

Town of Londonderry
Charter Commission

Agenda
August 9, 2010

The Charter Commission meeting will be held in the Moose Hill Council Chambers, Londonderry Town Hall, 268B Mammoth Road, Londonderry. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. All agenda times are approximate.

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| 7:00 PM | I. | Call to Order – Public Session |
| 7:00 PM | II | Old Business |
| | A. | Review of the Town of Londonderry response to citizen (BN) requested budgetary analysis. |
| | B. | Review of “Quorum” issue and legal guidance involved. |
| 7:20 PM | III. | Charter Commission Report Workshop (A working session to further develop an outline for the required report). |
| 8:20 PM | V. | Charter Commission Discussion |
| | A. | Charter Commission Open Topics |
| | B. | Approval of Minutes |
| | C. | Other Business |
| | VI. | Adjournment |
| | Next Meeting | TBD |

Charter Commission Questions

Regarding A Quorum for the Deliberative Session

There has been a healthy amount of conversation during our meetings regarding the issue of establishing a “quorum” and of course there are pro and con views to this. The Charter Commission was established to study the Issue of “Official Ballot Voting” a very narrow focus. Comments may by David Scanlon, Secretary of State’s Office, in response to questions about the role of the Commission and the issue of the quorum indicated that given our very narrow focus it may be “unconstitutional” for the Commission to address the issue of a quorum as the enabling legislation (SB2) contains no provisions for it.

This raises questions:

1. Is the Charter Commission, given its narrow focus, permitted to address the issue of a Quorum for the Deliberative Session?
2. If the answer is “Yes” then the question is: Under what enabling legislation is the Commission allowed to address the issue.
3. If the answer is “No” then the question is: Why not?

Note: If the answer is “No” a related question has been asked: How it is that the School Board was able to enact a quorum to their Deliberative Session when they established their form of governance.

Regarding the Ballot Question that Established the Charter Commission

Commissioner Young has opined that it is his belief that the question itself and a “potential” Yes vote by the voters would negate the entire Town Charter.

Question:

1. Does the adoption of “Official Ballot Voting” through the method established when the voters approved the question in March 2010 negate the rest of the Charter?
2. If the answer is “Yes” then the question is: Why?
3. If the answer is “No” then the question is: Why not?

There have been some members of the public who have opined that the vote in March indicated strong community support for a change to “Official Ballot Voting”.

Question:

1. Does the vote in March 2010 restrict in any way the vote of the Commissioners to recommend either for or against a change?

Regarding the Establishment of the Date for Voting

1. Is it within the power of the Charter Commission to move the Date for voting?

Regarding the Report

1. Is a report required in the event of a “No” vote.
2. Assuming a “Yes” and given the provision of a minority report:
 - a. Do the opposing sides have a role in writing the opposite view’s report and/or approving its content?
3. Does the report itself require that the Commission include the specific language of the change?

Other Topics:

1. Does this Charter Commission have the authority to provide language that establishes an Official Budget Committee as part of a recommended change to “Official Ballot Voting”?
2. Can the Commission provide any language in its report (assumed to be in the language of the charter change itself) governing (establishing or restricting in any way):
 - a. Powers of the Deliberative Session including the Moderator
 - b. Contingent articles
 - c. Petitioned articles
 - d. New Spending added on the floor of the Deliberative Session – not addressed in the posted notices or submitted via prior petitioning efforts.
 - e. One time expenditures
 - f. Language that requires the ballot to state “Deliberative Session Recommends...” In the same way as current ballot has TC and BC recommends.
 - g. Restricting reconsideration.