

# **THE CITY CHARTER ADVISORY COMMITTEE**

## **Public Input Meeting**

Thursday, March 10, 2011 – 7:00 p.m.

Eileen Dondero Foley Council Chambers

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Present: Assistant Mayor Novelline Clayburgh, Chair; Councilor Coviello; Joshua Cyr; John O’Leary; Peter Loughlin; Robert Sullivan, City Attorney and Valerie French, Recording Secretary

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### **I. Call to Order**

Assistant Mayor Novelline Clayburgh called the meeting to order at 7:00 p.m. She then gave a brief introduction of each of the Committee members.

### **II. Acceptance of Minutes – February 8, 2011**

Councilor Coviello moved to accept the minutes of the February 8, 2011 Charter Committee Organizational Meeting. Seconded by Mr. O’Leary and voted.

### **III. Presentation – Charter 101**

City Attorney Sullivan explained that the Charter is a State law that sets up the framework of city or town government. He stated that the City Charter is the Constitution of the City of Portsmouth and outlines how the government is suppose to operate. He explained until the 1980’s the Charter was never compiled into one document. He said he wrote the Charter at the instruction of the Charter Commission which was adopted by referendum vote at the November Municipal Election of 1987.

City Attorney Sullivan explained that Charter Section 1.8 requires that the City Council vote at its first meeting of each decade on the following precise question, “Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Portsmouth?” He reported that the City Council voted to not create a Charter Commission but to create a Charter Committee to review the Charter and see if there should be any changes made to the document.

In general, RSA 49-B provides for two broad categories of changes which can be made to municipal charters. Charters can be revised or charters can be amended. The statute indicates that an amendment to a municipal charter, “means the enactment or repeal of a single section or sub-section of a charter pertaining to any one subject matter, and any related section, the meaning or operation of which is changed as a result of the enactment or repeal.” Thus an amendment is a single change in the charter. Amendments can be made by the City Council having a public hearing and a referendum vote. If the City Council chooses, amendment questions may be placed on the November Municipal ballot by a simple majority.

City Attorney Sullivan explained the revision process which refers to a major change in the charter. He said an example of a revision would be changing the city form of government. If the City Council determines that a revision of the City Charter is necessary a question would be placed on the ballot to establish a Charter Commission. If the question to form a Charter Commission passed then another election would take place for the adoption of members to the Commission. He said the Commission would then be required to follow the statutes. City Attorney Sullivan suggested that there is no evidence that the Charter would need a revision process. The revision process is very tedious, lengthy and costly.

Assistant Mayor Novelline Clayburgh asked when the information would need to be to the City Clerk for placement on the November Municipal ballot. City Attorney said the City Clerk would need the information by late August.

#### **IV. Public Input Session**

Assistant Mayor Novelline Clayburgh stated that the Committee is compiling a master list of suggestions and any recommendations made this evening will be added to that list. She stated that all recommendations will be discussed at a future meeting. She stated that anyone who is not present who wants to make suggestions can e-mail or call the City Clerk, herself or Councilor Coviello and they will be added to the Master List.

Assistant Mayor Novelline Clayburgh then opened the public input session:

Rick Becksted Jr. – stated he is glad to have the opportunity to speak on this as he has been a resident for 28 years and attended Portsmouth schools. He stated that his children attend New Franklin Elementary school and he feels that the city does a lot for the people who live here. He then stated that he does not feel that all people are truly represented on the City Council as many members are business people and lawyers, etc. He stated he would like to see a Council representative for each of the 5 wards and 4 at-large councilors. He continued that he is not against the way the city is run and feels the City Manager has done a great job, but he has been here for many years and feels that we should have a full-time Mayor. He concluded that he loves this city and wants what is best for the residents and feels that not all are being heard or represented.

Rick Condon, representative for Portsmouth Firefighters – stated he has read that there are some people that want to do away with the Police and Fire Commissions. He stated that these Commissions should remain because they help keep civility between the departments and the City. He stated we currently have a good working relationship with the City Manager, but the next one, we may not. He concluded that the Commission helps the departments maintain their goals.

Christopher LeClaire, Fire Chief – spoke in favor of keeping the Police and Fire Commissions in place stating that as they are elected at-large by the same electorate as the Council, it is the purest form of representing public interest. He stated the Fire Commission and Police Commission are on the same level as the City Manager on the Organizational Chart. He

stated his immediate boss is the Fire Commission, but he also has to work well with the City Manager, even when it may no longer be John Bohenko. He stated he has to work well with that person to make sure the interest of his department is well represented through the city process and City Council process. He stated the City Manager represents the public interest and is the governing board of all City departments except Fire, Police and School Department. He continued that his boss is the Fire Commission and not the City Manager. He stated that because of this, the information that the public and City Council receives regarding public safety is unfiltered and not restricted. He stated he supports keeping the present form of government.

Rich Brabazon, Police Officer – spoke in favor of keeping the Police and Fire Commissions stating they have the best interest of the City and do a great job.

