

ARTICLE VII ADMINISTRATION OF GOVERNMENT

7-1 TOWN MANAGER

The chief administrative officer of the Town shall be the Town Manager (hereinafter called the "Manager"). The Town Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) members of the Town Council, to be Manager. The Manager shall serve at the pleasure of the Council with no fixed term of office. The Council shall fix the Manager's salary and benefits and other terms of employment.

7-2 QUALIFICATIONS OF MANAGER / OATH AND BOND

A. Qualifications of Manager

The Manager shall be appointed solely on the basis of qualification for the office, with special reference to education, training and previous experience in public or private office. The Manager need not be a resident of the Town or of the State of New Hampshire at the time of appointment, but must establish residence in the Town within a period fixed by the Town Council. The Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, except as authorized by this Charter, nor engage in any other business or occupation unless with the approval of the majority of the Town Council.

B. Oath and Bond

Before entering upon the duties of office, the Town Manager shall be sworn to the faithful and impartial performance thereof, and a certificate to that effect shall be filed with the Town Clerk; and the Town Manager shall execute a bond in favor of the Town for the faithful performance of the Town Manager's duties in such sum and with such surety or sureties as may be approved by the Council.

7-3 EVALUATION OF MANAGER'S PERFORMANCE

Following the first anniversary of the Manager's service to the Town and during each subsequent year thereafter, the Council shall conduct an evaluation of the Manager's performance in office. After such evaluation, the Council shall determine whether the Manager's overall performance in office has been satisfactory or unsatisfactory. The Council shall also establish the Manager's compensation for the ensuing year.

7-4 REPRIMAND AND REMOVAL FROM OFFICE

A. Reprimand

The Manager may be reprimanded by a vote of five (5) members of the Town Council. The Town Council shall adopt a resolution of reprimand stating the reasons therefore and any sanctions to be imposed, which shall be served on the Manager. Immediately upon delivery to the Manager of said resolution of reprimand, the Manager may be relieved of office and/or such duties as the Town Council may determine. If relieved by the Town Council, the Manager shall continue to receive full salary and benefits until the effective date of a final resolution of reprimand. If a final resolution of reprimand is not adopted, the Manager shall resume office forthwith.

B. Removal

The Manager may be removed from office by a vote of five (5) members of the Town Council. The Town Council shall adopt a resolution for removal stating the reasons therefore, which shall be served on the Manager. Immediately upon delivery to the Manager of said resolution for removal, the Manager shall be relieved of office and all further duties. The Manager shall continue to receive full salary and benefits until the effective date of a final resolution for removal. If a final resolution for removal is not adopted, the Manager shall resume office forthwith.

C. Procedures

The Manager may reply in writing to any resolution of reprimand or for removal within ten (10) days of receipt. Upon request of the Manager, he or she shall be afforded a hearing, either public or private in accordance with the provisions of New Hampshire State Law. The hearing shall occur not earlier than ten (10) days nor later than fifteen (15) days after such hearing is requested. After the hearing, if one is requested, and after full consideration, the Town Council, by a vote of five (5) its members, may adopt a final resolution of reprimand or for removal within seven (7) days. The action of the Town Council in reprimanding or removing the Manager shall be final.

D. Appointment of Acting Town Manager

If the Manager is relieved of office pending reprimand or removal, the Town Council shall, by a vote of at least four (4) members of the Council, appoint an Acting Town Manager to serve at the pleasure of the Town Council for not more than ninety (90) days or until the Manager resumes the office, whichever occurs first.

7-5 ACTING TOWN MANAGER

If the Manager is determined by a vote of at least four (4) members of the Council to be temporarily incapacitated or unable to act or the Council may determine that the office has become temporarily vacant, the Council shall, within fifteen (15) days from such determination, appoint an Acting Town Manager in the same manner as in Section 7-1 who shall serve for not more than 120 days or such lesser time until the incapacity shall be relieved.

The Acting Town Manager shall have all the powers and perform all the duties of the Manager except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Town Manager shall be paid such salary for services hereunder as may be prescribed by the Council. The Acting Town Manager may be reappointed for an additional term of 120 days.

By a vote of at least four (4) Councilors, the Council may determine from credible medical or other evidence that the Manager is incapacitated and unable to perform any or all duties and the office may be declared vacant.

7-6 VACANCY

Any vacancy in the office of the Manager shall be filled as soon as practicable by the Council. The Council shall appoint a person to perform temporarily the duties of that office.

