

**CITY MANAGER SEARCH COMMITTEE
OCTOBER 4, 2016, 7:30 PM
CITY HALL, COUNCIL CHAMBERS
MINUTES**

Members present: Jeremy Biggs, Donald Clarke, Martin Davis, Margaret Hurley, Lawrence Johnson, Cheryl Jones, Donald Limoges, Debora Matteau, Kyle Messier, Robert Porter, Brian Rapp, Melissa Richmond and Bethany Yurek.

Members absent: none

Also present: Mayor Charlene Lovett & City Solicitor Jane Taylor.

Mayor Lovett opened the meeting at 7:30 pm by welcoming the Committee and thanking everyone for volunteering their time. She reviewed the latest update from Alan Gould, MRI, the company the city has hired to facilitate the city manager search. 36 candidates have applied, six candidates from both New Hampshire and Vermont, and others from several other states. The field has been narrowed to the top 16, who have been asked for essay responses. After background work and review of the essays are complete, MRI will present the remaining candidates to the steering committee for review.

Mayor Lovett asked if anyone had questions.

Ms. Yurek said she had a concern and a question.

Her concern was that she had heard from reliable sources that the city council had already selected a candidate. Ms. Yurek stated that one councilor said he doesn't know why a committee is being convened because the city council has already made up its mind.

Further, she said a close friend of the applicant has disclosed that the applicant stated having made the "first cut" and having the votes on the council to get hired; actually naming councilors that will support this candidate.

Ms. Yurek asked if this is already a done deal. She wanted to know if the committee was created only to give the appearance of an open process or if the committee would be allowed to conduct legitimate search for a new city manager.

Ms. Matteau echoed those concerns and said she too had heard rumor that a candidate had been preselected. She said that it was critical that this process be as transparent as possible and that the stakeholders (the community) need to feel part of this process and asked what had been done to date to assure that, and if there was further work the committee could do to further that.

Mayor Lovett said that community input was sought, and that citizens had met one and one with the consultant with input as to what they would like to see in a city manager. There were seven citizens who met in person with the consultant, and some who telephoned in. She referred to a candidate profile that was developed as a result of input from these citizens and input from city staff and city council. That profile is on the city's website.

Several other Committee members expressed concern that we get to the bottom of this issue and have assurances that this process is above board. Many also felt it was critical to get more inclusive community input on the city manager profile.

Mayor Lovett felt this was a very serious charge and she would like to proceed with facts, not rumor, and would be speaking with Ms. Yurek to get more information and promised to check out these allegations. She assured the Committee that they were convened to review candidates and make a recommendation on the top three to the City Council and to her knowledge, the City Council has not already made their choice.

The Committee introduced themselves and stated why they were interested in serving.

City Solicitor Jane Taylor distributed a full copy of the Right to Know Law, the City Charter, the Code of Conduct, and a template of minutes for nonpublic session. She reviewed the Right to Know Law (91-A) with the Committee. She outlined what constitutes a meeting, and cautioned the Committee against any mass communication over email, especially when it appears to solicit a response and not anything involving the substance of issues before the Committee. This type of communication constitutes a meeting under the law, and could result in fines and sanctions. (Communication over email is fine if just communicating logistics of meetings, i.e. time, place, if you are attending, etc.). While a meeting is technically a quorum of the body (7 or more members), even gatherings of less than a quorum, when discussing business before this body, should be avoided. The spirit of the law, which is to maintain an open and transparent process, should be considered in all circumstances. When reviewing city

manager candidates, the body will need to vote to go into non-public session, under RSA 91-A:3, II (a). A roll call vote of 2/3 must be recorded in open session before going into non-public. Minutes need to be taken in non-public, but votes should not be taken in non-public (consensus is okay). A simple majority vote (roll call) is required to come out of non-public session. Once back in public session, a vote needs to be taken to seal minutes with a specific reason and a general or specific time period for the sealed minutes to be unsealed, and a 2/3 roll call vote is needed. If minutes are sealed, they must be sealed in their entirety.

A motion was made by Mr. Limoges to adjourn. Ms. Matteau asked if the Committee should discuss how they want to approach possibly expanding public input beyond what the Mayor had indicated was done. She felt that the very limited input obtained to date was not inclusive enough for the community to have had adequate input and that if this Committee were to expand on that, it should be discussed now.

The Committee decided it should elect a Chair. A motion was made by Mr. Porter, seconded by Ms. Richmond, to nominate Ms. Messier as Chair. Ms. Messier said she would feel more comfortable accepting if she had a Co-Chair. A motion was made by Ms. Matteau, seconded by Mr. Rapp, to nominate Ms. Yurek as Co-Chair. Both motions and seconds were withdrawn. A motion was made by Mr. Rapp, seconded by Ms. Matteau, to elect Ms. Yurek and Ms. Messier as Co-Chairs. Motion carried with a roll vote, with the following members voting in affirmative –Margaret Hurley, Cheryl Jones, Donald Limoges, Debora Matteau, Kyle Messier, Robert Porter, Brian Rapp, Melissa Richmond and Bethany Yurek. Voting no were: Donald Clark, Lawrence Johnson and Martin Davis. Abstaining was Jeremy Biggs as he has not taken the oath of office. Motion carried 9-3.

The Committee debated how and when more public input could be sought, as well as their role and the role MRI should have with this Committee. Ms. Richmond reminded the Committee that the Master Plan is currently being worked on that that there was an extensive community forum and Visioning Session as well as a community survey. Those results can be shared with the Committee. Ms. Hurley suggested researching what a 21st century city manager might look like, citing that there may be things we are not even aware of out there that are being done in other communities. She offered to research articles and distribute them to the Committee.

They also discussed the deadline of having a new city manager on board as of January 1, 2017, a deadline set by the City Council. Committee members discussed how critical it was to have this process play out as completely and as transparently as possible and

for this Committee to take the time it needs to made the best decision for the community in their recommendations.

Bernie Folta, Ward III, stated that the city has a contract with MRI, which is on the website. He said that if the scope of their original work is altered by adding a forum for community input, that may increase the cost for their work.

A motion was made by Mr. Clarke, seconded by Mr. Davis, to be in contact with MRI and invite them to meet with this committee as soon as possible to discuss the next steps and our desires for public input and get their professional advice. Motion carried unanimously by voice vote, with Mr. Biggs abstaining.

Once MRI can commit to a date, Co-Chairs will be in touch regarding next meeting date. The Committee decided 6:30 was a good start time for future meetings.

Motion made by Mr. Limoges, seconded by Mr. Davis, to adjourn. Meeting adjourned at approximately 9:30 pm.

Respectfully submitted,

Debora Matteau
Secretary