

ARTICLE IV GOVERNING BOARD

4-1 MEMBERSHIP / TERM OF OFFICE

A. Membership

Except as otherwise provided in this Charter, all of the powers of the Town as authorized by New Hampshire State Law shall be vested in a Town Council, hereinafter referred to as the Council, of seven (7) Councilors.

B. Term of Office

The Councilors shall be elected from the Town at large for three (3) year staggered terms. All members shall take office following certification of their election and after being duly sworn in, and shall hold office until successors are duly elected and certified.

4-2 ORGANIZATIONAL MEETING

The Councilors so chosen shall meet in their capacity as the Council at the first regularly scheduled meeting after certification of their election for the purpose of taking their respective oaths of office, adopting rules, and for the transaction of business required by law or ordinance to be transacted in such meeting.

4-3 SELECTION OF CHAIR AND VICE CHAIR

The Council shall, by the affirmative vote of at least four (4) of its members, at its Organizational Meeting, choose one (1) of its members Chair for a term of one (1) year. The Council shall choose one (1) of its members as Vice Chair for a term of one (1) year, who shall act in the absence or disability of the Chair. In the event of a vacancy occurring in the office of Chair, the Vice Chair shall serve out the unexpired term. The Chair shall be the official head of the Town for all ceremonial purposes, shall preside at all meetings of the Council, and may speak and vote at such meetings.

4-4 QUALIFICATIONS OF COUNCILORS

A. Requirements

To be eligible for election as Councilor, a candidate must be a registered voter, must have been a resident domiciled in Merrimack for at least one (1) year prior to the first day of the filing period for candidacy, and after election must remain a domiciled resident or relinquish the office, as provided for in Article 3-4 (C).

B. Removal of Councilor

By a vote of five (5) Councilors, the Council may, on specific charges and after due notice and hearing, remove one (1) of its own members for cause and declare a vacancy. Cause for purposes of this Section shall mean one or more of the following: the member has missed three (3) regular scheduled meetings in sequence without leave of the Council; the member has missed one third (1/3) of all meetings within a calendar year without leave of the Council; the member has falsified records; the member has misapplied Town funds or property; or the member has interfered with administration as defined by Article 7-9.

C. Incompatible Positions

No Councilor shall, while serving a term, be eligible to hold any other Town position of remuneration. No Councilor, while serving a term, nor former Councilor, who has been out of office less than one (1) year, shall be appointed as "acting town manager."

D. Incompatible Offices

Except as otherwise provided in this Charter, members of the Council shall not hold any office or employment with the Town. Former members of the Council shall not be eligible for appointment as a compensated Town officer or employee until one (1) year after the expiration of the term of office for which the Councilor was elected.

4-5 VACANCIES

In case a vacancy occurs in the Town Council for any reason, the remaining Town Councilors shall, by majority vote, appoint an acting Town Councilor from among persons eligible to hold the vacant office, to serve until the next regular Town election, at which point the vacancy shall be filled by election for the remainder of the unexpired term, provided, however, that, if the vacancy occurs fewer than ninety (90) days prior to the next regular Town election, the vacancy shall not be filled by appointment, but shall be filled at the next regular Town election.

The Town Council shall act to fill a vacancy no later than twenty-one (21) days after the vacancy has been officially declared. The person so appointed shall be sworn and commence to serve forthwith.

4-6 COMPENSATION AND EXPENSES

The Town Council shall establish an annual salary and expense allowance for its members, subject to the following:

No increase in such salary or expense allowance shall be effective unless it shall have been adopted by a vote of five (5) Town Councilors.

The new salary and expense schedule shall be included in the next Town budget process, and shall take effect in the fiscal period to which that budget applies.

No Councilor in office at the time the new schedule is adopted shall receive any benefit of the new schedule during the remainder of the Councilor's then-current term of office.

Notwithstanding the foregoing, any decrease in such salary and expenses shall be adopted by a majority vote and take effect immediately and apply to all Councilors holding office at the time the decrease is adopted.

4-7 EXERCISE OF POWERS / MEETINGS / RULES OF PROCEDURE

A. Exercise of Powers

Except as otherwise prohibited by New Hampshire State Law or this Charter, the powers of the Council may be exercised in a manner it so determines.

B. Quorum

A quorum of the Council for the transaction of any business shall be four (4) of the members currently in office. However, a smaller number may adjourn the meeting to another time or date

C. Meetings

All meetings of the Council shall be public to the extent required by New Hampshire State Law.

(1) Regular Meetings

Regular meetings shall be held at such time, date, and place as the Council shall by ordinance or resolution direct. Agendas shall be prepared and posted at least seventy-two (72) hours in advance of each regular meeting.

(2) Special Meetings

Special meetings may be called by the Chair. Special meetings may also be called at the written request of the Manager or at least three (3) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said meeting shall be given to the public and to each Councilor at least twenty-four (24) hours prior to the call of the meeting, excluding Saturdays, Sundays, and legal holidays.

(3) Emergency Meetings

An emergency meeting may be called by the Chair when immediate, undelayed action is deemed to be imperative by the Chair, who shall employ whatever means are reasonably available to inform the public and all Council members that an emergency meeting is to be held.

D. Rules of Procedure

The Council shall establish rules for its proceedings including but not limited to recording of votes, posting and amending of agendas, and such parliamentary and other meeting procedures not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain. A roll call vote shall be taken upon the request of a single member of the Council. The results of such voting shall be duly recorded.

4-8 POWERS AND DUTIES

Except as herein otherwise provided, the Council shall have all the powers conferred upon and discharge all the duties imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law except the adoption of a Town Budget. The Town Council shall set policies for Town government and shall bear full responsibility for the implementation of said policies through the hiring and supervision of the Town Manager.

All officers and members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among Town residents unless otherwise provided by this Charter.

4-9 DELEGATION OF POWERS

The Council may delegate to one (1) or more Town agencies the powers vested in the Council by this Charter and Federal and New Hampshire State Law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such Town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.