

**City Council Public Hearing
July 6, 2021
Council Chambers
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Belken
Councilor Bogan
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Hutchinson
Councilor Jean
Councilor Lachapelle
Councilor Rice
Councilor Walker
*Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Thomas Kaczynski, Resident
Human

COUNCILORS ABSENT/EXCUSED

Note: *Mayor McCarley submitted her resignation effective June 30, 2021. Deputy Mayor Lauterborn was sworn into Office as Mayor on July 1, 2021.

Minutes

1. Call to Order

Mayor Lauterborn called the Public Hearing to order at 6:30 PM.

2. Resolution Authorizing Placement of Proposed Charter Amendments On The November, 2021 Municipal Ballot in Accordance With RSA 49-B:5 – See *Exhibit A*

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.

Mayor Lauterborn invited members of the public to come forward to speak about the proposed City Charter Amendments.

Thomas Kaczynski, resident of Whitehall Road, and State Representative for District 22, addressed the City Council about the proposed Charter Amendment relative to reverting back to four-year terms.

Katie Ambrose, Deputy City Manager, read an email submitted by Ray Varney, resident of Rochester and former City Councilor. This can be found as an Addendum to the City Council Packet for July 6, 2021.

3. Adjournment

Mayor Lauterborn **ADJOURNED** the meeting at 6:37 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Amendment to Section 5**Section 5 Election of Councilors.**

~~Beginning with the regular municipal election of 2003, two Councilors shall be elected from each ward, for terms of two years each, commencing on the first business day after January 1 following their election.~~

Beginning with the regular municipal election of 2023, each ward shall elect a Councilor A and a Councilor B, each Councilor A shall be elected for a term of four years and each Councilor B shall be elected for a term of two years, commencing on the first business day after January 1 following their election. Beginning with the regular municipal election of 2025, each Councilor B shall be elected for a term of four years, commencing on the first business day after January 1 following their election. Pursuant to Section 47 of this Charter, the City Clerk shall establish each ward seat as a separate municipal office, and shall establish a system to distinguish each separate ward seat on the municipal election ballot. Qualified persons may declare their candidacy for no more than one seat on the City Council at any municipal election.

Amendment of Section 6**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. 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.

Amendment of Section 8Section 8 **Election of Mayor.**

At the municipal election to be held in November 1989, and at every regular municipal election thereafter, the Mayor shall be elected for a term of two years. *If the successful candidate for Mayor is a sitting City Councilor with more than 2 years remaining on a term in office, then a Special Election shall be held within 90 days of the successful Mayoral candidate's inauguration to elect a candidate to serve the remaining time of said City Council term of office.*

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.*

Section 70 Removal of elected officials.

By an affirmative roll-call vote of at least nine City Councilors, the City Council may ~~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.

PROPOSED

Amendment of Section 57

~~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.~~

Amendment of Sections 47, 51, 53, 54, 55, 56

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.



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.

~~Section 53 **Election of Supervisors of the Checklist.**~~

~~Each ward at every regular municipal election shall choose, by ballot and plurality vote, one Supervisor of Checklists, and the City Council shall also, in January following each regular municipal election, by ballot and majority vote, choose one Supervisor of Checklists for all the wards of the City, and the member chosen by the City Council shall be Chairman of the Board. All vacancies occurring in the Board shall be filled by the City Council by ballot and majority vote.~~



Section 54 **Voter checklist preparation.**

~~Said Supervisor, The City Clerk having been first duly sworn to the faithful discharge of the duties of their office, and a certification thereof recorded by the City Clerk, shall, previous to every election, prepare, revise, and post up, in the manner required by law, an alphabetical list of the legal voters in each ward. In preparing~~

~~said list they shall record in full the first or Christian name of each voter, but may use initial letters to designate the middle name of any voter.~~

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.~~



Section 56 **Voter checklist, election day.**

~~Said Supervisors shall deliver to t~~**The City Clerk shall provide** attested copies of the list of voters in each ward, prepared and corrected as aforesaid, before the hour of meeting, and said checklist so corrected, and no others, shall be used at the election. After the closing of the polls at said election, the Moderator and the Ward Clerk in each ward shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a corrected and complete list of the legal voters in their ward. One marked copy of each checklist used in said election shall be turned over to the City Clerk by the Supervisors. The City Clerk shall preserve such checklists in his custody for a public record for a period of no less than ~~five~~ **seven** years. Immediately after the ballots cast at a municipal election have been tabulated and the result have been announced, the Moderator or his designee, in the presence of the Selectman or their designees, shall seal and certify the ballots as provided by RSA 659:95 and shall deliver them to the City Clerk in the manner prescribed by RSA 659:98.