Vassillios Pamboukes – spoke in favor of keeping the Police and Fire Commissions stating that he can sum up their function in one word – results. He stated that since the Fire Commission was implemented back in 1987 they have provided a foundation for a previously demoralized department that didn't know where it stood in the City. He continued that the Fire Department has grown to be a great part of the community and is highly regarded throughout the State and elsewhere for the quality, depth and scope of the services provided to the City including, firefighting, emergency medical services, public education, the Port, hazardous materials response, etc. He concluded that all of this is a result of having a Fire Commission in place.

Harold Whitehouse – stated back in 2000 there was a Committee formed to review the Charter. He stated the report was given in May of 2000 and he proceeded to highlight some of the recommendations of the Committee. Some of the recommendations included: Mayoral candidates should run for the office of Mayor only; compensation for city elected officials should be increased from \$500.00 to \$800.00; Section 7.4, Independent Audit, recommended audit must be made available 120 days after the fiscal year; Section 7.8, Adoption of the Capital Program, recommended the City Manager shall submit to the Council a report of all ongoing or completed capital projects the first January of each year; Fire Commission and Police Commission, increase their authority, add a section that would allow the City Council to appoint an alternate that could be a non-voting person to strengthen the 2 commissions and change in the quorum of the Fire Commission to all 3 members, which is in effect today; Negotiations, recommend that the person either be a full-time or a part-time person, which the charter currently states it must be a full-time, but the current one is part-time; Also, establish a Charter Revision Commission to completely review any suggested changes; finally, have all bargaining unit contracts be approved by a 2/3rds vote of the Council and not a majority. He presented the Chair with a copy of the May 2000 recommendations.

Bill St. Laurent – asked for clarification regarding the Charter stating that it states that a Charter Commission shall be established and not a Charter Committee. City Attorney Sullivan stated that is correct and this is a Committee and not a Commission. He stated the actual question the Council has to answer is *if* a Commission shall be established and before that they can form a Committee as a preliminary step to make a recommendation to the Council.

He stated the Council can decide to establish a Commission or it can be done through citizen petition.

Mr. St. Laurent continued that he is neither for nor against his next suggestion, but he has heard a lot of talk in the public about whether we should retain the Police and Fire Commissions and feels that this should be placed on the ballot to let people reaffirm that they do still want these commissions or not. Next, he stated another suggestion is to have term limits for the City Manager stating that the usual length a City Manager stays in one place is 5-6 years and they do not usually stay in one place for their career. He stated maybe people would rather see a Mayor form of government instead of City Manager and feels that there are numerous things that should be put on a ballot for the new people in Portsmouth to have the opportunity to express their views. He continued that he would like to see established a public comment session that allows the citizens to interact with the Council and get answers when the questions are asked. He also feels that the budget should be voted by a 2/3rds vote and not a simple majority. He would like to see term limits for the Negotiator as well so they don't become too complacent. He asked what the deadline is for getting suggestions to the Committee. City Attorney explained the process again, stating this committee will make it's recommendation around June 1<sup>st</sup>.

Fire Chief LeClaire stated that in regards to Mr. St. Laurent's comments that it is common for a City Manager to only last 5-6 years, he stated that is true because of the stress of the job and is true of Fire Chief's as well unless you have outstanding people in those positions which he feels we do. He stated in our case the City Manager is doing an exemplary job and there is no reason to change what works. He stated he doesn't want any of his remarks to appear as disparaging to the City Manager and he enjoys working with him because he doesn't have to work for him.

John Fairburn, Portsmouth Listens, asked for a copy of the City Charter. A copy was provided to Mr. Fairburn and it was noted that the City Charter is on the City website.

Seeing no one else wishing to speak, the Chair closed the Public Input session.

## **V. Miscellaneous/Unfinished Business**

Mr. O'Leary stated that regarding the receiving of suggestions, he would like them to the committee as soon as possible as May 19<sup>th</sup> is the last scheduled meeting.

Assistant Mayor Novelline Clayburgh asked if that is the consensus of the committee and that was confirmed.

Mr. Cyr stated he would also like to have the suggestions include an outline of why they recommend the suggestion and the cons of what we currently have as this will help in the discussion.

Discussion ensued regarding the schedule of future meetings and which items will be discussed at which meeting. There may be items on the list that aren't appropriate to be handled by the Charter Committee which City Attorney Sullivan will advise the Committee. It was also decided that the people who have made the suggestions will be invited to attend the meeting that their suggestion will be discussed.

Councilor Coviello asked for a clarification of a previously submitted suggestion by Mr. Cameron which is asking for a 2/3rds majority vote of the budget and he believes that it should also be noted that the budget would revert to the previous year's budget and not the City Manager's proposed budget. Secondly, he would like to suggest changing the terms of the Police, Fire and School from 4 years to 2 years.

Assistant Mayor Novelline Clayburgh stated that City Attorney Sullivan will not be at the March 24, 2011 meeting so she will meet with him prior to review the list for discussion at that meeting. The Committee also decided that they will dedicate the meeting of April 7<sup>th</sup> to the Police and Fire Commission issue. It was also decided that the public hearing scheduled for April 19<sup>th</sup> will be moved to the May 5<sup>th</sup> meeting if needed.

## **VI. Adjournment**

At 7:55 p.m., Mr. O'Leary moved to adjourn. Seconded by Councilor Coviello and voted.

Respectfully submitted by:

Valerie A. French  
Deputy City Clerk