

Hillsborough County Delegation Meeting
Bouchard Building, Goffstown, NH
6:00 PM June 23, 2005

Present: Representatives: Carew, Chattuck, Essex, Carter, Ross, Foster, Mead, O'Brien, Drisko, Gargasz, Ryder, Dokmo, Rowe, Slocum, Stepanek, J. Wheeler, Emerton, Hunter, McRae, Reeves, Golding, Tahir, Daniuk, F. Sullivan, Barody, Desmarais, Haley, Vaillancourt, Barry, Pilotte, Shaw, Brassard, Chabot, Gonzalez, Hagan, Hirschmann, Graham, Moran, Villeneuve, Brundige, Elliott, Hinkle, Mooney, Ginsberg, Matarazzo, Balboni, Movsesian, D. Smith, Gorman, Lefebvre, P. Cote, Jean, Allan, Dyer, Kopka, Lasky, Schulze, Bergeron, Buhlman, Calawa, Jasper, Ober, Ulery. Also present: Comm. Charboneau, Holden, Pappas, M. Wageling, County Attorney, Sheriff Hardy, Registry of Deeds, J. MacDonald, B. Barry, G. Daniels, D. Dionne, A. Durette, M. Duval, C. Kirby, Noonon, B. Moorehead, D. Reidy, E. Robinson, M. Rusch,.

Chairman Allan stated that due to the accident in front of the building the meeting is being called to order at 6:30. He then requested Rep. Movsesian, District #22, to lead the pledge to the flag. Chairman Allan then stated that since this is a meeting of the Hillsborough County Legislative Delegation, members of the Delegation are to be seated, if extra seats are available, members of the public may be seated. Only members of the Delegation are eligible to address the Convention and make motions. All budget amendments shall be submitted to the Clerk of the Delegation in writing and shall specify the appropriation line item, and the amount to be either increased or decreased. For the record, the maker of the motion will state their name and district. Motion forms are available at the front table. Chairman Allan stated that Rep. Jasper, District #27, would be the Parliamentarian for the Delegation Meeting this evening. Chairman Allan also introduced Gilman Chattuck, a newly sworn in representative from Hillsborough, District 1.

Chairman Allan stated that the Board of Commissioners, 7 separate Subcommittee's and the Executive Committee have reviewed the proposed F/Y 2006 budget. Approximately 60 members of the Delegation participated in the budget process. The Executive Committee met for two full days and two half days to review Subcommittee recommendations. Chairman Allan thanked members of the subcommittee for their hard work and stated that any member of the Delegation is welcome to work on the budget. He also noted that there are some difficult decisions to make regarding this years budget.

Rep. Vaillancourt stated point of order and requested a quorum call. Rep. Barry stated that there would be a roll call.

Chairman Allan stated a quorum present with 62 members present.

Chairman Allan recognized Rep. Cote, District #25 for a motion. Motion by Rep. Cote, second by Rep. Movsesian, District #22, to authorize the Hillsborough County Board of Commissioners to accept any funds made available to Hillsborough County during F/Y 2006 and to deposit the same in the general fund or any fund otherwise designated by the provider's terms. On a voice vote motion adopted unanimously.

Motion by Rep. Rowe, District #6, second by Rep. Stepanek, District #6, consistent with RSA-273-A to approve the cost items in the Collective Bargaining Agreement between the Hillsborough County Attorney's Office and Teamsters Local 633 for a term of two years: from July 1, 2005 to June 30, 2007. On a voice vote motion adopted.

Motion by Rep. Golding, District # 9, second by Rep. Chabot, District #17, consistent with RSA-273-A to approve the cost items in the Collective Bargaining Agreement between the Hillsborough County Nursing Home and International Chemical Workers Union Local #1046C for a term of two years; from July 1, 2005 to June 30, 2007. On a voice vote motion adopted.

Motion by Rep. Movsesian, second by Rep. Shaw, District #16 Motion to approve the Proposed F/Y 2006 Hillsborough County Budget as proposed by the Executive Committee for a total appropriation of \$77,523,277 and that the sum of \$42,158,070 be raised in county taxes. Chairman Allan stated the Delegation would not vote until all the amendments are read.

Chairman Allan recognized Rep. Rowe for a motion. Motion by Rep. Rowe, District #6 second by Rep. Jasper to amend the Executive Committee Proposed F/Y 06 Budget to increase the Contingency Account 4199, Line 7010, Salaries/Wages for the Hillsborough County Attorney Office by \$15,570 to cover the projected cost of the Collective Bargaining Agreement between the Hillsborough County Attorney Office and Teamster Local 633. On a voice vote motion adopted.

