



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: Workshop Session  
Meeting Location: Council Chambers, City Hall  
Meeting Date: **Wednesday, July 11, 2012**  
Meeting Time: **To follow Regular Meeting**

### 1. CALL TO ORDER

### ~~2. MOMENT OF SILENCE~~

### ~~3. PLEDGE OF ALLEGIANCE~~

### 4. ROLL CALL ATTENDANCE

**Present:** Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

**Absent:** Mayor Trefethen.

**Also Present:** City Manager Joyal, General Legal Counsel Krans, and City Clerk Lavertu.

### 5. CITY CHARTER AUTHENTICATION

Councilor Cheney gave her presentation on the process to authenticate the City Charter. Deputy Mayor Carrier said he was impressed with all the work Councilor Cheney has done. City Manager Joyal responded to Councilor Cheney's presentation. He asked for a copy of her version of the City Charter. He gave an overview of allowable changes to the Charter. He said the care and the maintenance is an administrative duty. He said the Council is not authenticating the format of the Charter. He said only the City Clerk is responsible for the maintenance, care, and reproduction of the City Charter. He said the Council is authenticating that there is one gold-plated version that gets put in the vault.

Councilor Cheney interrupted the City Manager and said she disagreed that the format could be changed.

City Manager Joyal said the formatting is not an issue, and clearly something that can be accommodated.

Councilor Weston asked about annotations and when it was changed.

City Manager Joyal said the City Clerk is responsible for the Charter, both the physical document itself and the reproduction of it under the direction of the City Manager. He directed the City Clerk to put the annotations back in the document.

Councilor Weeden said it was his understanding that the Council cannot change the Charter, but it is done by a vote of the people. He then asked why in the Administrative Code Board and Commissions was removed by a vote of the Council.

Councilor Cheney said a Councilor should champion any ordinance change.

Councilor Weeden asked if the Council was able to do that.

Councilor Cheney said under the law it should revert to back to the way it was. She said it nullifies that version of the Charter.

Councilor Weeden said the Council doesn't even have to vote on it.

Councilor Cheney said that was correct.

City Manager Joyal asked for a point of order. He said the information being conveyed is absolutely inaccurate, and Councilor Cheney is not qualified to make that interpretation. He referred to one of Councilor Cheney's slides on the Administrative Code and explained the hierarchy in the legal process that they follow. He said the Administrative Code is not part of the Charter, but a requirement by NH State Law. He said the Administrative Code is recommended



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by the City Manager and approved by the City Council. He said the Administrative Code is specifically to layout the administrative organization and administrative rules that will apply to the administration of the City, which is under the direction of the City Manager hired by the City Council. He said the Administrative Code was amended by the Council upon the recommendation of the City Manager. He said it separated out Boards and Commissions under the Code because they are not under the prevue of the City Manager.

Councilor Cheney said it was the Council's duty to fix and she was begging the Council not to take a chance that they made authenticate a document that since 1977 the Administrative Code had four components. She read section C-9 to the Council. She said the Council owns the Administrative Code, and the Administration owns the Merit Plan.

Councilor Weston asked if Councilor Cheney is asking that the Administrative Code be authenticated with the City Charter.

Councilor Cheney said that was correct.

City Manager Joyal said the Administrative Code is not part of the City Charter. He referred to the provision in the State law, RSA 49C:21, which says that there shall be an Administrative Code. It does say its part of the Charter, and in fact it is part of the Ordinances of the City as approved by the Council and recommended by the Chief Executive Officer or City Manager.

Councilor Cheney said the Council must sleep on this.

Councilor Weeden said he will not sign the Charter if they do not fix the Administrative Code.

Councilor Cheney said she will send the Word version to the City Manager and the pdf to the Council.

City Manager Joyal said he wanted a password protected file. He suggested to the Council to hear from the General Legal Counsel. He also suggested an outside counselor, Attorney Loughlin, who literally wrote the book on local government in New Hampshire, be invited to a workshop to answer questions and concerns of the Council. He agrees 100% that the document needs to be 100% perfect. He said he will review the Charter as Councilor Cheney has presented it and he will completely update the whole Codebook for the whole Council, which the Council will then authenticate. He said the Councilors can sign the cover page either in the Clerk's office or the Clerk will bring it to a meeting. He explained the control process to make sure everyone has the latest versions of the codebook.

Councilor Spuler said he was reluctant to bring in an outside attorney at this point, but would be willing if problems come up with authenticating the Charter.

Councilor Cheney said she wanted the authentication done at the same time by the whole Council.

### 6. CITIZEN'S FORUM

*Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.*

**Donald Medbery, 3 Covered Bridge Lane:** He spoke against paying for an outside attorney. He said Councilor Cheney's presentation was very thorough. He spoke about the previous City Manager and Department Heads ignoring the City Charter. He said he has participated in Councilor Cheney's research with the Secretary of State. He spoke about his interest in seeing this done right.



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### 7. ADJOURNMENT

Councilor Hooper moved to adjourn back into the Regular Meeting; seconded by Councilor Weston.

Vote: 8/0.

Councilor Cheney's presentation has been archived with these minutes.