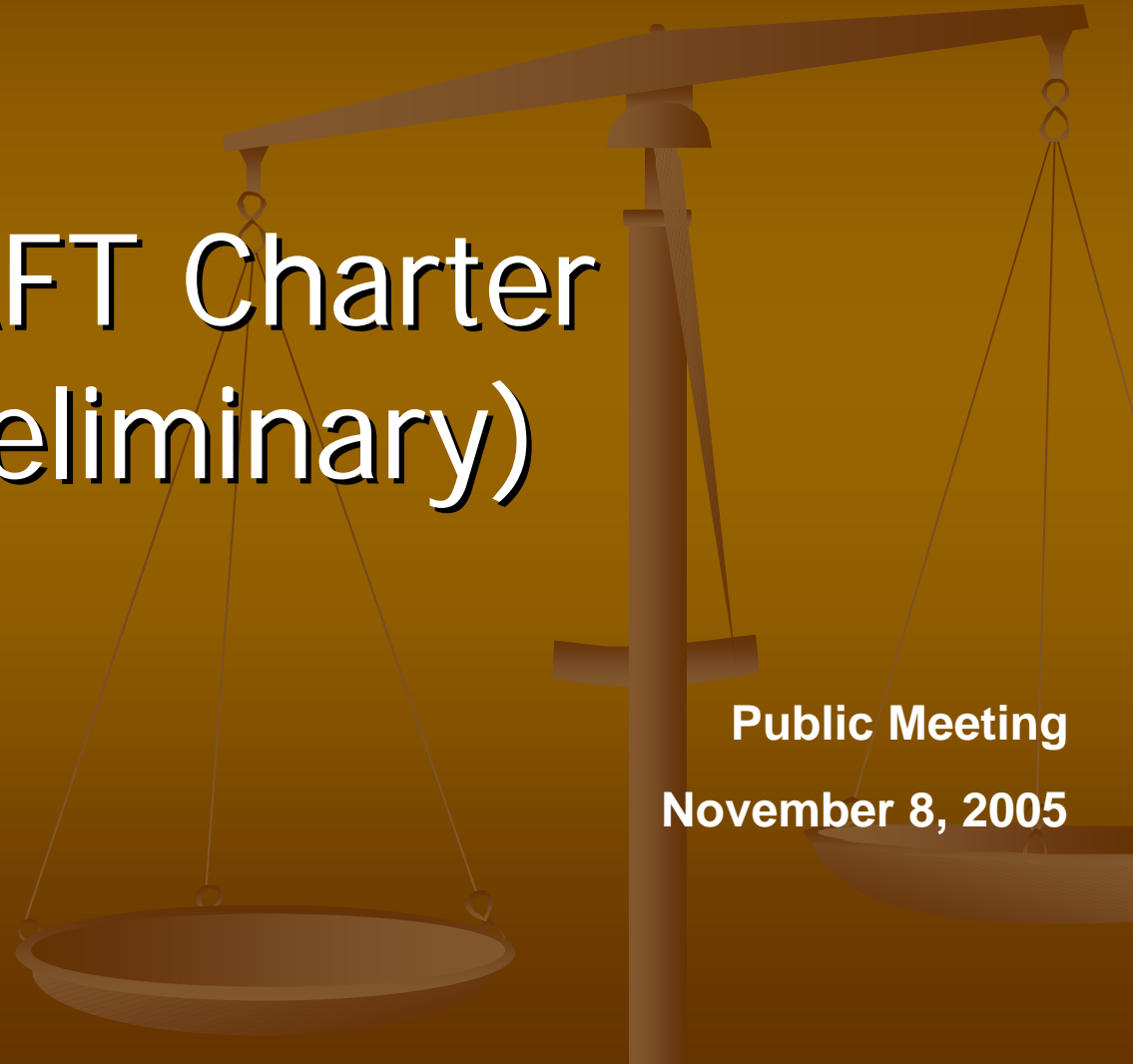


# Merrimack Charter Commission

**DRAFT Charter  
(Preliminary)**


**Public Meeting  
November 8, 2005**



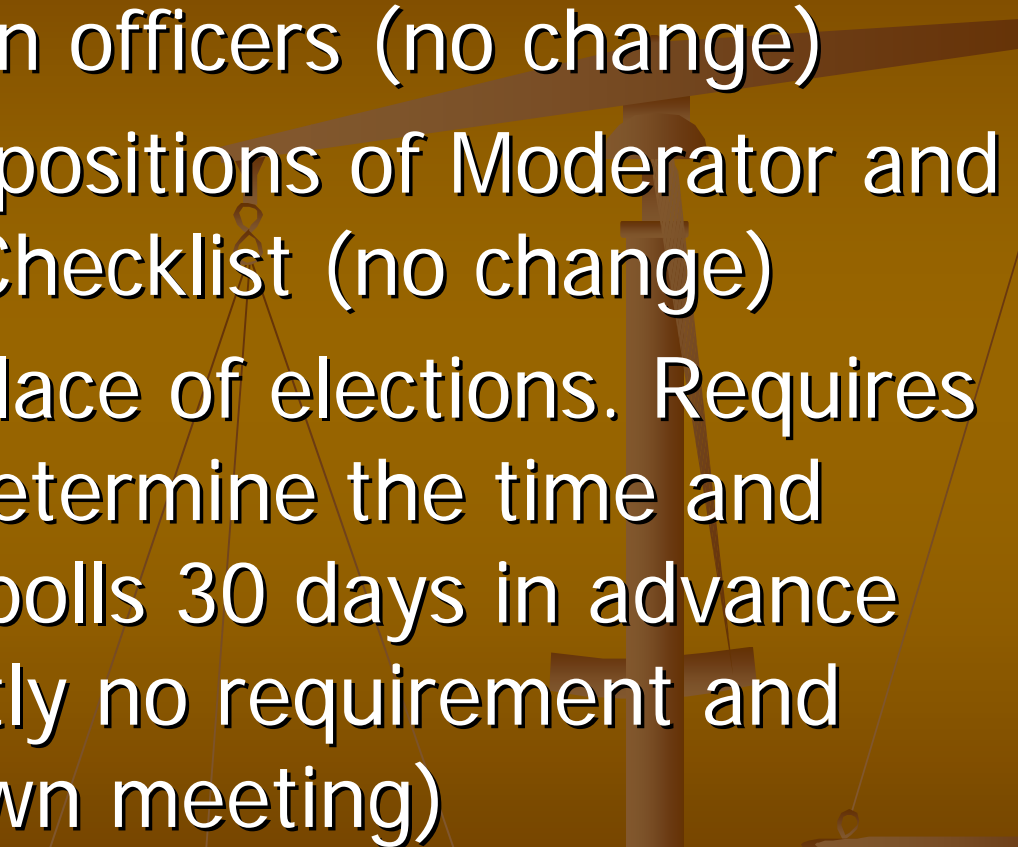
# Preliminary Draft Has 12 Articles

- Incorporation
  - Election
  - Governing Body
  - Ordinances
  - Boards and Commissions
  - Administration of Government
  - Finance
  - Citizen Initiatives
  - Conduct in Office/Ethics
  - General Provisions
  - Transition
  - Definitions
- 

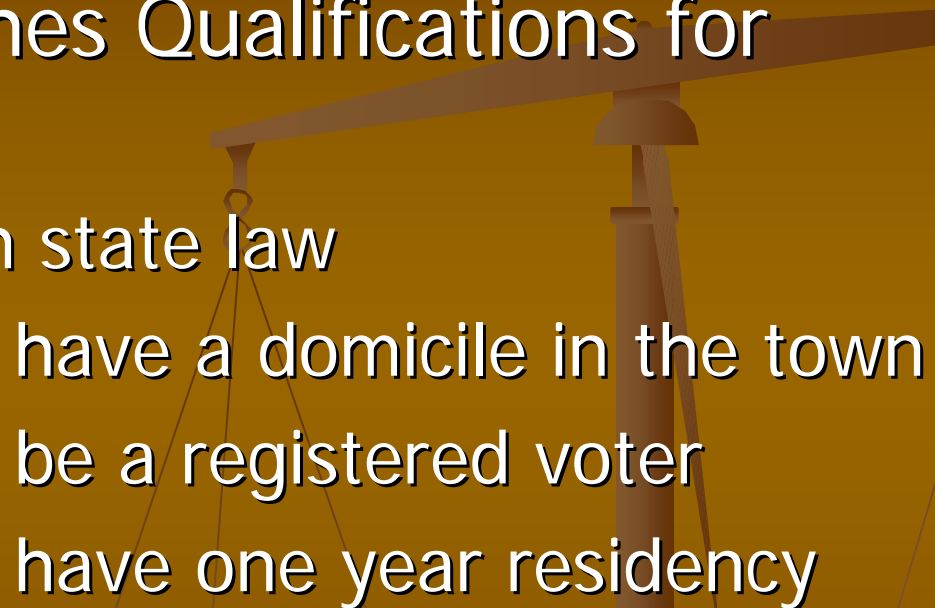
# ARTICLE 1. INCORPORATION

- Continues the name "Town of Merrimack"
  - Establishes a Town Council Form of government, town manager and prohibits interference in town administration by council members
  - Authorizes intergovernmental cooperation
- 

# ARTICLE 2. ELECTION PROCEDURES

- Board of Election officers (no change)
  - Establishes the positions of Moderator and Supervisors of Checklist (no change)
  - Sets time and place of elections. Requires the council to determine the time and place(s) of the polls 30 days in advance (change-currently no requirement and governed by town meeting)
- 

