

# **DRAFT UNTIL APPROVED**

## **Final Report of the Salem, New Hampshire Charter Commission**

**December 29, 2009**

### **Commission Members**

Arthur Barnes

Kevin Breen

Robert Campbell, Chairman

Stephen Campbell

Annette Cooke

William J. Ganley III

Patrick Hargreaves, Vice Chairman

Michael Lyons, Secretary

Cathy Stacey

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## **Summary**

After certification of the election of the Salem, New Hampshire Charter Commission on June 1, 2009, the commission held an organizational meeting on June 18, 2009 at the call of the Town Clerk. A meeting was held on July 2, 2009 to receive public input in accordance with provisions of the statute governing preparation of a new or revised charter. The commission met regularly thereafter and produced a Preliminary Report (Reference 1) on November 5, 2009 which included a draft charter for an Official Ballot – Town Council form of government.

The draft charter was submitted to the New Hampshire offices of the Attorney General, Secretary of State, and Department of Revenue Administration. A result of that review was that a substantial change in the charter was required to either eliminate the official ballot provision or add a deliberative session prior to the official ballot.

The Charter Commission met to consider the response to the report. The commission was unable to reach consensus and a majority vote to make the required changes or to submit any other form of charter. The commission also considered and rejected proposals to propose amendments to the existing charter.

There being no form of charter that could gain majority support of the commission, the commission voted on December 21, 2009 to submit a report of that result.

## **The Work of the Commission**

The commission held an organizational meeting on June 18, 2009 and held a meeting on June 18 to receive public input. The commission met with a representative of the Local Government Center to receive input on various issues and forms of charter that may be adopted by municipalities.

Salem's experience with a modified Official Ballot Town Meeting was reviewed and a consensus formed that there were several areas that could be improved. In particular, there has been very low participation in the deliberative sessions.

After several meetings a consensus developed to proceed with an Official Ballot – Town Council form of charter. Because of the experience with the low participation in the deliberative sessions, it was proposed that a deliberative session not be included. The rationale for that proposition is included in the Preliminary Report (Reference 1). A legal opinion supporting that aspect of the charter was obtained. (Reference 3).

The commission developed other aspects of the proposed charter, considering such number and terms of councilors, at-large or district representation, and matters to go on the Official Ballot. The work resulted in the Preliminary Report approved by the commission on November 5, 2009.

The Preliminary report was submitted to the offices of the Secretary of State, Attorney General, and Department of Revenue Administration for review and comments, which were received in early December, 2009. The proposed charter was disapproved. (2)

The principle reason for disapproval was that the charter proposed an Official Ballot process without a deliberative session to discuss and amend the matters to be included on the Official Ballot. The suggested remedy was to revise the proposed charter to either adopt a Town Council without an official ballot, or add a deliberative session prior to the Official Ballot.

The other elements that would have required changes to the draft charter are found in Reference 2.

The commission met to consider the changes required comply with the requirements of the letter of disapproval. The commission was unable to reach agreement to revise the draft charter to comply with either of the remedies proposed by the state report.

The commission also considered whether to propose amendments to the existing charter. The commission did reach agreement on any proposed changes to the existing Official Ballot Town Meeting charter.

Having failed to reach consensus on any action, the commission voted to make this final report to that effect.

### **Minority Reports**

Minority reports not exceeding 1000 words, which include identification of the author(s) and which may include concurrences by other members of the commission, but which do not require approval of the commission and which shall not be taken to imply approval or concurrence of the commission, are attached.

## References

The following elements of the work of the Charter Commission are included in this report by reference:

1. Preliminary Report of the Charter Commission, November 5, 2009
2. State review comments
3. Legal opinion on elements of the charter to include both LGC's and Town Counsel's

## Minority Reports

1. Minority Report 1
2. Minority Report 2

January 5<sup>th</sup> 2010 is the deadline for Minority Reports