

2012 CITY OF ROCHESTER



VOTER'S GUIDE

to

FIVE (5) PROPOSED AMENDMENTS

to the

ROCHESTER CITY CHARTER

(To be voted upon in conjunction with
New Hampshire State General Election on November 6, 2012)



City Clerk's Office
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ROCHESTER, NEW HAMPSHIRE 03867-1917
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Clerk of the Council
Elections
Vital Records
Dog Licensing
Notary Public Services

October 15, 2012

To: **All Rochester Voters**
From: Kelly A. Walters, Acting City Clerk

Re: **2012 City of Rochester Voters' Guide to 2012 to Five (5) Proposed Amendments to the Rochester City Charter (to be voted upon in conjunction with the New Hampshire State General Election on November 6, 2012)**

Dear Rochester Voter,

The Mayor and City Council of the City of Rochester, on August 7, 2012 pursuant to the provisions of RSA 49-B:5, I, and after a public hearing, determined, by vote, that five (5) amendments to the Rochester City Charter were necessary and voted, as required by RSA 39-B:5, that the proposed amendments be place on the ballot and submitted to the voters for their approval, or disapproval, at a special municipal election to be held in conjunction with the New Hampshire State General Election on November 6, 2012

Consequently, at the New Hampshire State General Election on November 6, 2012, each Rochester voter, in addition to receiving State Election ballots, will receive a municipal ballot to vote on the five Rochester City Charter amendments being proposed. On this Rochester City Charter amendment ballot, each voter will be asked to signify his/her support for, or opposition to each of the five (5) proposed Rochester City Charter amendments. **A sample copy of the proposed Rochester City Charter amendment ballot can be found on page 8 of this Voter' Guide for your information and review.**

Additionally, it is the purpose of this "2012 City of Rochester Voters' Guide to 2012 to Five (5) Proposed Amendments to the Rochester City Charter", to comply with the requirements of RSA 49-B:6 and to provide the Rochester Voters with the Text and any summary of each of the five (5) proposed amendments. **On the following five pages of this Voters' Guide (pages 3 through page 7) you will find the text, and a brief explanation, of one (1) of each of the five (5) proposed Rochester City Charter amendments. Furthermore, the summary for each of the five (5) amendments that will appear on the ballot given to each Rochester voter and the proposed amendment for each of the five (5) proposed charter amendments can be found on page 8 of this Voter' Guide for your information and review.**

If you have any questions regarding the special municipal election to be held on the five (5) proposed amendments to the Rochester City Charter on November 6, 2012, please do not hesitate to call the City Clerk's Office at the above number.

Finally, please do not forget, and be sure to cast your vote on November 6, 2012!

Sincerely,

Kelly A. Walters

Kelly A. Walters, Acting City Clerk

TEXT OF PROPOSED AMENDMENT I

AMENDMENT TO ROCHESTER CITY CHARTER RELATIVE TO THE POLICE COMMISSION

THE CITY OF ROCHESTER ORDAINS:

That the City Charter of the City of Rochester, as presently amended, be further amended, as follows:

I. That Section 23 of the Rochester City Charter, entitled "Election of Police Commission", Section 24 of the Rochester City Charter, entitled "Duties of Police Commission", and Section 25 of the Rochester City Charter, entitled "Police Commission, Removal Authority", as presently amended, be further amended by deleting aforementioned three (3) Sections in their entirety from the Rochester City Charter.

II. This amendment shall take effect on January 1, 2013

EXPLANATION OF PROPOSED AMENDMENT RELATIVE TO THE POLICE COMMISSION

If adopted, this amendment would eliminate the provision in the current Rochester City Charter relative to the establishment, election, duties, and powers of the Rochester Police Commission, thereby eliminating the Police Commission and placing the administrative responsibility for the operation of the Police Department under the authority of the City Manager.

TEXT OF PROPOSED AMENDMENT II

AMENDMENT TO ROCHESTER CITY CHARTER RELATIVE TO THE BOARD OF ASSESSORS

THE CITY OF ROCHESTER ORDAINS:

That the City Charter of the City of Rochester, as presently amended, be further amended, as follows:

I. That Section 20 of the Rochester City Charter, entitled "Board of Assessors", as presently amended, be further amended by deleting said Section in its entirety from the Rochester City Charter, and by substituting in its stead the following section, entitled "Board of Assessors", to be known as Section 20 of the Rochester City Charter, to wit:

"Section 20 – Board of Assessors:

The City Manager shall appoint three (3) Deputy Assessors in addition to the City Assessor, for such terms and upon such conditions as the City Council shall by ordinance determine. The Deputy Assessors need not be employees of the City. The Board of Assessors shall be comprised as follows: Three Members at large who shall elect one of them to serve as Chairman. The City Assessor shall be ex-officio and shall provide advice and assistance to the Board as needed. He/she shall have no vote in the Board's deliberations. The City Assessor, and the Deputy Assessors appointed pursuant to this Charter shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The City Assessor and the Deputy Assessors shall constitute the Board of Assessors for the City, and shall perform all duties and assume all responsibilities and liabilities of assessors of taxes as determined by State law."

