

| CURRENT FORM-DETAILED               |   |   |  |
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| Provision                           | Current Provisions                          | Authority   | Town Administrative Code   |
| <b>Governing Body</b>               | 5 Member Board of Selectmen                 | <b>RSA 41:8</b> Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases. <b>RSA 41:8b</b> Upon written petition of not less than 2 percent of the legal voters of any town, addressed and delivered to the selectmen not later than the fifth Tuesday before any annual meeting, the following question, as requested in the application, shall be submitted to the voters at the meeting: "Are you in favor of increasing the board of selectmen to 5 members?"  | <b>Part I, Chapter 66, Article IV</b> Article 9, voted in the affirmative 3-14-1978 by ballot by the Annual Town Meeting, reads as follows: "Are you in favor of increasing the Board of Selectmen to five members?"]  |
| <b>Legislative Body</b>             | Official Ballot Town Meeting                | <b>RSA 40:13.I.</b> Notwithstanding RSA 39:3-d, RSA 40:4-e, or any other provision of law, any local political subdivision as defined in RSA 40:12 which has adopted this subdivision shall utilize the official ballot for voting on all issues before the voters.   |  |
| <b>Chief Administrative Officer</b> | Town Manager                                | <b>RSA 37:5</b> The town manager shall be the administrative head of all departments of the town and be responsible for the efficient administration thereof, except as herein otherwise provided.  | <b>Part I, Chapter 38 and Part II, Chapter A198, Article I</b> The chief administrative officer of the Town shall be called the Manager. The Board of Selectmen shall appoint a Manager for an indefinite term and affix the salary of a qualified person who receives the majority vote of the members of the Board.  |
| <b>Representation</b>               | At-Large                                    | <b>RSA 41:8</b> Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years.   |  |
| <b>Term(s) of Office</b>            | Three year, staggered                       | <b>RSA 41:8</b> Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. <b>RSA 41:8b</b> If the town votes to enlarge the board to 5 members, at the first annual meeting following the meeting when the action was taken the town shall elect 2 members for a 3-year term and one member for a one-year term. At the next succeeding annual meeting 2 members shall be elected for a 3-year term, at the next following annual meeting one member shall be elected for a 3-year term, and at succeeding annual meetings members shall be elected to fill the vacancies regularly occurring. If a town votes to decrease its board to 3 members, at the annual meeting following the meeting at which it so voted, the terms of office of all members of the board of selectmen shall end and the town shall elect 3 members of the board of selectmen, one for one year, one for 2 years, one for 3 years and at all succeeding annual meetings shall elect a member to the board for a 3-year term. |  |
| <b>Principal Officer</b>            | Chairman                                    |   |  |
| <b>Period of Domicile</b>           | No minimum                                  |   |  |
| <b>Residency</b>                    | Required                                    | <b>RSA 669:6</b> Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town.   |  |
| <b>Vacancies</b>                    | Filled by BOS                               | <b>RSA 669:61.I.</b> Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.   | <b>A198-99A.</b> All appointments to boards, commissions and committees shall serve for the term appointed and until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term and until a success   |
| <b>Compensation</b>                 | Set by Town Meeting                         | <b>RSA 31:4</b> Towns may at any legal meeting grant and vote such sums of money as they judge necessary for any purpose for which a municipality may act if such appropriation is not prohibited by the laws or by the constitution of this state.   | <b>A198-18</b> The compensation of all officers and employees not fixed by this regulation or state law shall be fixed in the rules and regulations of the merit plan by a schedule of pay EN that shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations as approved by the Board of Selectmen. Those employees represented by unions shall be excluded. In the preparation of the budget for the next fiscal year, the Board of Selectmen shall not recommend increases or decreases in any individual salary but shall make budget recommendations with respect to total salaries in each department of the Town as it shall see fit. |
| <b>Removal from Office</b>          | Provided by statute and Administrative Code | <b>RSA 32:23</b> Initiation of Removal Proceedings ; <b>RSA 42:1</b> Every town officer shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire and any such person who violates said oath after taking the same shall be forthwith dismissed from the office involved. <b>RSA 42:1-a</b> Manner of Dismissal; Breach of Confidentiality  | <b>A198-99B.</b> Conditions for removal from any board, commission or committee shall be as defined by statute, ordinance or the Administrative Code.  |
| <b>General Powers</b>               | Provided by statute                         | See <b>RSA 31</b> and <b>RSA 41</b> for an enumeration of the general powers of a town.   |  |

