies that amendments be conducted in accordance with RSA chapter 49-B.

RSA chapter 49-B defines an "amendment" as any change to the Charter that is not a "revision." *See* RSA 49-B:4-f. The statute defines a "revision" narrowly to mean specified changes to a municipality's form of government. *See* RSA 49-B:4-d. The residual category of "amendments" is therefore broad. A single "amendment" may encompass changes to more than one section of the charter, so long as each change grouped therein is germane to the same subject. *See* RSA 49-B:5, I(c).

The process for accomplishing amendments is set forth in RSA 49-B:5 and RSA 49-B:6. A majority vote of the City Council is required to advance proposed Charter amendments.

A proposed draft of the "City of Dover's Final Report on Proposed Charter Amendments to be Placed on the Ballot for November 2, 2021 Election" is attached. The Ordinance Committee approved the amendments contained therein on May 3, 2021. The ballot questions listed in the Final Report derive from the prescribed language in RSA 49-B:6.

Below is a brief overview of the steps in the Charter "amendment" process:

1. City Council reviews the City's Charter and determines if and what amendments may be necessary.
2. Each amendment developed must be limited to a single subject, but more than one section of the charter may be changed under the auspices of an "amendment" so long as it is germane to that subject. *See* RSA 49-B:5, I(c).
3. City Council finalizes proposed amendments and text of same, then provides for public notice/hearing on those proposed amendments.
 - a. Notice must be in newspaper at least seven days prior to hearing;
 - b. Must have a new hearing if any substantive changes are made to the proposed amendments;
4. Within seven days after final hearing, a report must be filed with City Clerk. *See* RSA 49-B:5, I(a).
5. The City Clerk then seeks approval from three State of New Hampshire bodies: Secretary of State, Attorney General, and Commissioner of DRA pursuant to RSA 49-B:4-a.
6. Within 45 days, the state-level actors shall review amendments and give notice to clerk of approval/disapproval. *See* RSA 49-B:4-a, I(d).
7. If not approved by state actors, then the disapproved amendment cannot go to voters;
8. If/once approved by all state actors, City Council must, at its next regular meeting, order the proposed amendments to be placed on a ballot at the next regular municipal election. The questions then become part of local ballot preparation, *see* RSA 49-C:6; Dover Charter C2-9. The methods of listing the ballot questions for amendments are set forth in RSA 49-B:6, II; *see also* RSA 49-B:5, I(c).

CERTIFIED TO BE A TRUE &
EXACT COPY OF ORIGINAL

City Clerk / Tax Collector

6-1-2021

Approval of Proposed Amendments to City Charter
and Authorization to Submit Final Report to the New Hampshire
Secretary of State, Attorney General, and Commissioner of the
Department of Revenue Administration



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2021.05.12 – 073**
Resolution Re: Approval of Proposed Amendments to City Charter and Authorization to Submit Final Report to the New Hampshire Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration

9. At least two weeks prior to the date of the election where ballot questions will be considered, the City Council must cause the proposed amendments to be printed along with any summary thereof, and must make copies available to the voters in the Clerk's office, and shall also post the amendments and any summary thereof in the same manner that proposed ordinances are posted. *See* RSA 49-B:6, III(b).
10. At the municipal election, voters then have the opportunity to vote on each ballot question. A majority of voters must approve each amendment. *See* RSA 49-B:6, IV.
11. Charter amendments approved by voters take effect on January 1st of the following year or on a date determined by the City Council, whichever occurs first. *See* RSA 49-B:6, IV(b).

In terms of a projected timeline for these events, the process (through Step 8) needs to be commenced and completed in time for proposed amendments to appear on the ballot for the November 2021 municipal election. In order to allow time for preparing and printing ballots, the City Council will need to complete its portion of the process, including its final approval after State-level approvals, by approximately September 1, 2021.

[Signature]
City Clerk / Tax Collector

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18-1-2021