

CHAPTER 3

BOARDS AND COMMISSIONS

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3.1 Organization.

(a) There shall be the following boards, commissions, and committees in the City of Rochester:

- (1) Board of Appeals
- (2) Board of Health
- (3) Board of Trustees of the Public Library
- (4) Planning Board
- (5) Trustees of Trust Funds
- (6) Zoning Board of Adjustment
- (7) Licensing Board
- (8) Conservation Commission
- (9) Recreation and Park Commission
- (10) Board of Assessors
- (11) Economic Development Commission
- (12) Arena Advisory Commission
- (13) Utility Advisory Board

(b) All boards, commissions, and committees shall promulgate rules and regulations governing the conduct of their business, and

(c) No member of any board, commission, or committee shall introduce, speak, or vote on any motion or issue in which he has a personal or pecuniary interest, direct or indirect.

3.2 Board of Appeals.

(a) The composition, function, and duties of the Board of Appeals shall be as provided by ordinance.

3.3 Board of Health.

(a) The composition of the Board of Health shall be as provided in Section 21 of the Rochester City Charter. The three Board members, other than the City Physician and the City Health Officer, shall be appointed by the City Manager for three-year- terms, with said terms so arranged that one of the three appointed members, other than the City Physician or the City Health Officer, shall be appointed each year in January. Vacancies in these three appointed positions shall be filled by the City Manager for the unexpired term.

(b) The Board of Health shall meet annually and at other times as the Board or the Health Officer deems necessary.

(c) The Board of Health shall perform the following functions:

(1) Formulate general policies regarding public health in the City of Rochester.

(2) Advise the Health Officer on all public health.

(3) Conduct public hearings and perform any quasi-judicial functions which may be required by law or necessitated by the operation of the Health Department.

(4) Make all rules and regulations relating to the public health as in its judgment the health and safety of the people may require.

3.4 Board of Trustees of the Public Library.

[3]

(a) In accordance with the provisions of Section 22 of the Rochester City Charter, the Board of Trustees of the Public Library shall consist of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that one-third of the members of the Board shall be elected each year. Vacancies occurring in said Board shall be filled by the City Council for the unexpired term. Elections to the Board shall be conducted pursuant to Section 68 of the Rochester City Charter.

(b) The Board of Trustees of the Public Library shall organize annually by the choice of a chairman and such other officers and committees as it deems necessary.

(c) The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-A of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated.

(d) The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.

3.5 Planning Board.

[2]

(a) The Planning Board shall consist of nine (9) members selected as follows:

- (1) the City Manager, or with the approval of the City Council, the City Manager's designee, who shall be an ex officio member;
- (2) a member of the City Council selected by the City Council, who shall be an ex officio member; and
- (3) seven (7) persons appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter.

The Mayor shall also appoint, in accordance with the provisions of Section 74 of the Rochester City Charter, five (5) alternate members of the Planning Board. In accordance with the provisions of R. S.A. 673:6, the City Council may select a member of the City Council to serve as an alternate to the City Council member of the Planning Board, which alternate shall be in addition to the five (5) appointed alternate members of the Planning Board. The term of office of the members of the Planning Board appointed in accordance with the provisions of Section 74 of the Rochester City Charter shall be three (3) years and the term of ex-officio members and ex-officio alternates to the Planning Board shall be as provided in R.S.A. 673:5, I(a). The terms of appointed members and appointed alternates of the Planning Board shall be staggered in a manner consistent with the provisions of R. S.A. 673:5, II. Vacancies occurring in the membership or alternate membership of the Planning Board, occurring other than through the expiration of a term, shall be filled by the original appointing or designating authority for the unexpired term.

The Planning Board shall perform all functions provided for by Title LXIV of the New Hampshire Revised Statutes Annotated applicable to Planning Boards, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated, and shall be subject to all provisions of said Title.

3.6 Trustees of Trust Funds.

(a) The Board of Trustees of Trust Funds shall consist of three members. One Trustee shall be appointed annually in January by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for a term of three years, and vacancies occurring in such office shall be filled in like manner for the unexpired term. The Trustees shall organize annually by electing one of their number treasurer, who shall keep the records and books of the Trustees.