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| <b>Appointive Powers</b>                | Provided by statute                        | <u><b>RSA 673:2, II.</b></u> Planning Boards; <u><b>RSA 673:3, I.</b></u> Zoning Board of Adjustment; <u><b>RSA 673:4, I.</b></u> Historic District Commission; <u><b>RSA 673:4-a</b></u> Heritage Commission; <u><b>RSA 35-B:4</b></u> Recreation Commission; <u><b>RSA 53-C</b></u> Cable Television; <u><b>RSA 238:6</b></u> Local Highway Safety Programs  | <u><b>A198-99A.</b></u> All appointments to boards, commissions and committees shall serve for the term appointed and until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term and until a successor has been appointed and qualified.  |
| <b>Non-Interference by Elected Body</b> | No provision in law or administrative code | <u><b>RSA 37:3</b></u> ...and shall in all matters be subject to the direction and supervision, and hold office at the will, of the selectmen who may by a majority vote remove him at any time for cause.   |  |
| <b>Appointive Officers</b>              | Selectmen & Town Manager                   | Selectmen-See <b>Appointive Powers</b> , above. Town Manager-RSA 37:6, II. To appoint, upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensation.   | <u><b>A198-6</b></u> The Manager shall have the power to appoint and remove, subject to the provisions of this regulation, all officers and employees in the administrative service of the Town, but the Manager may authorize the head of a department or an office responsible to him to appoint and remove in such department or office.  |
| <b>Organization</b>                     | Selectmen                                  | <u><b>RSA 37:6.I.</b></u> To organize, continue, or discontinue, from time to time, such departments as the selectmen may from time to time determine.   |  |
| <b>Administrative Code</b>              | Not required by law                        |  | <u><b>Part I, Chapter 1, Article 2</b></u> Article 19, adopted 5-16-1985 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to adopt a codification of the ordinances and regulations of the Town of Merrimack, together with a change of numbering, titling and formatting thereof, the entire texts of which are as published by General Code Publishers Corporation in 'The Code of the Town of Merrimack' on file with the Town Clerk. This vote shall supersede and replace by reference to said Code the ordinances and regulations heretofore adopted by the Town of Merrimack. The Code of the Town of Merrimack shall become effective upon passage."  |
| <b>Merit Plan</b>                       | Town Manager                               | <u><b>RSA 37:6.II</b></u> To appoint, upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensation.  | <u><b>A198-16A.</b></u> Appointments and promotions to all positions in the service of the Town shall be made solely on the basis of merit and only after examination of the applicant's fitness.<br><u><b>B.</b></u> So far as practicable, examinations shall be competitive. <u><b>A198-17 A.</b></u> The Manager shall draft and submit to the Board of Selectmen a set of rules and regulations, which shall become effective after its approval by the Board, providing for the establishment of a merit system of personnel administration and for the implementation of such portions of that system as are prescribed by this regulation. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force, subject to amendments submitted from time to time by the Manager, which shall become effective upon approval by the Board of Selectmen. |
| <b>Fiscal Year</b>                      | 1 July to 30 June                          | <u><b>RSA 31:94a</b></u> Cities and towns and counties, may adopt a single 18 month accounting period running from January 1 of the calendar year following adoption and ending June 30 of the next following year. Thereafter, accounting periods for such towns, cities, and counties shall run from July 1 to June 30 of the following year.  | <u><b>Part I, Chapter 7, Article 1</b></u> Article 33, voted in the affirmative 3-19-1976 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to adopt the provisions of N.H. RSA 31:94-a entitled "Optional Fiscal Year" and to provide for an 18-month accounting period running from January 1st 1977 through June 30th 1978; thereafter the accounting period shall run from July 1st through June 30th of the following year."<br>And, <u><b>Part II Chapter A198-10,</b></u> Article 11 The fiscal and budget year of the Town shall begin on the first day of July and end on June 30, unless another date shall be voted on by the voters of the Town of Merrimack.  |
| <b>Budget Process</b>                   | Municipal Budget Act and Town Manager Act  | <u><b>RSA 32:4</b></u> All municipal officers, administrative officials and department heads, including officers of such self-sustaining departments as water, sewer, and electric departments, shall prepare statements of estimated expenditures and revenues for the ensuing fiscal year, and shall submit such statements to their respective governing bodies, at such times and in such detail as the governing body may require.<br><u><b>RSA 37:6 V.</b></u> To keep the selectmen fully advised as to the needs of the town, within the scope of his duties, and to furnish them on or before the thirty-first day of January of each year a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, ...and to submit at the same time an estimate in writing of the amount of income from all sources of revenue, exclusive of taxes upon property, and of the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. | <u><b>Part I, Chapter 7, Article II</b></u> Article 15, voted in the affirmative 3-17-1978 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to adopt the provisions of the Municipal Budget Law, RSA 32:1."   |
