

CITY OF DOVER

## CITY COUNCIL ETHICS COMMISSION SUBCOMMITTEE – MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **City Hall, 2<sup>nd</sup> Floor Conference Room**  
Meeting Date: **Thursday, March 20, 2014**  
Meeting Time: **5:15 pm**

### 1. CALL TO ORDER

Called to order 5:15 p.m.

Members Present: Councilor McManus, Councilor O'Connor, and Councilor Cheney

Also Present: General Legal Counsel Anthony Blenkinsop.

Jeffrey Clay and Rick Callahan, members of the public

### 2. APPROVAL OF MINUTES

**A. February 26, 2014**

**B. March 7, 2014**

The subcommittee took up approval of the draft meeting minutes from 2/26/14 and 3/7/14.

Cheney made a motion to approve 2/26 minutes, seconded by O'Connor. 3-0 approved

Cheney made a motion to approve 3/7 minutes, seconded by McManus. Approved 2-0 (O'Connor abstained).

### 3. DISCUSSION

The subcommittee then undertook the initial screening of the ethics complaint filed in January 2014 against the Ethics Commission by Jeffrey Clay.

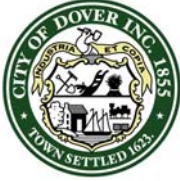
Chairman McManus proposed conducting the review in two parts: 1) discuss standing and jurisdiction as it relates to Mr. Clay's residency; and 2) assuming for the sake of argument that standing and jurisdiction exist, are there sufficient factual actual allegations of ethical violations.

Councilor Cheney felt under RSA 91-A being a citizen of the State of New Hampshire is good enough and the Ethics Commission opened the door to hear the case by its consideration of the November 2013 complaint against the School Board members.

Councilor O'Connor noted that other Dover residents had joined in the November 2013 complaint, but not in the current one, but stated that if there is something wrong he wants to know.

Chairman McManus stated that Chapter 22 says what it says and they have to deal with the residency issue, even if they proceed to look at the merits of the complaint.

Chairman McManus made a Motion to Dismiss the complaint due to Mr. Clay not being a resident of Dover. Seconded by Councilor O'Connor. Approved 2-1 (Cheney opposed).



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Chairman McManus stated that he felt the sub-committee should still address the merits of the complaint given the differing views on the standing/jurisdiction issue. Councilors Cheney and O'Connor expressed support for doing so.

Chairman McManus stated that he felt they should examine the complaint to see if the sub-committee had anything on which to make a decision, with the focus being on the factual allegations in the January 2014 complaint.

Councilor Cheney expressed concern that the Ethics Committee did not investigate the November 2013 complaint per the language of the Charter.

Councilor O'Connor felt it wasn't clear and he had gone back and forth on the issue.

Chairman McManus stated he could find no specific alleged conduct in the complaint that violated the ethical provisions of the Charter or Code.

Councilor Cheney questioned whether the initial screening conducted by the Ethics Commission on December 11, 2013 was sufficient.

Chairman McManus stated the focus needed to be on what were the factual allegations in this complaint and do they constitute a violation of the applicable ethics provisions.

Councilor O'Connor said that he did not think they did.

Councilor Cheney noted that the applicable ethics provisions of the Charter and Code are fairly narrow.

Chairman McManus made a Motion to Dismiss the complaint for stating facts that if true would not constitute a violation of the ethical provisions of the City Charter, City Code or state law.

Councilor Cheney questioned what should be done if the Ethics Commission did not follow its procedure, but agreed its conduct did not appear to violate an applicable ethics provision.

Councilor O'Connor seconded the Motion made by Councilor McManus. Approved 3-0. Recommendation to be provided to the City Council.

Councilor Cheney stated that she felt the allegations did not constitute an ethics violation based on the Code or Charter, but was concerned that the Ethics Commission did not follow its procedures. She felt a recommendation should be brought to the Council to improve the process under Chapter 22.

Councilor Cheney made a motion to allow the complaint against the School Board members to be resubmitted and investigated. No second was made.

Councilor O'Connor made a motion to adjourn. Seconded by Councilor Cheney. Approved 3-0.

Meeting adjourned at 6:01 p.m.