

PUBLIC HEARINGS

Public Hearings were conducted by the Personnel/Administrative Affairs Committee on Thursday, August 8, 2002 beginning at 7:03 p.m. in the Aldermanic Chamber.

Alderman-at-Large James R. Tollner presided.

Members of the Committee present: Alderman Stephen C. Lamos, Vice Chair
Alderman-at-Large Paula I. Johnson
Alderman Timothy B. Nickerson
Alderman Robert A. Dion

Also in Attendance: Alderman-at-Large David Rootovich
Alderman-at-Large Frederick Britton
Alderman-at-Large David W. Deane
Paul Bergeron, City Clerk

PUBLIC HEARINGS

R-02-69

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REVISING THE LENGTH OF THE ELECTED TERM OF THE MAYOR

TESTIMONY IN FAVOR

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Frank Henry, 9 Greenwood Drive, Nashua

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TESTIMONY IN OPPOSITION

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None.

TESTIMONY IN FAVOR

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None.

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TESTIMONY IN OPPOSITION

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None.

R-02-70

PROPOSING AN AMENDMENT TO THE CITY CHARTER REQUIRING
THE MAYOR TO DELIVER AN ANNUAL STATE-OF-THE CITY ADDRESS
TO THE BOARD OF ALDERMEN

TESTIMONY IN FAVOR

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None.

TESTIMONY IN OPPOSITION

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None.

TESTIMONY IN FAVOR

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None.

TESTIMONY IN OPPOSITION

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None.

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R-02-82

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REVISION OF THE BOUNDARIES OF WARDS 4, 6, 7, AND 8

Paul Bergeron

I had distributed a packet of information to the members of the committee prior to the weekend to try and explain what is going on with these proposed changes in redistricting. It is a complex storyline for us to have gotten to this point, however I think if you understand that right now based on the Supreme Court's decisions, our wards are no longer balanced following the last

redistricting. We need to make some changes in the lines to bring them closer to a one-man/one vote principle. To put it as briefly as I can when the census is taken every ten years those population numbers are supposed to be used for redistricting purposes on the federal, state, and local levels. For that reason, the census is supposed to follow existing voting district lines. We assumed throughout the state that is what happened here in New Hampshire. When the Office of State Planning distributed the raw data telling us that X number of people lived in each of the wards, the cities throughout the state assumed that information was correct and that it was following the existing ward lines.

The process that was explained to us to make the changes from the Secretary of State was that we should then start with that as our base number, determine the average number in each ward, and plus or minus population blocks so that we could come as close as possible to that average number. As you probably know the House and Senate couldn't agree on a redistricting plan so they threw it to the Supreme Court. The Supreme Court, in its wisdom, used the U.S. Census tracts to establish its Senate districts, and once those were released the cities realized that the census lines didn't follow the ward lines. We assumed that they were using 1991 ward lines when in fact they were using a third set of lines. They weren't using '91 ward lines of 2001 ward lines they were using their own ward lines. In most cities it wasn't a major problem with one exception - Nashua – Wards 7 and 8. The big problem there is that the census considered the F. E. Everett Turnpike as the eastern boundary when in fact it was the Daniel Webster Highway. Because 3,200 people live in that strip it made some significant changes in our population. Now we need to shift some populations back.

The core of this proposal would essentially put Wards 8 and 7 back to the way they were before we redistricted them last year. There are also some very minor adjustments in Wards 4 and 6. Following the computation of what the numbers really are, Ward 6 fell 15 votes shy of being eligible to have 3 State Representatives. Therefore, that is one of the reasons that Wards 4 and 6 have been combined into a single House district. There is a proposal there to move a few blocks from Ward 4 into Ward 6, and try to even out those numbers. I believe that the proposal before you meets the Supreme Court standards for deviation.

I am suggesting a proposal amendment to the original language. The reason for that is at the time that we introduced the original language we really didn't have the data yet from the Supreme Court as to what the population numbers would be for each ward – what was finally agreed to by all of the parties and we also didn't have a model for deviation from the population numbers versus the average of 9623 per ward. I can go into more detail. It probably would get more confusing the more I do, but if you have any questions on specifics I would be glad to answer them. I am asking the committee when it goes back to its committee meeting to consider adopting the amendment that I have included in your packets – it is on your desks. This has been reviewed by both the Planning Department and Legal, and they are both satisfied that this will address the needs of the city.

Chair Tollner

Paul, is this the copy that we had last printed 8-8-02 at 11:52 a.m.?

Paul Bergeron

If it says 8-8 yes. I e-mailed that up to Sue Lovering this afternoon.

Chair Tollner

You all should have a copy of that. If you don't we have extras here.

Alderman Nickerson

I have a question. Not specifically to this proposal – I am sure the numbers are fine. It is more a question on overall ward boundaries. I know some cities in the State of New Hampshire actually have in their Charter – at least I believe that they do – language to the effect that ward boundaries will be determined by Ordinance or Resolution. In my thinking, it would be easier for us to adopt a Charter amendment to do that as opposed to every ten years have to put a question before the voters and then have some of our Senate districts or our State Representative districts in limbo. What is your thinking on that?

Paul Bergeron

Actually it is a position I favor, but the Secretary of State doesn't. I think there is only one city that does in fact allow the changes to occur by Ordinance. The Secretary of State's feeling is that ward lines shouldn't be easy to change – that they shouldn't be changed and adapted depending on the flows of the political makeup of a Board.

Alderman Nickerson

If the language in the Charter could be stated such that it would require a super majority of the Board and only done after the census data is released – have there been any discussion with the Secretary of the State to that affect?

Paul Bergeron

He was pretty firm that he didn't think it was a good idea. He felt that ward lines should be part of the Charter. Personally I am leaning more towards your idea, but that would, of course, require a Charter amendment as well.

Alderman Nickerson

Would the Secretary of State have any authority over that Charter amendment in the city?

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Paul Bergeron

No, the voters of Nashua do.

Alderman Nickerson

Great – thank you. Is there any way to amend this now since the public hearing is tonight to have that type of change made in the Charter or do we need to have this passed and then say for the 2003 election have that type of proposal put on the ballot?

Paul Bergeron

I think that would be a substantive change and would be a whole new type of amendment. It would need a whole new type of – new language, new public hearing – properly advertised and so on.

Alderman Nickerson

I will probably discuss this later on with you to have it either say this fall or next spring in order to get it onto the ballot for next year. Thank you.

Alderman Deane

This 15 residents shy in ward 6 – this data was from 2000?

Paul Bergeron

Yes. In order to have a seat in the House – if you take the total population of the State of New Hampshire, divide it by 400, there are supposed to be 3,089 residents per seat in the House. After the Supreme Court and the Republicans and Democrats in our office sat down together and matched up the actual census population blocks with our actual ward lines we found out that Ward 4 had 3,089 x 3 minus 15, which is 9,255 – they are supposed to have 9,267 to have 3 State Representatives. They were 15 shy. That is one of the reasons why 4 and 6 were combined – their combined populations allowed them to have 6.

TESTIMONY IN FAVOR

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None.

TESTIMONY IN OPPOSITION

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None.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

None.

The Public Hearing was declared closed at 7:18 p.m.

Alderman Timothy B. Nickerson
Committee Clerk