

MINUTES

2005 DOVER CHARTER COMMISSION

MARCH 10, 2005

CITY COUNCIL CHAMBERS

7:00 P.M.

1. Moment of Silence

2. Pledge of Allegiance

3. Roll Call; Approval of Agenda

Chairman Krans stated let the record show that all commissioners are present except for Commissioners Dunnington and Gilmore. Gilmore arrived at 7:15 p.m.

Reynolds moved seconded by Boc to approve the agenda with all in favor.

4. Citizens Forum

Commissioner Krans opened the public hearing and reviewed the various ways that the public can communicate with the Commissioners in addition to Citizens Forum.

Peter Schmidt, 53A Fourth St – spoke regarding the At-large or "Portsmouth model" being considered by the Commission. He is against going to this form of Council and gave various reasons. He feels that this type of election is an incumbent protection system. He cited the Charter Commission election as an example of people being elected due to name recognition. He feels that it is easier for an unknown person to run for a ward seat and go door to door within the ward to introduce themselves as opposed to having to have to worry about the whole city.

Ron Huml, 199 Mast Rd – gave a brief history of his background and experience in financial and accounting positions and stated that he would like to see a Budget or Finance Committee formed made up of professionals in the field as well as a City Councilor. He also feels that the Mayor should be elected separately. He continued that having an all at-large council may result in the misrepresentation of some wards. Next he discussed the school budget history and various discrepancies he has found over the years and steps he took to bring this to the attention of the Council.

Mary Hebbard, 97 Spruce Lane began by stating she supports the City Manager form of government. Also, she feels that having ward councilors allows for constituents to feel more commonality with their representative as they share the same roads, schools etc. She also wants the Mayor to be elected separately as they are the figure head and represent the city and therefore, should want the responsibility. She concluded by stating that the time period between the election and the swearing-in period should be used for training etc.

Rick Hebbard, 97 Spruce Lane stated he feels there is a huge amount of wisdom on the Commission and because of that he would like each Commissioner to speak to each motion so that ideas are shared. He commended the Commission for taking breaks throughout the meeting. He reiterated support of his wife Mary's statements and stated he would like to see a sentence added to Section C5-1, City Manager stating "Council will readdress employment of Manager after (?) years using the same criteria as when they were hired". He feels that this would allow for it to be easier to remove the manager if they are dissatisfied.

Seeing no one else wishing to speak Commissioner Krans closed citizen's forum.

Krans then reviewed the 8 stage process of bringing a raw idea to inclusion in the final draft and the fact that there will be many opportunities for the public to speak regarding the motions brought forth. He stated that just because an idea is sent forward does not necessarily mean it will be included in the final recommendation.

5. Approval of Minutes:

A. February 17, 2005

Boc moved to accept and place on file, seconded by Landry. Motion passed unanimously.

6. Discussion: Amendments vs. Revisions

Commissioner Krans explained that the Charter Commission by RSA is a revision commission which means that their recommendation will appear on the ballot as one yes/no question as a whole package.

Reynolds stated that the Commission can ask the Council to consider amendments that may not be included in the final recommendation.

Krans stated yes, but they cannot appear on the same ballot. (This ruling has not been clarified)

Woods explained that she feels that the commission was elected to look at the Charter as a whole document and to present a whole document to the citizens to vote on. This is meant to be a thorough review of the Charter and if the document they present is adopted by the voters then any previous amendment notations will no longer appear. She hopes to present a document that will not need to be amended again at least to the extent it has been in the past.

A. Legal Committee

Commissioner Woods stated that the subcommittee, consisting of herself, Commissioner Reynolds and Commissioner Bibber, met on Saturday, February 19th and decided on the following criteria: Experience with Municipal/Charter law, availability, cost, location accessibility, and one contact person. Woods has made initial contact with various law firms and has received resumes from 4 attorneys. The committee will meet again to review the information and will come back with a recommendation at the next meeting (03/24/05).

Discussion ensued regarding whether the information will be distributed to the other

Commissioners and whether or not the committee was charged with making a final recommendation.

B. Commissioner Reynolds Motion regarding ward lines

(NOTE: CLERK DID NOT RECEIVE COPIES OF ANY MOTIONS PRESENTED AT THIS MEETING)

Reynolds read motion and moved it to a public hearing, seconded by Woods. Motion passed unanimously.

Motion #05-03: Motion to Remove from the Table (Boc)

(Motion regarding City Manager/Council form of government)

Boc moved to remove item from the table, seconded by Reynolds. Motion passed unanimously.