II. This amendment shall take effect on January 1, 2013

EXPLANATION OF PROPOSED AMENDMENT RELATIVE TO THE BOARD OF ASSESSORS

If adopted this amendment would increase number of Deputy Assessors appointed by the City Manager from two (2) to three (3), and would further provide that all assessors appointed pursuant to the Charter, prior to their appointment, shall have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The amendment also provides that the Board of Assessors would be comprised of the the three (3) Deputy Assessors, who would elect one of their own to serve as Chairman, and the City Assessor, who would serve as an *ex officio*, non-voting member of the Board. The City Assessor would provide advice and assistance to the Board as needed, but would have no vote in the Board's deliberations.

TEXT OF PROPOSED AMENDMENT III

AMENDMENT TO ROCHESTER CITY CHARTER RELATIVE TO SCHOOLBOARD MEETINGS

THE CITY OF ROCHESTER ORDAINS:

That the City Charter of the City of Rochester, as presently amended, be further amended, as follows:

I. That Section 32 of the Rochester City Charter, entitled "School Board Meetings", as presently amended, be further amended, by deleting said Section in its entirety from the Rochester City Charter, and by substituting in its stead the following section, entitled "School Board Meetings", to be known as Section 32 of the Rochester City Charter, to wit:

"Section 30 – School Board Meetings

The School Board shall meet not later than the second Thursday of each January immediately following a municipal election. The date, time, and place of such meeting shall be set by a majority vote of the School Board at the December meeting immediately after said municipal election. The School Board shall meet at least once in every other month at such hours, on such days of the week, and at such intervals as the School Board determines at its January meeting. Special meetings of the School Board shall be held upon notice being delivered by the Superintendent of Schools to each School Board Member, or delivered to an address within the City of Rochester previously specified by each School Board Member to the Superintendent of Schools. The Superintendent of School shall call a special meeting of the School Board at written request of the Chairman of the School Board, or at the written request of a majority of the School Board. The School Board shall establish its own rules. A majority of the School Board shall constitute a quorum for the transaction of its business."

II. This amendment shall take effect on January 1, 2013.

EXPLANATION OF PROPOSED AMENDMENT RELATIVE TO SCHOOL BOARD MEETINGS

This amendment, if adopted, would eliminate the current requirement that the January meeting of the School Board immediately following each municipal election be held on the Second Thursday of such January. The proposed amendment would require the School Board, at its December meeting following each municipal election, to select a date for its January meeting on any date in January not later than the Second Thursday of such January, thus giving the School Board greater flexibility with respect to the scheduling of the date for such meeting..

TEXT OF PROPOSED AMENDMENT IV

AMENDMENT TO ROCHESTER CITY CHARTER RELATIVE TO MERIT PLAN RULES AND REGULATIONS

THE CITY OF ROCHESTER ORDAINS:

That the City Charter of the City of Rochester, as presently amended, be further amended, as follows:

I. That Section 60 of the Rochester City Charter, entitled "Rules and Regulations" (relative to the so-called Merit Plan), as presently amended, be further amended, by deleting said Section in its entirety from the Rochester City Charter, and by substituting in its stead the following section, entitled "Rules and Regulations" (relative to the so-called Merit Plan), to be known as Section 60 of the Rochester City Charter, to wit:

"Section 60 – Rules and Regulations

The first City Manager under this Charter shall draft and submit to the City Council within one (1) year after assuming office, a set of rules and regulations which shall become effective three (3) months after its submission unless vetoed by the City Council within that period, providing for the establishment of a merit system of personnel administration and for the implementation of such portions of that system as are prescribed by this Charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, and any other matters necessary to the maintenance of the efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the City Manager which shall become effective upon majority vote of the City Council. City Council shall vote within sixty (60) days of amendment submittal. Until the first set of such rules and regulations becomes effective, the City Manager may establish temporary rules and regulations."

II. This amendment shall take effect on January 1, 2013.

EXPLANATION OF PROPOSED AMENDMENT RELATIVE TO MERIT PLAN RULES AND REGULATIONS

If adopted, this amendment would delete from the current Charter language that provides that amendment(s) to the City's "Merit Plan" (applicable only to non-union City employees) would become effective one (1) month after their submission to the City Council unless such amendment(s) was vetoed by the City Council. In its stead, the amendment would insert language making amendment(s) to the "Merit Plan" proposed by the City Manager only become effective only upon a majority vote of the City Council taken within sixty (60) days of amendment submittal.

