

### **3.29.22 Emergency Strategic Planning Committee Meeting**

#### **1. Call meeting to order**

- a. Ferland called the meeting to order at 9:05 AM finding a quorum fit to conduct business. Those in attendance: Chris Coates, Ross Cunningham, Derek Ferland, Jen Fish, Chad Monier of the NH Association of Counties (NHAC) Strategic Planning Committee. Kelley Monahan, Domenic Richardi, Paul Halvorsen of invited Affiliate leadership. Danielle Duchesne of the NH Association of Counties. Julie Libby of the public.
- b. Under RSA 91-A:2.III.(b), Ferland declared this an emergency meeting of the NHAC Strategy Committee because a physical quorum was not practical given the emerging nature of this issue and the need to meet on short notice and provide a recommendation to the NHAC Executive Committee.

#### **2. Introductions**

- a. Strategic Planning Committee members introduce themselves, followed by the Affiliate representatives.

#### **3. Zoom meeting procedures (use "Raise Hand" feature to be recognized)**

- a. Derek explains use of raised hand function to avoid interruptions and keep the meeting orderly.

#### **4. Objective of meeting--why are we here?**

- a. Ferland explains that the Executive Committee asked this Committee to evaluate the position of the NHAC on HB 1397 as the bill has now developed. Also, the NHAC should engage with the Senate Election Law Committee to amend the bill.
- b. Monahan requests some additional housekeeping concerns about the conduct of the meeting related to RSA 91-A:3 and testimony previously provided on HB 1397 that Monahan characterized as misrepresentations and not truthful. She also mentions other housekeeping items. Ferland replied that these housekeeping items are beyond the scope of the Committee's task and would not be discussed.

#### **5. Position of incumbents on HB 1397**

- a. Ferland explains his understanding was that all elected affiliate groups (Deeds, County Attorney, Sheriff, and Treasurer) are all in favor of 4-year elected terms. All agreed.

#### **6. HB 1397 status: Can it be amended and if so, by whom?**

- a. Ferland summarizes information provided by the Dupont Group that the bill is currently with a committee in the Senate, and they meet weekly to exec bills on Mondays. They do not announce ahead of time what they plan to exec, so time is of essence if NHAC wants to try and get the Senate committee to amend this bill. If they do amend the bill, it would go back to the House.

#### **7. Pros and cons of changing these positions to 4-year terms**

- a. Halvorsen explains the professional responsibilities of his office as County Attorney and that other county officers are unique because of heading up a large staff. Halvorsen spoke of the time it takes to develop relationships with local law enforcement agencies, develop programs and policies and then have time to implement those programs and

policies. Operational continuity bumps up against 2-year election cycles and makes it very difficult to effectively manage these programs and build relationships necessary to discharge the duties of his office. Halvorsen explained that his attorney staff are “at will” employees and could be dismissed by a newly elected County Attorney. Monier stated that Assistant County Attorneys serve at the pleasure of the County Attorney.