Chairman Allan recognized Rep. Barry, District #16, for a motion. Motion by Rep. Barry, second by Rep. Gorman, District #23, to amend the Executive Committee Proposed F/Y 06 Budget to increase the Contingency Account 4199, Line 7010, Salaries/Wages for the Hillsborough County Nursing Home by \$25,720 to cover the projected cost of the Collective Bargaining Agreement between the Hillsborough County Nursing Home and the International Chemical Workers. On a voice vote motion adopted.

Chairman Allan recognized Rep. Moran, District #18, for a motion. Motion by Rep. Moran, second by Rep. Jasper to amend the Executive Committee Proposed F/Y 06 Budget to increase the County Convention Budget, 4110, Line 7290, Other Fees and Outside Services by \$15,000. Rep. Moran noted this will allow the Executive Committee to do a Performance Audit and this item was discussed at length during the budget process. On a voice vote motion adopted.

Chairman Allan recognized Rep. Mooney for a motion. Motion by Rep. Mooney, District #19, second by Rep. Brundige, District #19, to amend the Executive Committee Proposed F/Y 06 Budget to increase the Medical Referee Budget 4192, Line 7250 by \$30,000. In response to a question Rep. Moran stated that during the Executive Committee review process \$60,000 was taken out of Medical Referee budget. Previously the County Attorney had stated that the Medical Referee budget could be decreased to \$75,000. Rep. Moran stated that during the budget process the Department request was \$135,000, Attorney Wageling had noted she thought that \$60,000 would be taken from the \$135,000. In reality, the money that was approved was deducted from the Subcommittee recommendations and not the budget request amount. He stated that this was an error in the figures. Brief discussion ensued. On a voice vote motion adopted unanimously.

Chairman Allan recognized Rep. Jasper for a motion. Motion by Rep. Jasper, second by Rep. Golding to amend the Executive Committee Proposed F/Y 06 Budget to increase the Contingency Budget 4199 Line 7010 by \$40,796. Rep. Jasper noted that these funds are intended to assist with a compensation plan proposed by the Board of Commissioners for non-affiliated employees to receive a 1.95 COLA. The plan also calls for merit increases in lieu of the step system, however, the responsible elected officials have not yet approved the proposed plan. Rep. Jasper went on to explain the history and discussions during the budget process regarding merit increases versus steps. A brief discussion ensued regarding the Contingency account and a sum of money being placed into the Contingency account for merits and COLAs. On a voice vote motion adopted.

Chairman Allan recognized Rep. Stepanek for a motion. Motion by Rep. Stepanek, second by Rep. Golding, to amend the Executive Committee Proposed F/Y 06 Budget to decrease Surplus Line 3100 to \$4,000,000. Rep. Stepanek explained the history of the Surplus and noted that during F/Y 06 the original plan was to keep the tax rate lower for the residents of Hillsborough County. After a lengthy discussion

at the June 22, 2005 Executive Committee Meeting a vote was taken to reduce the surplus in the F/Y 06 budget to \$4,000,000 instead of \$5,200,000. On a voice vote motion adopted.

Chairman Allan recognized Rep. Barry for a motion. Motion by Rep. Barry, second by Rep. Brassard to amend the Executive Committee Proposed F/Y 06 Budget to increase the Register of Deeds Budget 4193, Line 7010 by \$2,330 plus benefits. Rep. Barry stated that the Register of Deeds has assigned an individual to perform the functions of the previous deputy clerk; this individual has taken on these responsibilities without an increase in her salary. Rep. Barry noted that during the budget process the increase was approved and then taken out. Rep. Jasper added that this is to adequately compensate the individual doing the function. On a voice vote motion adopted.

Chairman Allan stated that Rep. O'Brien, District #4 has a motion to bring before the Delegation. Motion by Rep. O'Brien, second by Rep. J. Wheeler, District #6 to decrease Line 7010, from 4123, County Attorney's Office by the amount that would be used to pay the two newly created Investigator positions. Rep. O'Brien stated that he was a member of the County Attorney Subcommittee and this item was discussed during the subcommittee review. He states that the mission of the County Attorney's office is to prosecute cases not investigate them. He noted that there are a number of agencies to do the investigating function.

Rep. Tahir, District #9 spoke in opposition to the motion.

Rep. Ulery, District #27, spoke in opposition of the motion noting that he was on the subcommittee and there is a definite need of investigators in some of the towns throughout Hillsborough County.

Rep. Essex spoke in opposition of the motion.

Lengthy discussion ensued with Rep. Moran noting that there was lengthy discussion during the budget process regarding the Investigator positions. In response to a question Rep. Stepanek stated that the amount of the two positions would be \$58,090, that is the amount that would be decreased in the County Attorney Budget, 4123, Line 7010. Rep. O'Brien reiterated his motion noting the amount to be cut \$58,090 plus benefits.