(b) The fund held in trust by the City of Rochester under the provisions of the last will and testament of Seth Adams, late of Boston in the Commonwealth of Massachusetts, known as the Adams Fund, and the fund held in trust by said City under an agreement with the donors thereof for the purpose of keeping in repair the Old Cemetery in Rochester proper, and the burial lots and monuments therein, denominated the Old Cemetery Conservation Fund Perpetua, shall both be kept by the said Board of Trustees, and administered by the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester [4]

(c) Said Trustees, with the approval, and subject to the authority, of the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of

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Section 36.1 of the General Ordinances of the City of Rochester, shall direct the expenditure of the income derived from the Old Cemetery Conservation Fund Perpetua, according to the terms of the agreement aforesaid, and shall annually with the approval, and subject to the authority, of the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester, determine who are to be the recipients of the income of the Adams Fund, as per the provisions of said will, and the amount thereof to be paid to each, and shall file a list of the same with the City Clerk. [4]

(d) The Old Cemetery by Willow Brook, the Old Town Farm Cemetery and the Cemetery on Haven's Hill shall be under the control of the of the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester, who shall have authority to dispose of vacant lots within said cemeteries, and the money received from any sales shall be of said lots shall be kept by the Board of Trustees of Trust Funds and shall be used for the improvement of said cemeteries by the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester. [4]

(e) In addition to the functions specified above, the Trustees of Trust Funds shall perform the following functions:

(1) Receive all trust funds which may be donated or bequeathed to any department in the City of Rochester.

(2) Invest said funds in such investments as are legal for investment by Trustees of Trust Funds.

(3) Distribute income and principal in accordance with the purposes for which the trust funds were established.

(4) Prepare and maintain complete records of all amounts pertaining to trust funds as required.

(f) The Trustees of Trust Funds shall be completely responsible for the custody of all trust funds. All investments or reinvestments of trust funds shall be made only with the authorization of the majority vote of the full Board of Trustees. The Trustees may retain investments as received from donors until maturity thereof.

3.7 Zoning Board of Adjustment.

(a) The Zoning Board of Adjustment shall consist of five (5) members appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter. The functions and duties of the Zoning Board of Adjustment shall be provided by Chapters 673 and 674 of the New Hampshire Revised Statutes Annotated as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated, and by ordinance.

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(b) The Mayor in accordance with the provisions of Section 74 of the Rochester City Charter may

appoint up to but not more than five (5) Alternate members of the Zoning Board of Adjustment, each to serve for a term of three (3) years, in accordance with the provisions of Chapter 673 of the New Hampshire Revised Statutes Annotated as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated.

3.8 Licensing Board.

(a) The composition, functions, powers and duties of the Licensing Board shall be as provided by ordinance.

3.9 Conservation Commission.

(a) The City of Rochester hereby adopts the provisions of Chapter 36-A of the New Hampshire Revised Statutes Annotated as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated.

(b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairman shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. One alternate member of the Commission shall be appointed in the same manner as regular members of the Commission for a term of three years, and when such alternate serves in the absence or disqualification of a regular member, he shall have full voting powers."

(c) The functions, duties, and powers of the Conservation Commission shall be as provided in Chapter 36-A of the New Hampshire Revised Statutes Annotated as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated.

3.10 Recreation, Parks and Youth Services Commission.

(a) The composition, functions, powers and duties of the Recreation Parks and Youth Services Commission shall be as provided by ordinance.

3.11 Board of Assessors.

(a) The composition, functions, powers and duties of the Board of Assessors shall be as provided in Section 20 of the Rochester City Charter, state statutes, and/or ordinance.