TEXT OF PROPOSED AMENDMENT V

AMENDMENT TO ROCHESTER CITY CHARTER RELATIVE TO VACANCIES IN ELECTED OFFICES

THE CITY OF ROCHESTER ORDAINS:

That the City Charter of the City of Rochester, as presently amended, be further amended, as follows:

I. That Section 68 of the Rochester City Charter, entitled "Vacancies in Elected Offices", as presently amended, be further amended by deleting said Section in its entirety from the Rochester City Charter, and by substituting in its stead the following section, entitled "Vacancies in Elected Offices", to be known as Section 60 of the Rochester City Charter, to wit:

"Section 68 – Vacancies in Elected Offices

Vacancies occurring in any City Council, School Board, or Police Commission seat shall be filled until the next regular municipal election by the City Council's election, by majority vote, of some qualified person. Any member of the City Council may nominate persons to fill such vacancy. The candidate receiving a majority of the votes cast by members of the City Council at such meeting shall be declared elected. If there are more than two (2) nominees, and no nominee receives a majority of the votes cast, then the nominee receiving the fewest votes shall be removed from the list of nominees that another vote shall be taken. If no nominee then receives a majority of votes cast, then the above-described process shall be repeated until there are only two (2) nominees. The City Council shall act to thus fill such vacancy not later than the second regular City Council meeting following the creation of such vacancy, and may act only at a regular meeting of the City Council. If the term of the seat thus filled would not otherwise be open for election at the first regular municipal election following the occurrence of such vacancy, then at said municipal election the seat shall be filled for the balance of the unexpired term."

II. This amendment shall take effect on January 1, 2013.

EXPLANATION OF PROPOSED AMENDMENT RELATIVE TO VACANCIES IN ELECTED OFFICES

If adopted, this amendment would eliminate the requirement in the current City Charter that vacancies in elected offices of the City of Rochester be filled by vote of the City Council using secret ballots. The amendment would require that the vacancy in an elected office of the City be filled by a majority vote of the City Council utilizing a method of voting open to the public.



ABSENTEE
OFFICIAL BALLOT
SPECIAL CITY ELECTION
ROCHESTER, NEW HAMPSHIRE
NOVEMBER 6, 2012
CITY WIDE

Kelly Walters
Kelly Walters
Acting City Clerk
Rochester, New Hampshire

INSTRUCTIONS TO VOTERS

To vote, completely fill in the oval to the right of your choice like this: ☐

"Every voter wishing to vote "YES" will fill in the oval next to the word "YES"; if such voter wishes to vote "NO" such voter will fill in the oval next to the word "NO". If neither oval is filled in, the ballot will not be counted as to such question"

PROPOSED AMENDMENTS:

COPY

AMENDMENT I
POLICE COMMISSION

YES ☐
NO ☐

Shall the City of Rochester approve the charter amendment summarized below?

This amendment would repeal the provisions of the Rochester City Charter dealing with the Police Commission, thereby abolishing the Rochester Police Commission.

AMENDMENT II
BOARD OF ASSESSORS

COPY

YES ☐
NO ☐

Shall the City of Rochester approve the charter amendment summarized below?

This amendment would increase the number of Deputy Assessors from two (2) to three (3), and would also require that all assessors appointed pursuant to the Charter, prior to their appointment, shall have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The amendment would also provide that the Board of Assessors would be comprised of the City Assessor and the three (3) Deputy Assessors, who would elect one of their own to serve as Chairman. The City Assessor would provide advice and assistance to the Board as needed, but would have no vote in the Board's deliberations.

AMENDMENT III
SCHEDULING OF MEETINGS OF SCHOOL BOARD

COPY

YES ☐
NO ☐

Shall the City of Rochester approve the charter amendment summarized below?

This amendment would eliminate the requirement that the Rochester School Board hold a January meeting immediately following each municipal election "...on the second Thursday of such January", thereby giving the School Board greater flexibility scheduling such meeting.

AMENDMENT IV
MERIT PLAN RULES AND REGULATIONS

COPY

YES ☐
NO ☐

Shall the City of Rochester approve the charter amendment summarized below?

This amendment would insert language in the Rochester City Charter making amendment(s) to the "Merit Plan" proposed by the City Manager become effective only upon a majority vote of the City Council taken within sixty (60) days of amendment submittal rather than (30) days after their submission by the City Manager unless vetoed by the City Council.

AMENDMENT V
VOTING TO FILL VACANCIES IN OFFICE OF ELECTED CITY OFFICIALS

COPY

YES ☐
NO ☐

Shall the City of Rochester approve the charter amendment summarized below?

This amendment would delete the requirement in the current Rochester City Charter that votes to fill vacancies in the offices of City Council, School Board and Police Commission be "...by secret Ballot" and require that vacancy be filled "...by majority vote."