

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Commissioners Present: Chairman Allan Krans, Vice Chairman Phyllis Woods, David Landry, Charles Mone, Wil Boc, Tom Dunnington, Gary Gilmore, Dave Bibber.

Krans noted Reynolds is absent with all others present. Krans would like to add citizen's forum to the agenda. Boc moved seconded by Gilmore to approve with the addition. Motion passed on a vote of 7-1 with Bibber opposed.

Approval of Minutes

Dunnington moved seconded by Gilmore to accept. Landry asked to take a 5 minute break to review the minutes. Krans called meeting back to order. All were in favor of accepting the minutes.

Citizen's Forum

Rick Hebbard of 97 Spruce Lane stated he appreciates the chance to speak. He commended the charter commission for listening and using wisdom and he appreciates all their work. He urged the public to show their appreciation also.

Seeing no one else Chairman Krans closed citizen's forum.

Review of opinions and responses from the Secretary of State, Department of Revenue Administration, and, Attorney General.

Krans explained we received a letter late yesterday from the Department of Revenue Administration (DRA) and they found no inconsistencies in finance and budgeting. We also received a joint letter from the Attorney General's office and Bud Fitch as well as the Secretary of State's office.

Krans explained the three recommendations from the SOS and AG saying they took the time to consult with our attorney Peter Loughlin and they came up with some verbiage and incorporated it in the final report.

Gilmore disagrees with the opinion of the AG; in Rochester it is the city council that shall review ward boundaries. He is also concerned about this inconsistency as Portsmouth and Nashua also do not have their ward boundaries in their charter. He wants this on record. Woods thinks regardless of what other cities have done in reading this and talking to someone else in the redistricting process, she thinks we are all familiar with what happens in the legislature when we change the wards around so we have the same people in each legislative district. She continued the boundaries cannot be changed without a vote of the electorate; it must go before the voters. Because this is a protection from the city council or any group coming in with the authority to change the boundaries and perhaps engage in gerrymandering to favor one party over another.

She continued with her points. Dunnington says when we first started talking about this change it was from a housekeeping standpoint. The tie in with the census makes complete sense to him. He

too agrees with the theory of gerrymandering but this is no protection against this. By the same token he does not feel this is a very strong opinion but it makes sense to accept it as the voters should have the final authority. Gilmore reiterated the wording of the Rochester city charter; he will vote for it but with reluctance because they are treating different cities differently. Dunnington says that is OK until they are challenged in court. Krans says so we are not confused, the attorney general is recommending that we keep the ward boundaries in the charter. Discussion then ensued about C11-5- Ethics about having the city council remove school board members. Krans stated in RSA 49-C:13 as a point of clarification not only did the attorney general and SOS discuss this but they called me and Attorney Loughlin to communicate these concerns. Woods thinks what is important in the letter is that they are strictly interpreting the law, as far as the school board being included but that does not mean we couldn't have an RSA in the future to add the school board. Boc took out of the opinion that we have no authority over the school board and that the city council can only remove those people that are appointed by the city council. Discussion ensued; Gilmore say the city council does not have authority to censure. Dunnington says implied in that is the power to punish. Boc thinks we should accept the intent of their position; the voters elect the school board and the council has no control over them. He thinks we should only have the council have authority over our own boards and commissions that we appoint. Krans says he thinks the attorney general would say this is a policy decision. Gilmore does not want to confuse the ethics board with the city council. They can review the school board but the council can't remove them. Boc disagrees; he does not think the council should even censure them.

Mone still thinks in C11-4 the way we set up the ethics commission; we should leave the school board in it as we possibly could have complaints. Dunnington thinks it should say report back to the appropriate body such as the school department. Woods asks if anyone would have any objection to Dunnington's suggestion "with the appropriate body" Krans wants to wait until the letters have been discussed. Boc moved to accept the review and place on file the opinions of the DRA, AG and SOS, Dunnington seconded the motion. Motion passed 8-0.