3.12 Economic Development Commission.

[5]

(a) The Economic Development Commission shall consist of eleven (11) members, two (2) of which members shall be ex-officio members. Nine (9) of the initial members of the Commission shall be those currently serving on the commission. Thereafter, three (3) members shall be elected annually for a term of three (3) years with vacancies being filled by the City Council for any unexpired terms. The initial election shall be so arranged that one-third of the members may be elected each year. After the initial election, the three (3) annual vacancies shall be filled by the Mayor in accordance with Section 74 of the City Charter. The Economic Development Commission shall recommend at least two (2) persons from the private sector to the Mayor each

year as potential nominees. In all cases, election shall be by the City Council. Members shall be chosen for their expertise, experience and abilities in business, industry, finance, real estate, government and law. A majority of the members shall reside within the City of Rochester and up to four (4) of the elected members may reside outside of the City, provided, however, that any elected member residing outside of the City shall maintain a place of business, or shall be employed within the City, while serving as a member of the Commission. The Mayor and the Economic Development Director shall be ex-officio, non-voting members of the Commission.

(b) The Chairman shall be appointed annually by the Mayor and the Commission shall elect from its members such other officers and committees as it deems necessary.

(c) The Economic Development Commission shall perform the following functions:

(1) Promote the City of Rochester, through advertising, prospect development and other means, as an attractive location for industrial and business expansion;

(2) Assist prospects interested in evaluating Rochester as a potential industrial or business location; act as the official agent of the City Government in matters pertaining to economic development;

(3) Undertake appropriate actions to encourage the continued availability of marketable industrial/commercial sites within the City, including:

(A) Advising the Mayor, Council and Departments concerning planned capital improvements, municipal programs or actions which may affect the City's future economic growth;

(B) Conducting studies to determine suitability and development potential of industrial/commercial sites within the City; and,

(C) Assisting interested site owners and/or their agents in marketing available industrial/commercial properties;

(4) Utilize available industrial/commercial development financing programs to provide an attractive source of financing for local plant construction or expansion;

(5) Act as the City's liaison with existing business and industry located in the Greater Rochester Area, to insure maintenance of good relations, encourage the City's responsiveness to industry needs, and foster expansion of the City's established industrial/commercial base; and,

(6) Identify and secure funding from Federal, State, and local governmental and private sources to carry out the Commission's approved programs.

(7) Serve as Rochester's Business and Industrial Development Authority in accordance with the provisions of Chapter 162-G of the New Hampshire Revised Statutes Annotated, as amended.

(d) In performing the functions listed in Section (c) above, the Commission shall be empowered to:

(1) Operate flexibly within the limitations of formal economic development policies adopted by the City Council;

(2) Submit annually to the Mayor and Council a proposed work program and funding request for staffing, consultants, advertising, travel, etc., necessary to carry out its program, for inclusion in the City's annual operating budget;

(3) Apply for, receive, and administer grants from Federal, State, and other public sources;

(4) Receive and administer funds raised from private sources;

- (5) Carry out all other functions and responsibilities as outlined in Section (c) above;
- (6) Submit annually to the Mayor and City Council a report of the preceding year's activities.
- (7) Serve as Rochester's Business and Industrial Development Authority and exercise the powers and duties granted to such business and industrial development authority by RSA 162-G, as amended, except those powers and duties relating to findings and approvals which are the exclusive duties of the City Council; and, provided, further, that the exercise of such powers and duties of the Commission shall be subject to the following limitations, to wit:
- (A) No lease, sublease, purchase agreement or other instrument executed, or entered into by the Economic Development Commission shall obligate the City of Rochester to make expenditures in excess of appropriations received from the City Council and/or bonds authorized by the City Council and issued by the City of Rochester pursuant to the provisions of RSA 162-G, or of funds received or to be received under the provisions of a lease, sublease or other instrument. This prohibition is not intended to limit the Commission's authority with respect to the application for, receipt and administration of funds referred to in subparagraphs 2, 3, and 4 above.
- (B) The Commission shall not be authorized to issue bonds, i.e. any evidence of indebtedness issued to finance a project in whole or in part. The authority to issue bonds pursuant to the provisions of Chapter 162-G of the New Hampshire Revised Statutes Annotated shall be vested in the City Council.
- (C) All funds of the Commission shall be kept and accounted for as an enterprise fund of the City of Rochester, no matter their source. Funds appropriated by the City Council for the Economic Development Department shall not be considered funds of the Commission for the purposes of this subparagraph.
- (D) All actions of the Commission under RSA Chapter 162-G shall be authorized by resolutions of the Commission passed on the affirmative votes of at least two-thirds of the Commission members present and voting, subject to the voting restrictions provided for in RSA 162-G:15, III. Actions of the Commission which are not taken under RSA 162-G shall be authorized by the Commission on the affirmative votes of a majority of the Commission members voting, unless otherwise provided by law.