Motion by Rep. Ross to move the question. On a voice vote motion adopted.

On a voice vote the Chairman was unsure of the outcome, a roll call vote was requested.

AYES

Rep. Carter, Mead, O'Brien, Drisko, Rowe, Wheeler, Emerton, Hunter, McRae, Vaillancourt, Barry, Chabot, Hirschman, Graham, Villeneuve, Elliot, Balboni, Lefebvre, Cote, Allan, Calawa, Ober.

NAYS

Rep. Carew, Chattuck, Essex, Ross, Foster, Gargas, Ryder, Dokmo, Slocum, Stepanek, Reeves, Golding, Tahir, Daniuk, F. Sullivan, Baroody, Desmarais, Pilote, Shaw, Brassard, Gonzalez, Moran, Brundige, Hinkle, Mooney, Ginsberg, Matarazzo, Movsesian, Smith, Gorman, Jean, Dyer, Kopka, Lasky, Bergeron, Buhlman, Jasper.

There were two abstentions, Rep. Ulery and Rep. Hagen due to conflicts of interest.

Rep. Barry, Clerk declared the motion fails, 22 Ayes, 37 Nays, with 2 Abstaining.

Rep. Vaillancourt raised an issue of a quorum not being present. A discussion ensued regarding the number of Representatives needed for a quorum. It was noted that there are 123 Representatives representing Hillsborough County with one vacancy in Goffstown, District #7, this brings the representation down to 122. A member of the Delegation stated that in order for a quorum members have to be present and voting. In response to this inquiry Rep. Jasper, Parliamentarian, stated that "for a quorum you need to have the required number present not voting, as long as they are present. Chairman Allan requested a brief recess to calculate the effects of the motions and come up with a final figure for the budget. He then noted that he used the word recess instead of a break in order to maintain a quorum and orderly transition of business.

Chairman Allan recognized Rep. Moran for a final motion. Point of order was declared by Rep. Vaillancourt. Rep. Vaillancourt stated "that 122 members divided by 2 is 61 plus 1, which would be 62, I understand you ruled this is a quorum because someone left during the meeting, clearly, you have to have a quorum to take a vote not just a discussion". Chairman Allan requested Rep. Vaillancourt please be seated. Chairman Allan recognized Rep. Movsesian. Rep. Movsesian stated "that the Hillsborough County Delegation operates under Robert's Rules and that under Robert's Rules if there is a quorum present when the meeting began that we are good for the evening."

Rep. J. Wheeler declared a point of order, Chairman Allan requested that Rep. J. Wheeler please sit down. Rep. Wheeler questioned the chair regarding a quorum being present stating that there is not a quorum present and we cannot do business without a quorum. Rep. Wheeler stated "are you ruling a quorum present?" Rep. Allan stated "absolutely". Rep. J. Wheeler challenged the Chairman. Chairman Allan requested a vote from the members of the Delegation regarding a quorum. On a voice vote motion approved that a quorum is present. Rep. J. Wheeler and Rep. Vaillancourt continuously disrupted the meeting. Rep. J. Wheeler stated that "he would do as he did last year, I am prepared to go to the County Courthouse and to ask the court rulings on any actions further taken at this meeting be invalid and ask them to constitute a new meeting." Rep. Jasper stated that Robert's Rules are clear in this type of situation noting, Unless the bylaws of the organization provide otherwise a quorum is the majority of the Delegates who have been registered at the Convention as in attendance irrespective of whether some may have departed. Rep. Jasper stated there was a quorum present when we opened the meeting and as it had previously been stated regardless of who leaves we are legally able to conduct business under Robert's Rules which are the rules of this Convention. "Rep. J. Wheeler stated point of order questioning the Parliamentarian regarding when were Robert's Rules adopted by this body. Rep. J. Wheeler stated a point of order is not necessary to be recognized. He stated that in order for rules to govern a body they must be adopted by the body, if they have not been adopted during this two year term, they have not adopted any rules and therefore Mason's Rules would apply. What Parliamentary Law states is that there are some basic fundamentals that cannot be avoided they must be obeyed regardless of whether they have been adopted or not." Chairman Allan ruled Rep. J. Wheeler out of order stating that he is now giving a speech. Chairman Allan stated "we are operating under Robert's Rules and they were adopted at the beginning of the year, you were here at that meeting and you voted on them, it is clearly within the operation." Rep. Jasper stated that Ms. Rusch, Delegation Coordinator is getting the minutes from the Organizational Meeting in December when Robert's Rules were adopted by this body. Rep. Vaillancourt requested a point of order stating that State Law takes precedent in such matters, State Law requires a quorum be present at all times not just at the start of the meeting so even if you adopted these rules State Law would take precedent." Rep. Vaillancourt continued with the State Law used in Concord at the House of Representatives.

