



## RESOLUTION

### PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE MANNER OF APPOINTMENTS TO THE NASHUA BOARD OF POLICE COMMISSIONERS

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-One*

**RESOLVED** by the Board of Aldermen of the City of Nashua that pursuant to RSA 49-B:5, the following amendment to the Nashua City Charter is deemed necessary and shall be submitted to the voters by placing it on the ballot at the next regular municipal election on November 2, 2021, in the manner required by NH RSA 49-B with the following question and summary:

**Shall the municipality approve the charter amendment summarized below?**

#### SUMMARY

This amendment would provide for appointment of Board of Police Commissioners by the Mayor and the President of the Board of Aldermen upon approval of the Board of Aldermen. Appointments shall be based upon qualifications, merit and record of community service and should be balanced so that the membership of the Commission reflects the citizenship of the City. Members of the immediate family of and residents of the same household with the Mayor and any Alderman would be ineligible.

The Nashua City Charter shall be amended by deletion of the current sections A-101 through A-102 and A-141 through A-146 and by addition of the following new A-100 through A-102:

#### **§ A-100. Appointments Based Upon Qualifications, Merit, and/or History of Community Involvement**

The Board of Police Commissioners of the City of Nashua shall consist of five (5) members. Appointments will be based upon qualifications, merit and record of community service. The Mayor and the President of the Board of Aldermen should use their best efforts to balance the membership of the Commission to reflect the citizenship of the City. In no event shall a member of the immediate family or a resident of the household with the Mayor or any Alderman be eligible for appointment.

**§ A-101. Appointment of commissioners**

The Mayor shall, with the advice and approval of the Board of Aldermen, appoint three (3) persons to the Board of Police Commissioners, each holding office for a three (3) year term, or until his or her successor is duly appointed and qualified. The President of the Board of Aldermen shall with the advice and approval of the Board of Aldermen appoint two (2) persons to the Board of Police Commissioners, each holding office for a three (3) year term, or until her or his successor is duly appointed and qualified. Notwithstanding the foregoing any person holding office as a commissioner under the appointment of the governor and council under the authority of Laws 1913, chapter 148, at the date of the passage of this section shall continue in office as such commissioner until the expiration of his or her said term of office. The first, third, and fifth appointments following such term expirations shall be by the Mayor and the second and fourth by the President of the Board of Aldermen and shall be staggered such that the term of one or of two commissioners shall expire each year. Thereafter any vacancy from any cause shall be filled by the original appointing authority with approval of the Board of Aldermen for the remainder of the term or for a new term as is applicable. Each said commissioner shall have been a resident of the City of Nashua when appointed for at least five years immediately preceding the date of her or his appointment and shall remain a resident during said term. The Mayor or the President of the Board of Aldermen shall, annually, on or before the first day of August thereafter, with the advice and approval of the Board of Aldermen, appoint one or two commissioners, who shall succeed the ones whose term expires and who shall serve for three (3) years from September first unless sooner removed as (hereinafter) provided. Not more than three commissioners shall be of the same political party.

**§ A-102. Removal of commissioners**

The Mayor or President of the Board of Aldermen with the advice and approval of the Board of Aldermen shall have full power to remove any commissioner which he or she or her or his predecessor has appointed.

...

## LEGISLATIVE YEAR 2021

**RESOLUTION:** R-21-143

**PURPOSE:** Proposing an amendment to the City Charter relative to the manner of appointment of the Nashua Police Commission.

**SPONSOR(S):** Mayor Jim Donchess  
Alderman Thomas Lopez  
Alderman Brandon M. Laws  
Alderwomen Shoshanna Kelly  
Alderwoman Patricia Klee  
Alderwoman Jan Schmidt

**COMMITTEE ASSIGNMENT:** Personnel/Administrative Affairs Committee

**FISCAL NOTE:** The City Clerk estimates the cost associated with a charter amendment as approximately \$200 during a regular municipal election.

---

### ANALYSIS

This Resolution would submit to the voters a proposed amendment to the City Charter providing for appointment of police commissioners by the mayor and the president of the board of aldermen with the approval of the board of aldermen.


The procedure for charter amendments is set forth in RSA 49-B:5. The Board of Aldermen must hold an initial vote to determine if the amendment is "necessary". If the amendment is determined to be necessary, the Board of Aldermen must order that notice be given for a public hearing on the amendment. Notice of the public hearing must be published in a newspaper of general circulation at least seven (7) days prior to the scheduled hearing. The notice must contain the text of the proposed amendment and a brief explanation.

Within seven (7) days after the public hearing, the Board of Aldermen shall file with the City Clerk a report containing the proposed amendment. Within ten (10) days of filing, the City Clerk files a certified copy of the report to the secretary of state, the attorney general, and the commissioner of the department of revenue administration pursuant to RSA 49-B:4-a. Within seven (7) days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration, the Board of Aldermen may vote to order the proposed amendment to be placed on a ballot at the next regular municipal election.

---

Approved as to form:

Office of Corporation Counsel

By: 

Date: May 6, 2021