| <b>Budget Submission Date</b>           | January 31st                               | <u><b>RSA 37:6.V</b></u> and the <u><b>Administrative Code</b></u>   | <u><b>Part II, Chapter A198-12,</b></u> Article II A. At such times as may be required by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control.<br>B. The Manager shall submit, with detailed backup, the proposed budget to the Board of Selectmen on or before the 18th day of January of each year.<br><u><b>Chapter A198-13</b></u> No later than 31 days after the budget has been submitted to the Board of Selectmen, the Board shall take action on such budget and make its recommendation to the Budget Committee. Upon failure by the Board to act seasonably, the Manager shall forward the proposed budget, as if it had been approved by the Board, to the Budget Committee for its action.   |

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| <b>Budget Hearing(s)</b>          | Municipal Budget Act              | <b>RSA 32:5.I.</b> The governing body, or the budget committee if there is one, shall hold at least one public hearing on each budget, not later than 25 days before each annual or special meeting, ...  | <b>A198-105B.</b> Hold at least one public hearing on each budget in accordance with RSA 32:5.   |
| <b>Transfer of Funds</b>          | Municipal Budget Act              | <b>RSA 32:10.I.</b> If changes arise during the year following the annual meeting that make it necessary to expend more than the amount appropriated for a specific purpose, the governing body may transfer to that appropriation an unexpended balance remaining in some other appropriation, provided, however, that:<br>(a) The total amount spent shall not exceed the total amount appropriated at the town or district meeting.<br>(b) Records shall be kept by the governing body, such that the budget committee, if any, or any citizen requesting such records pursuant to RSA 91-A:4, may ascertain the purposes of appropriations to which, and from which, amounts have been transferred; provided, however, that neither the budget committee nor other citizens shall have any authority to dispute or challenge the discretion of the governing body in making such transfers.   | <b>Part II, Chapter 198A-14</b> At the beginning of each quarterly period or as necessary during the fiscal year, the Manager shall be required to submit to the Board of Selectmen data showing the relation between the estimated and actual income and expenses to date, and if it shall appear that the income is less than anticipated, the Board or Manager may reduce the appropriation for any item or items, except amounts required for debt and interest costs and other costs as may be dictated by state statute, to such a degree as may be necessary to keep the expenditures within the cash income. The Manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as may be prescribed by the Manager.<br><b>Part II, Chapter 198A-15</b> The head of any department, with the approval of the Manager, may transfer any unencumbered balance or any portion thereof from one line item or agency within that department to another line item or agency within that department. The Manager, with the approval of the Board of Selectmen, may transfer any unencumbered appropriation balance or any portion thereof from one department to another. |
| <b>Audit</b>                      | Not required by law               |   |  |
| <b>Supplemental Appropriation</b> | Town Meeting/Special Town Meeting | <b>RSA 31:5</b> Special Town Meeting; <b>RSA 31:95-b</b> ; <b>RSA 32:6</b> ; <b>RSA 32:11</b> ; <b>RSA 41:9, V</b>  |  |
| <b>Fiscal Controls</b>            | Municipal Budget Act              | <b>RSA 32:7</b> Lapse of Appropriations; <b>RSA 32:10</b> Transfer of Appropriations; <b>RSA 32:18</b> Limitation of Appropriation; <b>RSA 32:22</b> Review of Expenditures; <b>RSA 41:9</b> Financial Duties   |  |
| <b>Borrowing</b>                  | Town Meeting/Special Town Meeting | <b>RSA 31:5</b> Special Town Meeting; <b>RSA 31:10</b> Towns may incur indebtedness and issue notes for temporary loans, other than loans in anticipation of taxes, in any case where moneys belonging to them are lost or rendered unavailable through any default, suspension of payment or other casualty. They may proceed in like manner where moneys received for the use of a school or village district, but not yet paid over thereto, are so lost or rendered unavailable.  |  |
| <b>Referendum Procedures</b>      | 25 signature petition; BOS        | <b>39:3</b> Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. <b>RSA 31:133</b> Any question which an enabling statute authorizes to be placed in the warrant for a town meeting by petition may also be inserted by the selectmen, even in the absence of any petition. So long as the subject matter of an action taken at a town meeting was distinctly stated in the warrant, no defect in the process by which such subject matter came to appear in the warrant shall affect the validity of such action.     |  |