- b. Cunningham mentions how new leadership could remove staff and that Merrimack County is supportive of 4-year terms because of the issue of continuity. It is important to avoid a roller coaster and to maintain continuity in order to effectively manage programs like Diversion and Drug Court.
  - c. Ferland asks a follow-up question about RSA 28:10-a and if it provides protections for “at will” employees?
  - d. Coates asks when the last time an elected official has “cleaned house”?
  - e. Ferland asks if the 4-year election term is asking the question, should these positions be appointed because of the level of professional skills, knowledge, and experience required?
  - f. Monahan explains that she does not want appointed positions—the voters have a constitutional right to elect these positions but should do so on a 4-year cycle. She also mentions this would require salaries be set on 4-year cycles.
  - g. Richardi states that HB 1397 is in the Senate Election Law Committee. He also mentioned that a potential “con” to this bill is that 4-year terms could attract more candidates to run. This could be viewed as a “con” to the incumbents, but the added competition could be viewed as a “pro” to the county as a whole.
  - h. Halvorsen states his opinion that the 4-year term is better than having appointed officials because an election is a better check that these officials remain accountable to constituents.
  - i. Monahan explains her opinion that a 4-year term could encourage more incumbents to retire rather than sign up for a potential 4-year term, and this could impact the transition to deputies who would likely be appointed to fill the remainder of a term.
- 8. Process: Role of counties to determine this issue by county; role of Delegation; role of voters from each county; role of NHAC, etc. Is amending a Rockingham County bill the appropriate method of getting this done?**
- a. Ferland asks how the will of the people is represented and would amending the HB 1397 be an unpleasant surprise to constituents from some counties who are unaware of this discussion and attempt to amend HB 1397. Should it be done as a series of 10 separate bills from each of the 10 counties to ensure the citizens and Delegations are fully aware and on board with this proposal?
  - b. Monahan provides comment about Commissioners at NHAC stating they can get rid of other elected county officials.
  - c. Richardi says the bill should include all 10 counties; election cycles would be thrown off unless all 10 counties were included and implemented it at same time. Richardi explains he does not think people would want this unless it was done the same for all 10 counties.
  - d. Cunningham says this is a matter of educating the public once it is passed to inform them of the new terms. Cunningham also comments that the removal process is not easy to do—Ferland explains the Committee will talk further about that during agenda item nine.

- e. Monahan explains her opinion of the importance of avoiding Presidential election cycles because national-level politics can obscure important local elections. Monahan says it is “now or never” to do this in 2022.
- f. Ferland asks for clarification on Monahan’s “now or never” comment and that if this was about the position and not the incumbents, then it truly ought to be in 2026 if it does not pass now in order to avoid the next presidential election cycle.
- g. Halvorsen states his opinion that this is a policy issue to do what is right for the State and counties as a whole and highlights continuity and consistency as the key factors surrounding this bill. Halvorsen states his opinion that it is important to amend the bill to cover all ten counties because one county doing it differently is bad policy.
- h. Coates explains that a 4-year term could mitigate the pendulum swing when the elections fall on presidential years.

#### **9. Evaluation of existing recall provision in NH RSAs**

- a. Ferland asks if anybody knows the exact RSA number that described recalling elected officials and that he’d like to review it with the group and possibly recommend changes to that RSA if the group thought it was insufficient in its current state.
- b. Cunningham explains that it is not easy to remove county elected officials and that he did not think the committee should make any recommendations to change the RSA as it might complicate matters and make the Senate Committee defer on any action which means this issue would sit for another 4 years.
- c. Monahan provides the RSA reference: RSA 661:9. (Note: link to RSA provided below: <http://www.gencourt.state.nh.us/rsa/html/LXIII/661/661-9.htm>)
- d. Ferland shares RSA 661:9 with the group. He comments that removal can only be done for “official misconduct” and that he believes that to be a very high, and appropriate, bar for taking action.
- e. Halvorsen states that section IV of the RSA means removal can only be initiated by a majority of the County Commissioners, the County Attorney, or a Superior Court Judge and therefore is a very high bar to clear. The Committee agrees that this seems appropriate and the only eligible reason of “official misconduct” means politics cannot enter into the equation.
- f. In agreement with Coates, Richardi explains that to remove someone the process goes through the Superior Court and Richardi believes this issue should be left alone.

#### **10. Any other comments**

- a. Coates left the meeting at 10:02 AM and the meeting no longer has a quorum.
- b. Ferland explains that the Strategy Committee would convene soon to make a recommendation to Executive Committee. This would likely require an emergency meeting of the Executive Committee to vote on a position and communicate that position to the Senate Election Law Committee in time. Otherwise, each county would have to engage the Senate Committee via their own Delegation.

#### **11. Adjourn.**

- a. Ferland thanks the group for their participation and input. Cunningham notes that Coates left the meeting and there no longer was a quorum to officially adjourn the meeting.
- b. The session ended at 10:07 AM.

*Minutes prepared by Danielle Duchesne and Derek Ferland on March 29, 2022.*

*Minutes approved on March 30, 2022.*