

**MINUTES
COUNCIL WORKSHOP
DOVER CITY COUNCIL
WEDNESDAY
APRIL 7, 2004
7:00 P.M**

Councilors Present: Mayor Scott Myers, Mayor Pro Tem Jason Hindle, Darlene Colwell-Ellis, Doug DeDe, Robert Keays, Matt Mayberry, Otis Perry, Jerry Reese and Dean Trefethen. Also Present: City Manager Paul Beecher.

1. PLEDGE OF ALLEGIANCE

Mayor Myers opened the meeting and led the Pledge of Allegiance.

2. DISCUSSION RE:

A. Ordinance #07-03/10/2004, Chapter 22, Ethics Code, Amend section 22-4, Add Sections 22-13 through 22-18. Sponsored by Councilor Otis E. Perry.

Councilor Perry opened the discussion as the sponsor of the proposed ordinance stating he would like to have a procedure back in place to deal with allegations of ethics charges. He continued that he has been on previous Councils which dealt with the Ethics issue in a totally different way as have other Councils up to present. The last Council eliminated the process all together leaving it in the hands of the court. He stated he feels that this is not acceptable and that there should be a procedure in place and that it should be as non-political as possible. He stated he is open to suggestions.

City Manager Beecher gave a brief background of the various ways the City has dealt with issues over the years. It had been procedure that a complaint went to the Mayor and City Attorney first to determine if charges were valid. Two incidents occurring in 1992 and 1994 had the appearance of not being resolved appropriately. The next Council then revised the policy and made it cumbersome and was an overreaction to the prior incidents. The last Council then went to the other extreme and removed the procedures all together.

Perry explained his proposal stating that it is simple and not too procedural. An allegation would be reported to the City Clerk who would then report it to the Mayor and City Attorney. The Ad-Hoc Committee, primarily made up of former Councilors, would hear the complaint and reach a decision which would then be reported to the Council who would have sanction authority. He feels that the whole process should take 1-2 months and be over with. The policy was drafted with City Attorney George Wattendorf, but the actual complaint form has not yet been drafted.

Trefethen asked about Section 22-14, Procedure, and what happens if the City Attorney is the subject of the complaint.

Perry stated that the City Attorney is a city employee and subject to a separate ethics violation procedure.

Mr. Beecher stated that if the City Attorney were the complainant then he would hire an outside attorney.

Trefethen followed up with Section 22-14, where it states “if not” in reference to no police or court investigation being conducted, asking what if there is an investigation.

Perry stated then it would be out of our hands. He stated that without a procedure in place a complaint gets lost in a vacuum because if the County Attorney decided against taking up the complaint, then there was no place else for it to go.

Hindle asked when the accused would be notified.

The Mayor stated it is explained in Section 22-15.

Hindle asked why the makeup of the committee is focusing on former City Councilors and could this also include School Board members.

Perry stated that any citizen is eligible, but feels that former Councilors have experience with the City procedures etc. His goal is to make it simple and feels that School Board members would be fine.

Mayor Myers asked what happens when the committee decides to go forward with a complaint, when does the public get notified.

Perry stated that there will be no notification to the public or the Council until a decision is made about the allegation. He is concerned that once something becomes public it becomes “true”. He feels that the committee should make a decision before becoming public, but the accused will be notified.

Mr. Beecher stated there had been a number of frivolous filings in the past.

Perry stated that he had been the subject of one himself 6 years ago.

The Mayor clarified that if the committee decides that there is not enough grounds to go forward with a complaint they are obligated to report to the Council but not to the public.

Perry stated that the accused has a right to make it public.

Keays asked how many times the ethics committee has been used.

Beecher stated that at the most since he has been here (12 years) 7-8 times.

Perry stated that another important part of the proposal is Section 18 requiring that each appointed and elected official shall sign an acknowledgment that they have read and understand the Ethics Code.

Colwell-Ellis would recommend changing the word “secret” to “confidential”.

The Mayor would like to see the number of members on the Ad-Hoc Committee clearly determined as it now says 3-7 members.

Perry stated that it doesn't matter what the number will be.

B. CREDIT CARD ACCEPTANCE

Finance Director Jeff Harrington presented a handout of a report titled “Report on the Acceptance of Credit Card Payments” prepared in July of 2003 (SEE 04/07/04 meeting folder).

Harrington explained that credit cards make up a small minority of payment percentage and is even smaller on the internet due to security issues, identity theft, etc.

He explained the different types of transactions fees that are charged by the credit card companies and that either the customer would have to pay it up front or the city would pay it and it would be added to the tax rate.

He feels that there are some services that could be done on the web for a small fixed dollar transaction fee such as parking tickets, because the city has control of setting those fees and could adjust them accordingly.

Perry asked if other cities do credit card transactions.

Jeff stated that he has asked other cities and Concord is the only one who does have web transactions with a convenience fee but they don't feel it is used much.

Perry asked if we accept electronic payments.

Harrington stated that yes we do, and we are seeing more of these types of transactions.

He explained that we are in the process of looking into on-line vehicle registrations with electronic checks and once that is in place we can expand it to other city bills without incurring finance processing fees.

Reese stated that any program that will cost the taxpayers more money in the long run, even in the name of convenience, is not something he will support. He does support the web-based ACH program.

Mr. Beecher clarified that staff is not recommending credit card transactions but was asked by the previous Council to report on this.

Mayberry stated that it is good for the Council to have the answers to these questions when asked by constituents why this service isn't offered by the city.

Harrington stated that there are credit card companies who are realizing that there is a need for separate government services and there is one company who is looking at ways to do government transactions.

Mayor Myers asked if the banks charge a fee for electronic checks.

Harrington stated yes but it is the same fee we pay for paper checks already.

Myers feels that we should be able to provide payment of various city services i.e., taxes, water/sewer bills, recreation fees etc. on-line and that it could be made optional to send hard copies if people indicated they didn't need one mailed.

Jeff explained that we are required by state law to send hard copy bills of taxes and water/sewer bills. He stated that the on-line vehicle registration would work the same way as the mail-in system by mailing the tags back in the mail.

The Mayor asked for a consensus which was a unanimous no to credit card transactions with fees.

Mr. Beecher stated we will continue to monitor any changes.

Mayberry asked when we can look forward to the on-line vehicle registration.

Harrington stated we are in the development process for about a year and trying to work out the technical issues.

Mayberry asked if people can arrange for monthly withdrawals toward tax payments, etc.

Harrington stated that this may be a possibility in the future.

Perry asked if we are the first city to go with on-line registration.

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Harrington stated Concord motor vehicles is already set-up and he has also talked to South Portland Maine who has on-line services with both credit card and e-posting.

Perry doesn't want to be the test city.

Harrington stated that there is one other town signed up to go with this same vendor.

Trefethen clarified that this software would just be a different variation of what is already out there specific to this purpose.

3. ADJOURN

Meeting was adjourned at 8:00 p.m.

Valerie A. French
Deputy City Clerk