

My opinion regarding a possible Charter Amendment to have the City Attorney report to the City Council:

At one time, I would have supported such a change, and as has already been pointed out, even requested that the Charter Commission make such a change.

Things are different now. At that time the City did NOT have a City Attorney. The position and the employee holding it were eliminated. The position remained unfilled for a time. Subsequently, the City Manager (Paul Beecher) moved a police lieutenant over to City Hall and referred to this employee as the City Attorney. He was a dues paying prosecutor in the police department with a monthly charge back of his salary going from the police department budget to the City Manager's administrative budget.

That individual did report to the City Manager and in my view did the City Manager's bidding and worse yet, acted obstructively to members of the City Council as well as any other element that was not in-sync with the City Manager, Paul Beecher.

One of the first staff changes made by the new City Manager, Mike Joyal, was to remove that police lieutenant from the office at City Hall. While there was considerable conflict over the process of his removal, the decision of the City Manager to cleanse his staff was the right one.

Subsequently the City Manager sought applicants for a City Attorney. After a comprehensive 'vetting' process the review panel unanimously recommended Allan Krans as the best candidate for the City Manager to appoint as City Attorney.

From day one, the City Attorney has consistently advised everyone and anyone that the City Attorney position is a position that works to the benefit of the Incorporated City of Dover. The position does report to the City Manager in the sense that vacations, professional objectives, housekeeping type activities and general responsiveness to the City's needs are elements of performance measurement. Having a real City Attorney instead of a 'puppet' has convinced me that the present Charter is correct as is.

Moreover, contrary to allegations to the contrary, the City Attorney is readily available to any Councilor, Department Head or the City Manager for consultation.

However, Charter Section C 5 8 prevents any councilor from directing the work of any City Employee. The Council as a body has one employee: the City Manager. If a Councilor confers with the City Attorney on a subject and then wants, asks for, or even demands some specific action be taken, the Charter process mandates that such a request go to the City Manager. Per the Charter it is the prerogative of the City Manager, and only the City Manager to direct the activities of any City employees.

A Charter Commission of elected officials with experience in government processes debated this issue and subjected it to public hearings. To place this type of measure on a general ballot will open it to far more than evaluation. It will open the subject to politicizing, media misinformation and inciteful campaign rhetoric. This City Attorney has demonstrated that the client is the Incorporated City of Dover and it needs to stay that way.

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