7-7 POWERS AND DUTIES OF THE MANAGER

- A.** The Manager shall be the chief administrative officer of the Town, shall supervise and be responsible for the administrative and financial affairs of the Town, and shall carry out the policies enacted by the Council. The Manager shall be charged with the preservation of the health, safety and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, this Charter, and general laws governing administration of the Town. The Manager shall supervise and direct the administration of the Town departments and personnel therein.
- B.** Except as otherwise provided by this Charter, the Manager shall appoint upon merit and fitness alone, and may remove all officers and employees of the Town subject to the provisions of pertinent statutes, the Administrative Code, and the Personnel Plan.
- C.** The Manager in accordance with the Personnel Plan shall fix the compensation of all town officers and employees appointed by the Manager within the limits established by existing appropriations.
- D.** The Manager shall propose for adoption by the Town Council a system of personnel administration known as the "Personnel Plan". The Personnel Plan shall include provisions with regard to classification, compensation, selection, training, promotion, grievances, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and proper working conditions.
- E.** The Manager shall keep a full and complete inventory of all property of the Town, both real and personal. The Manager shall have full jurisdiction over the rental and use of all Town facilities under the Manager's control. The Manager shall be responsible for the maintenance and repair of all Town property under the Manager's control, within the limits of existing appropriations.
- F.** The Manager shall be responsible for purchasing all supplies, material, and equipment for all departments and activities of the Town.
- G.** The Manager shall keep the Council informed of the needs of the Town and make such reports and recommendations as the Manager may deem advisable or as the Council, as provided by this Charter or by ordinance, shall direct.
- H.** No compensation shall be paid without certification by the Manager, or such others as he may direct, that the recipients are employed by the Town and that their rates of compensation comply with approved pay schedules.
- I.** The Manager shall be responsible for proposing appropriate internal controls to the Town Council for adoption for the collection, accounting deposit and periodic reporting of all town revenues and expenditures in a secure and business-like manner in accordance with generally accepted accounting practices and proper internal controls.
- J.** The Manager shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are, or may be, conferred or imposed upon the Manager by ordinance, or by State Law. The Manager shall attend all meetings of the Council unless excused by the Council. The Manager shall have the right to take part in the discussion of all matters before the Council, but not the right to vote.

7-8 APPOINTMENT / REMOVAL OF DEPARTMENT HEADS AND APPEAL

The Manager shall have the power to appoint and remove, subject to the provisions of this Charter or New Hampshire State Law, all town department heads. Such appointments shall be on merit and fitness alone and with confirmation of the Council. The Manager, for cause, may suspend or dismiss department heads or take other appropriate disciplinary action. Said suspension, dismissal, or other disciplinary action shall be effected only upon the Manager's presentation to the department head of a written specification of the reasons therefore at least ten (10) days before said action is taken.

The said department head involved may, within five (5) days, demand a hearing before the Council, in which event the department head shall not be removed until such hearing has been held. The Manager may, however, suspend said department head from duty during said period, with or without pay. Such hearing shall be either private or public, as allowed under New Hampshire State Law, at the aggrieved party's request. The Council, by a vote of five (5) members may override the Manager's decision.

7-9 NON-INTERFERENCE WITH TOWN ADMINISTRATION

The Council shall act in all matters as a body. Except as expressly provided elsewhere in this Charter, neither the Council nor any of its members shall direct or request the appointment of any person to office or employment; or direct the removal, suspension, discipline, adjustment in pay, benefits, or working conditions of any employee by the Manager or of any of the Town department heads.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately. Nothing contained in this Section shall prohibit the Council from meeting with the Manager to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Manager of any complaint.

Any violation of the provisions of this Section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Section 4-4 (B).

7-10 DEPARTMENTS / ADMINISTRATIVE CODE

The Town shall have departments, divisions, boards or committees as may be established by this Charter or as the Town Council may establish by ordinance. It shall be the duty of the Manager to draft and to submit to the Town Council within nine (9) months after assuming office, an ordinance consistent with this Charter to be titled as the "Administrative Code", which provides for the division of the administrative service of the Town into departments or agencies and defines the functions and duties of each.

The ordinance shall include, subject to any collective bargaining agreements that may be agreed upon, provisions for the Personnel Plan to ensure that all appointments and promotions in the service of the Town shall be made solely on the basis of merit and only after appropriate examination or review of the applicants' relative knowledge, skills, abilities and experience and provisions governing discipline and dismissal of personnel. Subsequent to the adoption of such ordinance, upon recommendation of the Manager, the Town Council by ordinance may amend it to create, consolidate or abolish departments, agencies or other divisions of the Town, define the functions and duties of each, or otherwise amend it.

The head of each department shall have supervision of such department and with the approval of the Town Manager may have the power to prescribe rules and regulations for the conduct of such department, not inconsistent with general law, this Charter, the Administrative Code, and the provisions of the Personnel Plan. Prior to adoption of the Administrative Code, the Manager shall have the power to establish temporary rules and regulations to ensure economy and efficiency in the several divisions of Town government.

7-11 TOWN CLERK / TAX COLLECTOR

A Town Clerk/Tax Collector shall be elected to a three (3) year term at a regular Town election by ballot pursuant to the applicable provisions of New Hampshire State Law and shall have the powers and duties prescribed by New Hampshire State Law pertaining to Town Clerks and Town Tax Collectors.

The Town Clerk/Tax Collector may be removed from office in accordance with the applicable provisions of New Hampshire State Law. Vacancy in the office of Town Clerk/Tax Collector shall be filled in accordance with the applicable provisions of New Hampshire State Law.