| <b>Initiative Proceedings</b>     | 25 signature petition; BOS        | <b>RSA 39:3</b> Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. <b>RSA 31:133</b> Any question which an enabling statute authorizes to be placed in the warrant for a town meeting by petition may also be inserted by the selectmen, even in the absence of any petition. So long as the subject matter of an action taken at a town meeting was distinctly stated in the warrant, no defect in the process by which such subject matter came to appear in the warrant shall affect the validity of such action. |  |
| <b>Conflict of Interest</b>       | Not required by law               |   | <b>Part I, Chapter 23</b> - Code of Ethics   |
| <b>Bond Issues</b>                | Town Meeting/Special Town Meeting | <b>RSA 33:8-a.I.</b> There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of \$100,000 held before the governing board of any municipality. Said hearing shall be held at least 15 days, but not more than 60 days prior to the meeting, or adjourned session thereof, at which the bond or note issued is to be voted upon. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least 7 days before it is held.   |  |

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| <b>Land Use Changes</b>             | Town Meeting/Special Town Meeting                       | <b>RSA 675:3.I.</b> Any town not operating under the town council form of government, or any village district which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a zoning ordinance, historic district ordinance, or building code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in paragraph VII. Any proposed zoning ordinance, as submitted by a planning board or any amendment to an existing zoning ordinance as proposed by a planning board, board of selectmen or village district commission shall be submitted to the voters of a town or village district in the manner prescribed in this section. |   |
| <b>Annual Municipal Election</b>    | Required  | <b>RSA 39:1</b> A meeting of every town shall be held annually on the second Tuesday of March, or in accordance with RSA 40:13 if that provision is adopted in the town, for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor. In no event shall a special town meeting be held on the biennial election day.  | <b>Part 1, Chapter 42, Article VI</b> Article 28, voted in the affirmative 3-17-1979 by the Annual Town Meeting, reads as follows: "To see if the Town will vote pursuant to RSA 39:1-a (supp.) to hold its Annual Town Meeting on the second Tuesday of May for the selection of Town officers and the transaction of all other Town business."  |
| <b>Administrative Code Adoption</b> | Not required by law                                     |   | <b>Part I, Chapter 1, Article I</b> On 5-2-1985, the Board of Selectmen voted to adopt the guidelines and ordinances, together with the numbering, titling and formatting thereof, the entire texts of which are as published by General Code Publishers Corp. in the Code of the Town of Merrimack, on file with the Town Clerk, effective on passage. Said vote also repealed, superseded and replaced, by reference to said Code, the guidelines and ordinances heretofore adopted by the Board of Selectmen for the Town of Merrimack. <b>Part I, Chapter 1, Article 2</b> Article 19, adopted 5-16-1985 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to adopt a codification of the ordinances and regulations of the Town of Merrimack, together with a change of numbering, titling and formatting thereof, the entire texts of which are as published by General Code Publishers Corporation in 'The Code of the Town of Merrimack' on file with the Town Clerk. This vote shall supersede and replace by reference to said Code the ordinances and regulations heretofore adopted by the Town of Merrimack. The Code of the Town of Merrimack shall become effective upon passage." |
| <b>Administrative Code Review</b>   | Not required by law                                     |   |   |
| <b>Purchasing System</b>            | Enabling Legislation, not required by law               | <b>RSA 31:59a</b> Any town at an annual meeting, under an article in the warrant for said meeting, may vote to establish a central purchasing department for said town.   | <b>Part I, Chapter 55, Article VII</b> Purchasing Division Article 40, voted in the affirmative 5-17-1980 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to rescind the requirement that all transactions involving the sale of Town property or the purchase or construction of any item in excess of \$500 be advertised for bid, as passed at the Annual Meeting in 1972 (Article 25), and further to authorize the Board of Selectmen to adopt such competitive bidding procedures for this purpose as they may find necessary." <b>A198-9</b> The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchases, the combination of purchasing of similar articles by different departments and purchasing by competitive bids wherever practical. <b>A198-34</b> Each department head shall be responsible for following the provisions of this Administrative Code establishing a purchasing and control system with respect to purchases and contracts for his department consistent with directives of the Purchasing Director/Town Manager. And, <b>A198-53</b> . Purchasing Department.                       |
| <b>Investment Policy Transition</b> | Not required by law<br>Increase BOS from 3 to 5 members | <b>RSA 41:8e</b> If a town votes to enlarge or to decrease its board of selectmen the change does not take effect in either case until the first annual meeting following the meeting at which the questions were acted upon.   |   |