Rep. Jasper stated that on December 8, 2004 a motion was made by Rep. Stepanek, District #6 and Rep. Jasper to adopt the modern Edition of Robert's Rules of Order of Parliamentary Procedure and that these rules shall govern the Hillsborough County Delegation and Executive Committee Meetings. On a voice vote motion adopted.

Chairman Allan recognized Rep. Moran for a motion. Motion by Rep. Moran, seconded by Rep. Jasper to approve the Hillsborough County Executive Committee Proposed F/Y 2006 Budget as amended for a total appropriation of \$77,652,886 and to designate \$4,000,000 of the final surplus figure upon closing of the County records for F/Y 2005 for the purpose of reducing the County tax rate and that the sum of \$43,487,679 be raised by County taxes. A request was made by Rep. J. Wheeler, seconded by Rep. Vaillancourt for a roll call. In response to a question Rep. Moran stated that the increase would be 6.3% over last years taxes. Rep. Stepanek stated that this is the percentage increase in the budget, however, the individual tax rate is dependent upon how much growth has occurred in the towns for the year. He noted that the actual impact would be around 4% increase in the tax rate over last year. Rep. Jasper stated that under Robert's Rules in the absence of a special ruling a majority vote is required to order taking a vote by roll call. Chairman Allan reiterated that in the majority has to agree in order to take a roll call vote. Rep. Jasper stated "Yes". Chairman Allan requested a voice vote on the roll call motion. The Chairman was in doubt and requested a division. On a show of hands motion fails. 17 Ayes, 44 Nays. Rep. Vaillancourt stated that "if this is the count then I truly challenge the Chairman". Rep. Jasper, Parliamentarian, stated that the purpose of the division is for the Chairman to ascertain whether or not the motion carries, it was not necessary for an exact count to be taken, it is obvious to the Chairman that the motion failed".

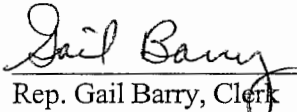
Chairman Allan requested Rep. Stepanek to repeat the motion. He stated that the motion is to approve the Hillsborough County Executive Committee Proposed F/Y 2006 Budget as amended for a total appropriation of \$77,652,886 and to designate \$4,000,000 of the final surplus figure upon closing of the County records for F/Y 2005 for the purpose of reducing the County tax rate and that the sum of \$43,487,679 be raised by County taxes. On a voice vote the Chairman declared the motion is adopted. Rep. Vaillancourt requested point of order stating that if a member is doubtful of the vote then the member should call out division. Chairman Allan stated that the member called it out and he failed to recognize it. Rep. O'Brien stated that he challenges the ruling of the Chairman. Rep. Jasper, Parliamentarian, stated that the Parliamentarian situation is that you have ruled that the vote was clearly a majority to pass, the challenge to that you did not recognize and your ruling has been made the Challenge is so those who wish to uphold the decision of the Chairman and the majority vote in favor will now vote aye, those who think you were wrong would vote no. Rep. Vaillancourt requested a point of order "requesting the Parliamentarian cite the ruling he just made, noting that improper rulings have been previously made, I would like it cited for the record." Rep. Jasper stated that he has not cited it from anywhere, it is Parliamentary procedure. Chairman Allan requested that Rep. Vaillancourt to please sit down. Rep. Vaillancourt stated "NO".

Rep. Stepanek motion to adjourn, Chairman Allan stated that we still have more business to handle. Rep. Jasper, Parliamentarian stated that the motion to adjourn takes precedent. Rep. Stepanek withdrew his motion to adjourn.

Chairman Allan stated "that the Parliamentary challenge to me was that I said it was out of order and it was not necessary to go ahead with the vote. All those in favor of supporting the Chairman's position vote Aye. Those opposed vote Nay". On a voice vote motion adopted. Motion by Rep. Movsesian seconded by Rep. Gorman consistent with RSA 28:8-d, to authorize the Executive Committee and the County Commissioners to enter into agreements for the use of County owned real property provided the agreements do not exceed 12 months and contain a clause allowing the County to terminate without cause upon 30 days notice. On a voice vote motion adopted.

Rep. Allan thanked everyone for coming.

Motion by Rep. Stepanek, seconded by Rep. Jean to adjourn at 7:55 PM.



Rep. Gail Barry, Clerk
Hillsborough County Executive Committee

Date Approved: 7/14/2005