

Quick Summary

Article 6, which proposes the adoption of a Charter, is the result of Merrimack voters' repeated request to analyze how to best govern our community. This Charter is the culmination of over 18 months of effort that included three Town votes; 30 Commission meetings; 16 Commission subcommittee meetings; three public hearings; and input from Merrimack residents, elected and appointed officials from Merrimack and charter communities from around the State. The Charter was reviewed and cleared with no objections by the Office of the Attorney General, the Secretary of State, and the Department of Revenue Administration.

The Charter was developed under the provisions of RSA 49-B, which "...provides a vehicle whereby a municipality may adopt a form of government that best addresses local needs." Merrimack is the eighth largest community in the State of New Hampshire with over 27,000 people and handles over \$90 million a year in revenue, making it comparable to some of our State's largest corporations. Yet, the Town is still operating the same as towns with less than 800 people under the State's standardized Official Ballot laws ("SB2"). The Charter moves Merrimack away from the "one-size fits all" nature of municipal government embodied in the myriad of statutes, rules, and regulations at the state level, and allows the residents of Merrimack to have their own customized document of governance to meet the ever-increasing demands of our community.

Much of the current form has been incorporated into the Charter providing residents and businesses with a single, easy-to-follow document that clearly defines how Town government operates. For example, the authority for approving budgets, bonds, notes, and any other appropriation remains with the voters through the Official Ballot process ("SB2") currently in use.

However, some of the more noticeable changes include:

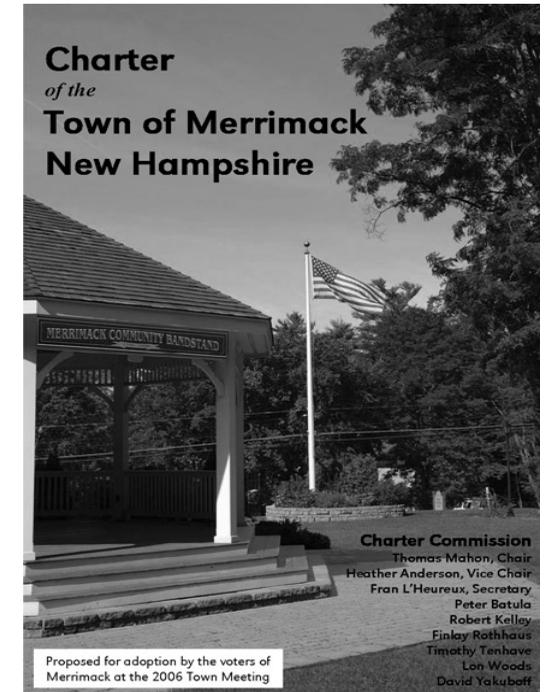
- Establishing a seven (7) member Town Council as the governing body to provide for increased representation;
- Having the Town Council adopt ordinances and land use measures (but may move any measure to the ballot for action by the voters), which may shorten the length of the Town ballot;
- Having the budget go directly to the voters for discussion, amendment, and adoption by eliminating the Municipal Budget Committee;
- Requiring a higher threshold (2/3 vote) for the passage of bonds and notes;
- Heightening the Town Manager's accountability by clearly defining the requirements, expectations, and duties of the position with an annual evaluation by the Town Council;
- Requiring that the Town Council acts as a body by introducing a non-interference provision; and
- Increasing the opportunities for public input through the introduction of requirements and procedures for community members to be heard and for their issues to be acted upon by the Town Council including the ability for voters to petition an amendment or repeal measures passed by the Town Council through the Initiative and Referendum provisions of Article X.

If adopted by the voters, the Charter takes effect on July 1, 2006. The members of the Board of Selectmen holding office on July 1, 2006 will continue to serve as Town Councilors until their respective terms expire. The Charter calls for a Special Election on June 13, 2006 to elect the two additional members to the Town Council. Many of the procedures and policies in use on June 30, 2006 will continue with the adoption of the Charter to ease the transition.

To read and learn more, please visit
<http://charter.merrimacknh.org> or the Merrimack Public Library.

charter.merrimacknh.org

Understanding The Merrimack Charter: *A Voter's Guide to Article #6*



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Frequently Asked Questions

How did the Charter process begin?

There have been essentially three votes by the voters of Merrimack establishing the Charter Commission. Two separate boards of selectmen placed articles on the Town Warrant (2004 and 2005) asking the voters to establish a Charter Commission. Both articles were adopted by the voters. In June 2005, the voters of Merrimack elected nine members to the Commission.

Will Councilors be elected by district or ward?

The Charter specifically provides that candidates for Town Council must have residency for one year and be domiciled in Merrimack. Town Councilors will be elected on an “at-large” basis to represent the entire town. This means that they may live any place in the town and their election to the Council is not restricted to any specific district or ward.

When is the Town Meeting? When do we vote?

