

**City Council Special Meeting
September 21, 2021
Council Chambers
6:34 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Fitzpatrick
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Hunt-Hawkins
Councilor Hutchinson
Councilor Jean
Councilor Rice
Councilor Walker
Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney

COUNCILORS ABSENT/EXCUSED

Councilor Lachapelle

Minutes

1. Call to Order

Mayor Lauterborn called the City Council Special Meeting to order at 6:34 PM. Deputy City Clerk Cassie Givara had taken a silent roll call prior to the Public Hearing immediately preceding the Special Meeting. All Councilors were present except for Councilor Lachapelle, who was excused.

2. Resolution Authorizing Placement of Proposed Charter Amendments On The November, 2021 Municipal Ballot in Accordance With RSA 49-B:5 *second reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a second time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for a second time by title only as follows:

Resolution Authorizing Placement of Proposed Charter Amendments on the November, 2021 Municipal Ballot in Accordance with RSA 49-B:5

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

That, in accordance with RSA 49-B:5, and after a duly notice public hearing, the Proposed Charter Amendments contained in **Exhibit A** of this Resolution shall be placed on the November, 2021 Municipal Ballot. **Exhibit B** provides an Informational Packet to be handed out to each voter.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a majority voice vote.

3. Resolution Authorizing Acceptance of \$1,296,285.00 of Additional State Education Adequacy Aid and Transfer of the same to the School Building Capital Reserve Fund *second reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a second time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for a second time by title only as follows:

Resolution Authorizing Acceptance of \$1,296,285.00 of Additional State Education Adequacy Aid and Transfer of the same to the School Building Capital Reserve Fund

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That City hereby accepts One Million Two Hundred Ninety Six Thousand Two Hundred Eighty Five Dollars (\$1,296,285.00) in additional State Education Adequacy Aid from the State of New Hampshire.

Further, pursuant to New Hampshire RSA Chapter 34, that One Million Two Hundred Ninety Six Thousand Two Hundred Eighty Five Dollars (\$1,296,285.00) be, and hereby is, transferred to the School Building Capital Reserve Fund, which was created by the City Council by way of Resolution on December 15, 2015, with the funds being derived in their entirety from the aforementioned additional State Education Adequacy Aid.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions

contemplated by this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Adjournment

Mayor Lauterborn **ADJOURNED** the City Council Special Meeting at 6:36 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

SAMPLE BALLOT
CHARTER AMENDMENT
ROCHESTER, NEW HAMPSHIRE
November 2, 2021

SHALL THE CITY OF ROCHESTER APPROVE THE CHARTER AMENDMENTS SUMMARIZED BELOW?

Amendment of Section 6

This Amendment resolves a conflict between Section 6 of the City Charter and Section 9 of the City Charter regarding the succession of the Deputy Mayor to the position of Mayor upon the Office of Mayor being declared vacant.

YES ☐ NO ☐

Amendment of Section 22

This Amendment resolves a conflict between Section 22 of the City Charter and State law, particularly RSA 202-A:11, V, regarding the terms of employment and compensation of City of Rochester employees who work at the Rochester Library.

YES ☐ NO ☐

Amendment of Section 70

This Amendment resolves a conflict between Section 70 of the City Charter and State law, particularly RSA 49-C:13. This Amendment makes Section 70 of the City Charter valid under State law.

YES ☐ NO ☐

Amendment of Section 47

This Amendment resolves a conflict between Section 47 of the City Charter and State law, particularly RSA 656:5a and brings the City Charter into harmony with current election law and practice.

YES ☐ NO ☐

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**SHALL THE CITY OF ROCHESTER APPROVE THE CHARTER AMENDMENTS
SUMMARIZED BELOW?**

Amendment of Section 51

This Amendment resolves a conflict between Section 51 of the City Charter and State law, particularly RSA 657:4 and brings the City Charter into harmony with current election law and practice.

YES ☐ NO ☐

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Amendment of Section 55

This Amendment resolves a conflict between Section 55 of the City Charter and State law, particularly RSA 654 and brings the City Charter into harmony with current election law and practice.

YES ☐ NO ☐

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Amendment of Section 57

This Amendment eliminates an elected position from the City Charter which is no longer currently active and is not required to exist under State Election Law.

YES ☐ NO ☐

EXHIBIT B

City of Rochester, NH Charter Amendments – Informational Packet November 2, 2021

Amendment to Section 6: Qualifications of Councilors.

Each City Councilor and the Mayor shall be a registered voter of the City of Rochester at the time they file their declaration of candidacy, pursuant to Section 47 of this Charter. Each Ward Councilor shall be a resident and registered voter of their ward at the time they file said declaration, at the time of their election, and throughout their term of office. If a City Councilor or the Mayor moves their residence from the City of Rochester during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter *in the case of a City Councilor and filled as provided in Section 9 of this Charter in the case of the Mayor*. If a Ward Councilor moves their residence from their ward during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

What a “yes” vote means: This would correct a conflict with Section 9 “Deputy Mayor”.