3.13 Arena Advisory Commission.

- (a) The Arena Advisory Commission shall consist of seven (7) members appointed in accordance with the provisions of Chapter 74 of the City Charter. The members of the Arena Advisory Commission shall be residents of the City of Rochester, provided, however, that up to two members of said Commission may be non-residents of the City of Rochester provided, that at the time of the election of such individuals to the Advisory Commission, such individuals are associated with communities or organizations utilizing the Rochester Arena facilities. The term of office of Arena Advisory Commission members shall be three (3) years, provided, however, that the terms of the initial members of the Commission be so arranged so that three members shall serve for a term of one (1) year, two members shall serve terms of two (2) years, and two members shall serve terms of three (3) years, with the successors of all members being appointed for three (3) year terms.
- (b) The Chairman of the Rochester Arena Commission shall be appointed annually by the Mayor and the Commission shall elect from its members such other officers and committee as it deems

necessary.

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(c) The Arena Advisory Commission shall perform the following functions:

(1) Aid, assist, and advise the Arena Director in formulating plans for maintaining, equipping, operating, and regulating the arena facility and establishing a fee schedule for the use thereof.

(2) The Commission shall inform itself of the ways and means by which its plans and programs for the development and use of the arena facility may best be achieved and may advise the Arena Director, the City Council, and the public of the manner in which such objectives may best be accomplished.

3.14 Utility Advisory Board.

(a) In accordance with the provisions of Section 19 of the Rochester City Charter, the Utility Advisory Board shall consist of five members, which members shall be appointed in the manner and for such term as provided for in Section 17.27 of the General Ordinances of the City of Rochester.

(b) The Utility Advisory Board shall perform the following functions:

(1) Make recommendations to the City Council, from time to time, on the level of sewer and water rates to be charged pursuant to the provisions of Chapters 16 and 17 of the General Ordinances of the City of Rochester, but such recommendations shall not be binding on the City Council.

(2) Hear and decide appeals of such matters relating to the sewer and water usage and connections as shall be assigned to the Board by ordinance or resolution adopted by the City Council.

(3) Perform all other related functions as required.

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3.15 Arts and Culture Commission.

[6]

(a) Definition. For the purpose of this ordinance, “Arts and Culture” encompasses a wide range of activities, including painting, sculpture, other fine and folk arts, crafts, popular culture, music, theater, dance, film, other performance arts, architecture, archeological resources, cemeteries, literature, history, community/cultural heritage, agriculture, and other elements consistent with the intent of this section.

(b) Purpose of the Commission. This ordinance is established by the Rochester City Council pursuant to NH RSA’s 47:17 XV and 674:2, III (h). The geographic focus of the Arts and Culture Commission’s activities shall be Rochester, but when appropriate, the Arts and Culture Commission may work to promote arts and culture in the Greater Rochester area, consistent with the intent of this section. The purpose of the Arts and Culture Commission (or “the Commission”) is to implement the Arts and Culture Resources Master Plan by:

- (1) Highlighting our heritage to inspire a sense of place and pride in the City of Rochester;
 - (2) Identifying, strengthening, promoting and broadcasting Rochester's cultural assets, infrastructure, and artistic treasures;
 - (3) Facilitating community involvement in the arts;
 - (4) Recognizing the economic power of the arts and culture in Rochester;
 - (5) Invigorating Rochester with an emphasis on the City's unique blend of old-fashioned charm and progressive vision; and
 - (6) Acting on the City's behalf on arts and culture matters.
- (c) Functions of the Commission. The Arts and Culture Commission is not a regulatory body. It has no review authority and there is no requirement for it to review or approve any proposed event, project, or installation. No artist, organization, or business is required to consult with or appear before the Commission. The roles and responsibilities of the Arts and Culture Commission include the following, subject to establishing priorities and availability of time and resources:
- (1) Master Plan. Implementation of the Arts and Cultural Resources Master Plan (Community Revitalization and the Arts; A Cultural Plan for Rochester, New Hampshire", adopted October 4, 2010, and as may be amended in the future). Implementing this plan is the primary role of the Commission.
 - (2) Public displays. Promotion and organization of public art displays, forums, fairs, murals, exhibitions, performances, and other events.
 - (3) Developing resources. Development of resources to support local artists and cultural organizations.
 - (4) Coordination with other organizations. Coordinating, as appropriate, with other governmental, nonprofit, social, and business organizations that have a connection with the arts, cultural resources, our community heritage, land development, economic development, tourism, and historic preservation.
 - (5) Promoting cooperation. Promotion of dialogue and cooperation among arts and cultural organizations and coordination of activities and projects with these organizations. This includes organizations located in Rochester as well as those situated outside of the city.
 - (6) Educated. Educating the public about art and cultural resources.
 - (7) Marketing. Marketing, promoting, and developing Rochester as an arts and cultural destination.
 - (8) Advice and advocacy. Providing advice and advocacy to agencies of local, state, and federal government regarding the identification, promotion and preservation

of art and cultural resources.

- (9) Area businesses. Encouraging local and regional businesses to support and engage in arts and culture.
 - (10) Fostering excellence in design. Fostering excellence in design in wide ranging aspects of civic and community life in Rochester.
 - (11) Diverse populations. Encouraging participation of diverse populations in Rochester in arts and culture.
 - (12) Planning. Periodically recommending to the Planning Board updates to the Cultural Resources Master Plan.
 - (13) Amendments. Recommending to the City Council amendments to this Section.
 - (14) Funding. Applying for and implementing grants, and soliciting other funds, as appropriate.
 - (15) Data. Developing a database and directory of activities and resources in the Greater Rochester area.
 - (16) Annual Report. Preparation of an annual state of the City arts and cultural report for the City Council.
 - (17) Other activities. Undertaking any other appropriate action or activity necessary to carry out its mission.
- (d) Structure of the Commission.
- (1) Composition. The Arts and Culture Commission shall consist of nine members, all of whom shall be regular voting members. The ideal (desired but not required) composition of the commission shall be as follows, subject to availability and qualifications of candidates (in accordance with subsection (2), below) as determined by the City Council:
 - (A) one member from Rochester City Government;
 - (B) one member from the business community;
 - (C) one member from the education community;
 - (D) one member who is the Rochester Poet Laureate, or if he or she is not available, then a person from the literary arts community; and
 - (E) Five members who are actively engaged in arts and culture, representing a broad cross section of the arts, culture, and heritage community.
 - (2) Qualifications. All members shall be residents of the City of Rochester, except that up to three members may reside in the Greater Rochester area. In reviewing the qualifications of all candidates for the Commission, the City Council shall consider his/her demonstrated interest and experience in, and knowledge of, arts, crafts, and culture, and his/her ability to administer this Section consistent with

the mission of the Commission. To the extent that such persons are available, the Council shall seek members with diverse backgrounds.

- (3) Appointments. The members of the Arts and Culture Commission shall be appointed pursuant to Section 74 of the City Charter for terms of three years. Some initial appointments (and subsequent appointments, when necessary) shall be for less than three years in order that the various terms be staggered.

(e) Administration.

- (1) Meetings and activities. The Commission shall meet as needed, but it shall meet at a minimum twice each calendar year. It shall hold an annual meeting in February, or at such other time as determined by the Commission, to review activities of the prior year and to plan for the upcoming year.
- (2) Bylaws. The Commission shall adopt bylaws to govern its operation.
- (3) City and State law. The Commission shall be regulated by all applicable City and State laws.
- (4) Staffing and resources. The City of Rochester will provide staffing and other support to the Arts and Cultural Commission, as appropriate, subject to availability of staff resources.
- (5) Professional advice. The Commission may seek advice from such professional resources as is deemed necessary, subject to availability of funding.

[1] Amended 5/7/96

[2] Amended 3/5/02

[3] Amended 5/1/07

[4] Amended 12/4/07 – New Chapter 36 created, associated amendments in Section 3.6

[5] Amended 6/3/08 – Residency requirements

[6] Amended 2/1/11 – New Section added, 3.15, Arts & Culture Commission

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