Since the adoption of the so-called “SB2” or Official Ballot process, there is no “Town Meeting.” The current process under the provision of RSA 40:13 provides for an “Annual Meeting” consisting of a Deliberative Session in March and all day ballot voting in April. The Charter does not change the timeframes for the Annual Meeting and voting. The Deliberative Session will still occur in March. At that time, voters will be able to discuss, debate, and amend the articles presented in the warrant. All day ballot voting will still occur in April.

How will the budget be adopted?

The Town Operating Budget is developed by the Town Manager with input from the Town department heads and staff and presented to the Town Council. The Council makes any modifications or amendments it desires with input and consideration provided through one or more public hearings as the Council deems necessary. The Council’s budget is then placed on the warrant for discussion, debate, and amendment at a Deliberative Session and final action by the voters of Merrimack by all day ballot voting in April.

What is the vote required to approve a bond issue with this Charter?

The Charter does not explicitly state the super majority required, so by law, a 2/3rds vote will be required to adopt a bond or note. RSA 49-D:1-a allows a Charter Commission to propose either a three-fifth (3/5) or two-thirds (2/3) vote to pass a ballot or note. The law also provides that if there is no explicit language in the Charter, a 2/3rds vote to pass a bond or note is required.

How do I get an item on the ballot?

The Charter continues the ability for 25 registered Merrimack voters to petition the Council for appropriation only warrant articles. In addition, there are other opportunities through the procedures in Article X, Citizen Initiatives, for voters to bring concerns and measures to the Council. In the case of Initiative and Referendum petitions, the Council is required to act on the measures presented and if not adopted or repealed, to place these measures on a ballot at a Special Meeting or the Annual Meeting.

How do you amend the Charter?

Minor changes to the Charter can be made by the Council placing an amendment on the ballot or citizens can petition the Council to amend the Charter. Major changes require establishing a charter commission using the provisions of RSA 49-B, which can be placed on the ballot by the Council or by citizen petition.

Will I be able to walk into a Town Council meeting and address the Council?

Yes, the Charter specifically requires the Council to establish procedures for residents to address the Council. Our current form does not require such procedures; however, it has become customary.

Are there other opportunities for public input and participation in the decisions of the Town?

There are more opportunities for the citizens to initiate and participate in the decision-making process of the Town. The Charter requires the Council to establish

procedures to allow voters to bring issues before the Council. The Charter also requires more public hearings and legal notice publication for measures.

The biggest change is Article X of the Charter, which establishes four specific means for voters to bring issues to the Council: Individual Petitions, Group Petitions, Initiative Petitions, and Referendum Petitions.

The Initiative and Referendum petitions are currently not allowed in our current form of government and the Commission specifically included them because of the influence they can have in governing the Town. The Council must take action on Initiative and Referendum measures by either adoption or placing the questions on the ballot for a vote by the Town at a Special or Annual Meeting.

What will happen to the current members of the Board of Selectmen with time left on their term?

Under the Transitional Provisions of Article XII, Section 2, the Charter provides that any Selectmen holding office on the effective date of the Charter will retain their office until the expiration of their current term.

How will the additional Councilors be selected?

The Charter provides for a special election on June 13, 2006. On that date, Merrimack voters will elect two (2) additional Councilors who will begin their term of office on July 1, 2006. One will serve until the April election in 2009 and one will serve until April of 2008.

What happens to the existing Town boards/committees/commissions?

The existing Town boards/committees/commissions (e.g.; Conservation, Heritage, Ethics, Planning, Zoning, Parks & Recreation, Cable, etc.) remain. However, the Budget Committee and the Historic District Commission will be dissolved.

Is the Ethics Ordinance affected?

The Ethics Ordinance has been incorporated into the Charter with only minor textual changes that reflect the shift to a Town Charter. Please see Article IX entitled “Conduct of Officials / Code of Ethics”.

Does the Charter effect the Merrimack School or Village District?

The School District and Village District are separate organizations under New Hampshire State Law. The Charter only applies to Town government. Therefore, the Charter has no direct effect on the operations of the Merrimack School District or the Merrimack Village District. However, the districts will no longer be subject to the Municipal Budget Act provisions regarding a budget committee upon approval of the Charter.

Where can I get a comparison list of the changes affected by the Charter?

A comparison has been created and is available in hard copy at the Merrimack Public Library, the Town Clerk’s Office, and the Town Manager’s Office. The comparison can also be found online at the Charter’s web site (<http://charter.merrimacknh.org>) with convenient links to the specific references within the Charter itself.

What happens if the Charter fails?

The current form of government is retained.

When does the Charter take effect?

The Charter will take effect on July 1, 2006.

Are the Merrimack Charter Commission members going to vote YES?

The Charter Commission members unanimously support the new Charter.

If you have a specific question or concern about the Charter, please visit the Merrimack Charter Commission’s web site and use the Question Form.