Motion #2005-43 – To adopt the Final Report of the Charter Commission for submission to the City Council.

Boc moved with Mone seconding the motion to get motion #2005-43 on the floor to approve the final report.

Gilmore moved to amend C11-4 to city council or school board for adjudicated as warranted. Boc disagrees; Dunnington says it should say "appropriate body". Krans says we should add a statement at the end of C11-4. Boc moved Dunnington seconded the motion to say "or the school board for complaints made against school board members" motion passed on a vote by all.

Discussion ensued about the new language in C2-1 A and Krans stated in C5-5 the word "required" has been changed to "requested". Krans continued there is the special language in C1-2 that shows how we will achieve the proper ward boundaries. Woods has a concern on the reference to salary on page C-18 school board members shall receive a "compensation". Discussion ensued about the correct wording. Boc feels it is a stipend or compensation. The consensus is to leave the language alone on salaries.

Woods has not had time to look at the newly revised summary; Krans then declared a 5 minute recess to review the newly revised summaries. Krans called the meeting back to order at 7:59 pm. Krans stated we have a motion on the floor to adopt the final report and they discovered we missed the part on periodic review. Discussion ensued and Boc came up with language that would be: Should the council be required to submit to the voters every ten years the requirement that there will be a charter review commission. There was no agreement so discussion ensued about the language for the summary of C11-11. Bibber thought "Periodic reviews" would be appropriate.

Boc moved seconded by Landry to say periodic reviews. Gilmore wants to say periodic review of the charter. Woods wants to know if this is the summary that goes on the ballot in November and if not we can make this a guide. Discussion ensued about the language for the new summary on C11-11. Motion on periodic reviews passed on a vote of 6-2 with Gilmore and Landry opposed to "periodic review".

Landry wants to change the summary on C4-6 that says "equalizing the pay..." to "equalizing the salaries". Boc seconds the motion with all in favor and Landry continued with: of just cause to "for" and in the last one "certain" city officials. Motion passed with all in favor. Discussion ensued; Woods thinks the part that says we can remove the city manager for no reason is vague. Gilmore agrees this will be confusing, Dunnington says we have eliminated the for cause reason for removal; why should we hide the meaning. Boc says to remove the "for cause" language; there was no agreement. Bibber wants to remove the "removing" after a long discussion about the language going to the voters in the summary; Boc moved seconded by Gilmore on section C5-3 to say removing the "for cause language" for removal of the city manager with all in favor.

Krans wants a vote on the final report. Motion passed on roll call vote of 8-0.

Motion #2005-44 (Educational Campaign).

Gilmore moved to amend emerge to "engage" seconded by Landry. Dunnington wants to add the Chamber of Commerce to the list of locations, Main Street Office and the Community Notes for the community services department periodical newsletter and Boc wants to have Chairman Krans speak on the radio. Krans reminded them that 60 days after the August 10th city council meeting the Charter Commission must disband. Motion passed with all in favor.

Motion #2005-45 (Legal bill)

Mone moved to pay the corrected amount of \$2607.50, Gilmore is concerned about the number of hours taken to review this report by the attorney; he will vote no as it is excessive. Boc does not think it is excessive and thinks it is really low. Boc wants each of them to kick in \$300 to pay this bill. Krans would support this as he thinks the attorney was very attentive to us. Boc made a motion to have all of them kick in \$228. per person to pay the attorneys bill; there was no second. Motion to approve the bill as presented passed 7-1 with Gilmore opposed.

Old Business

Boc congratulated the chair for the process and for following the procedures. He continued this was a delightful process for him and he thanked Krans for his leadership. Krans then thanked all the commissioners for their help and he also thanked the Hebbards for coming to every meeting.

Adjourn

Dunnington moved seconded by Boc to adjourn with all in favor at 8:37 PM.

Submitted by

Judy Gaouette

City Clerk

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