Boc explained the reason for this motion is to put to rest the idea that the Commission is considering the Mayor form of government so that the city can go forth with the hiring process for a new City Manager.

Mone clarified that by passing this it doesn't eliminate other possible amendments to this section i.e., setting a salary, etc. Boc stated that is correct.

Motion to adopt passed unanimously.

Motion 05-05: Motion to send to Public Hearing changing the membership of the Council to all at-large members with the mayor and deputy mayor being the top two vote getters (Boc)

Boc moved to refer motion to a public hearing, seconded by Mone.

Discussion ensued regarding at-large representation vs. ward representation and the process of putting motions to a public hearing for input on both sides of the issue.

Motion to refer to a public hearing passed on a 7-1 vote, Gilmore opposed.

5 minute recess/reconvened 8:20-8:25.

Motion 05-06: Motion to send to Public Hearing changing the membership of the School Board to all at-large members ~~with the chair being the top vote getter.~~

Boc moved refer motion to a public hearing, seconded Landry.

Landry questioned whether or not the chair can be elected in that way per State RSA, and it was determined that it could not.

Landry made friendly amendment to delete the portion relating to electing the chair, seconded by Boc.

Motion passed on an 8-0 vote.

10. Discussion Article III - Sections C3-1 to C3-11

Section 3-1 - Membership; term of office:

Woods stated she would like to bring in new wording to the first sentence relating to powers and had examples from other cities.

Krans stated that Section 3-11, Powers and duties already has the language for this.

Discussion continued on above stated articles when Gilmore reminded the Commission that the previous meetings agenda items were not completed. It was decided to go back to previous items.

Article II - Elections

Section C2-1-B – no changes recommended – although Commissioner Gilmore has a concern with the word "forenoon".

Discussion continued until it was pointed out that the City Clerk may have suggestions regarding this section as she is in charge of elections and perhaps should be present for this portion.

Mone moved to table the discussion on Article II, seconded by Boc.

Article III - City Council

Section C3-2 – Organizational Meeting

Discussion ensued regarding the time period between the election and the day of swearing in which is the official day that the candidate assumes the duties to which they were elected per RSA.

Various scenarios of how training/information could be accomplished during this period were discussed and whether or not this should be stated in the Charter.

The recording secretary suggested that this type of administrative policy could be a part of the City Code, specifically Chapter 100, Elections, as this is where training for election officials is already outlined.

Gilmore asked for a straw vote to bring forth a motion to incorporate wording into the charter for training, seconded by Woods. Motion failed on a 4-4 vote.

Krans clarified that this motion can still be submitted in written form for a formal vote.

Reynolds stated that he has heard the Chamber of Commerce may be working on some type of Council orientation and perhaps that is the way to handle it, outside of the city government.

Section C3-4, Qualification of Council members

Discussion ensued regarding the qualification that a person must be a resident for 2 years.

Woods stated that the State RSA was amended in 2003 which says the city "may" require residency for "up to 1 year". Therefore, a housekeeping amendment must be done to bring our charter into compliance with this RSA.

Section C3-5. Vacancies

Discussion ensued regarding whether or not this should be addressed along with the at-large proposal.

The process would be different according to whichever type of Council would be elected; at-large vs. ward. If the ward Council form were to continue, some commissioners would like to see the requirement for special elections be eliminated. Some Commissioners are concerned with presenting a 2-tier revision as it may become confusing. Boc suggested moving the at-large question to a public hearing at the next meeting so that the issue can be decided once and for all.

Discussion ensued regarding how many public hearings should be held and how often.

Boc moved to have a public hearing on the at-large vs. ward council motion at the 03/24/05 meeting, seconded by Gilmore.

Reynolds would like to have the School Board included as well.

Boc made a friendly amendment to include the School Board, Gilmore agreed.

Motion failed on a 3-5 vote, Boc, Gilmore and Landry in favor.

Section C3-6, Salaries/Compensation.

Discussion ensued regarding various ways to compensate the city council including per meeting, no pay, requiring sitting Council to set next Council pay, etc. as are done in other cities in the State.

Councilor Gilmore agreed to bring forward a motion for the next meeting.

Sections C3-7 through C3-10 – no recommendations.

Section C3-11 – Powers and duties.

Reynolds stated that he would like to see a change to having the Council appoint Boards and Commissions.

8. Adjournment

Gilmore moved to adjourn at 10:00 p.m., seconded by Boc. Motion passed unanimously.

Submitted by,

Valerie A. French

Recording Clerk

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