What a “no” vote means: The City Charter would remain unchanged.

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Amendment to Section 22: Board of Library Trustees

The Board of Library Trustees shall be comprised of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that 1/3 of the members of the Board shall be elected each year. Elections by the City Council shall be conducted pursuant to Section 68 of this Charter. The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-a of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. The Board of Trustees of the Public Library shall organize annually by the choice of a Chairman and such other officers and committees as it deems necessary. ~~The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.~~ **The Board of Trustees shall appoint a librarian who shall not be a trustee and their compensation and other terms of employment shall be in conformity with relevant provisions of this Charter and City Ordinances.**

What a “yes” vote means: This would change the City Charter to be in conformity with the provisions of RSA 202-A:11, V.

What a “no” vote means: The City Charter would remain unchanged.

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Amendment to Section 47: Municipal election filing period, ballot preparation.

The name of any qualified person shall be printed upon the municipal election ballot upon his filing with the City Clerk not later than five o'clock in the afternoon of the 45th day, nor earlier than nine o'clock in the forenoon of the 60th day prior to the date of said municipal election, his declaration in writing that he is a candidate for an office to be filled at the next succeeding municipal election. Each candidate shall pay to the City Clerk a filing fee in an amount established by ordinance, but which in no event shall exceed \$50 for any office.^[1] The City Clerk shall prepare the ballots to be used at the municipal

election. The ballot shall contain the names, ~~in alphabetical order~~ **according with RSA 656:5-a**, without party designation, of all persons who qualify with the City Clerk as a candidate for any office to be voted on at said municipal election. Below the list of names of candidates for each office there shall be as many blank spaces for write-in votes as there are votes permitted for such office.

What a “Yes” vote means: This would amend Sections 47 to conform to State laws according with RSA 656:5a and current practice of the City Clerk.

What a no vote means: The charter would remain unchanged.

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Amendment to Section 51: Absentee voting.

~~Any registered voter in the City of Rochester~~ **who qualifies, under RSA 657:4, for an absentee ballot** ~~is absent from the City on the day of the municipal election or any City election, or who cannot appear in public on an election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person, may vote at such election by absentee ballot. The provisions of RSA 669:26 through 669:29 as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated shall apply to such absentee balloting, except that the duties performed therein by the Town Clerk shall be performed by the City Clerk.~~

What a “Yes” vote means: This would amend Sections 51 to conform to State law under RSA 657:4 and current practice of the City Clerk.

What a no vote means: The charter would remain unchanged.

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Amendment to Section 55: Supervisors' session, voter registration.

~~For each municipal election said Board of Supervisors shall be in session for the purpose of revising and correcting the list of voters at such places as they shall designate in accordance with the requirements of RSA 654:27, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. In the preparation of said list the said Board of Supervisors shall have all of the powers granted to and perform all of the duties imposed upon such Supervisors by the provisions of Chapter 654 of the New Hampshire Revised Statutes Annotated, so far as the same are not inconsistent with the provisions hereof. Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the City Clerk and shall sign a written affidavit as to his Rochester residence under oath before either said City Clerk or justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The Board of Supervisors of the Checklist shall receive said affidavit and certification from said City Clerk on forms to be prepared by said Board of Supervisors of the Checklist. The City Clerk shall receive such applications at any time, but no applications received within 10 days of the next election shall be considered for said election.~~

What a “Yes” vote means: This would amend Sections 55 to conform to State law under RSA 654 and current practice of the City Clerk.

What a no vote means: The charter would remain unchanged.

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Amendment to Section 57: Supervisors of the Checklist, election day duties.

~~The Chairman of said Board, with the advice and consent of the other members, shall, at every election, select one of their number to serve in each ward, whose duty shall be to decide such contested cases as may arise by reason of the omissions specified in Section 55 of this act.~~

What a “Yes” vote means: This would eliminate an elected position which is not currently active.

What a no vote means: The charter would remain unchanged.

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Amendment to Section 70: Removal of elected officials.

By an affirmative roll-call vote of at least nine City Councilors, the City Council may, **consistent with RSA 49-C:13**, ~~remove any elected City official from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council,~~ **on specific charges and after due notice and hearing, at any time remove the Mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.** A vacancy occasioned by removal under this section shall be filled in the manner provided in the Charter.

What a “yes” vote means: This section is in conflict with RSA 49-C:13. The proposed change would correct that conflict.

What a “no” vote means: The City Charter would remain unchanged.