



City Council Meeting
Minutes
October 24, 2011
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Roll Call. Councilor Bennett, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilors Blanchard, Bouchard, Nyhan and Patten were excused. Councilor McClure was absent.
3. Agenda overview by the Mayor.
4. **October 24, 2011 Public Hearing**
 - A. Report from Mayor Bouley recommending a Proposed City Charter Amendment and Ballot Question. (10-12)

Action: Mayor Bouley explained that currently the ward lines are found in the City Charter and because of this, the Council must amend the charter. He noted that what this amendment does, as proposed, is that it would change from the charter to the ordinances indicating that this would provide for a transparent and fair process, it would meet their constitutional obligations and would still provide public hearings and citizen feedback but that it would be more timely and an efficient manner to decide the city's ward lines. Referencing the report, he pointed out that it contains the proposed question to be placed on the ballot for consideration and if the report is adopted this evening, it would be brought forth at the upcoming Presidential Primary.

City Solicitor Jim Kennedy added that this has been a problem this year for the city in which there were two candidates for certain wards in which they were domiciled during the filing period and prior to the upcoming Municipal Election. He noted that at the November election there is a redistricting question for the voters to consider and if the voters approve that redistricting question those two candidates would then be in different wards in which they originally filed and therefore, to the extent that they won that election, would not be eligible to serve the positions that they were elected to serve. He stated that this charter amendment seeks to remove that problem from occurring ever again. What was done here is modeled after what the City of Nashua has done to transfer the ward redistricting process from the city's charter to the ordinance process. He indicated that what the Council will be requesting for the voters to consider at the upcoming Presidential Primary is whether or not they will allow the City of Concord to have the rules that govern redistricting in the charter and in the NH Constitution and the process to undergo redistricting to take place via ordinance. Mr. Kennedy explained that the Legal Department has examined the scope of this process and understand and know for certain that this is the way that

the State of NH itself does it; the rules for redistricting are in the Constitution and the districts of the house and senate are set forth by statute which is the same process in which they are talking about doing here. He added that they have done a study of all the major cities in New England to determine how they do it and have learned that others undergo this process. He noted that the ordinance process invites the public to be part of it, it offers public hearings, gives people the opportunity to see the ward districts as they are being recommended, and to comment and to speak about those issues at public hearings. He stated that it's still very much a public process but ultimately ends in a City Council vote that leaves absolute certainty as to what those ward lines are.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, Concord resident, noted that the charter is a much more involved and difficult process to amend but fears that by moving things, the public will be less involved. He noted his concerns with the wards being amended at any time or several times a year if this passes. He stated that if Council approves this, he would like to see it amended to the effect the Council is only allowed to consider this, at most, once a year. He added that currently, three state entities must review and approve and would like to keep this review process in place if this proposed amendment is approved. He lastly stated that he doesn't feel that it's fair to include the prison population within a given ward as part of the population suggesting that it be divided within several wards.

Kris MacNeil, Concord resident, spoke in support of this proposed amendment noting that it is important for individuals be afforded the opportunity to vote for or run for the office out of the ward that they started with. She noted her appreciation for Council considering this right away.

There being no further public testimony, the Mayor closed the hearing.

October 24, 2011 Public Hearing Action

5. Report from Mayor Bouley recommending a Proposed City Charter Amendment and Ballot Question. (10-12)

Action: Councilor Bennett moved approval. The motion was duly seconded and passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Councilor Shurtleff thanked everyone that volunteered and provided services in Make a Difference Day. He further thanked Jim Majors, the General Services Department and Matt Walsh for their help.

Councilor DelloIacono reminded everyone that this Friday is Halloween Howl in downtown Concord.

City Clerk Janice Bonenfant reminded residents that the upcoming Municipal Election is on November 8th and that polls open from 7:00 am to 7:00 pm. She added that if anyone had any questions they could contact the City Clerk's Office at 225-8500.

Adjournment

The time being 7:17 p.m., Councilor Stetson moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*