# ELECTIONS

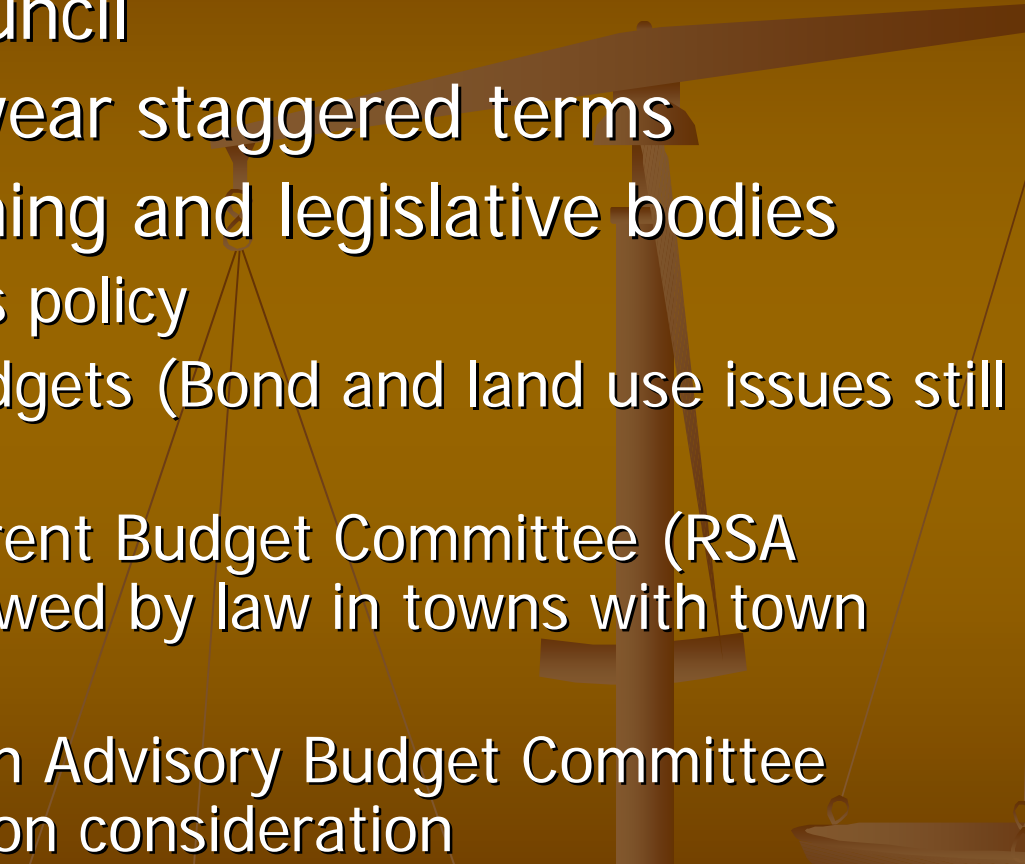
- Charter establishes Qualifications for Office (2-4):
    - Compliance with state law
    - Candidate must have a domicile in the town
    - Candidate must be a registered voter
    - Candidate must have one year residency
- 

# ELECTIONS

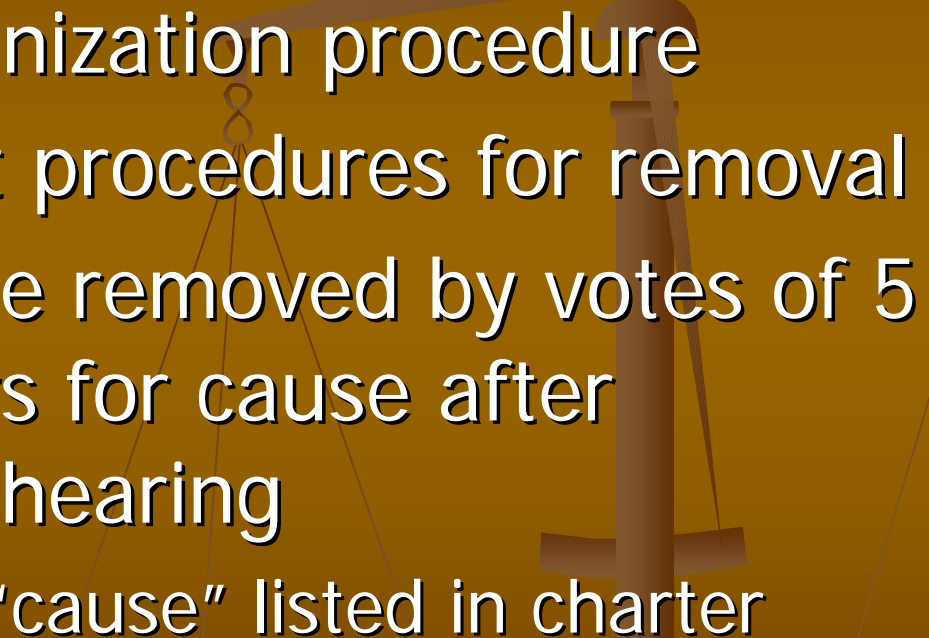


- Other significant change: If the successful candidate does not take the oath of their office within 30 days, this is deemed a refusal of service and a vacancy declared.
- Other provisions of this article represent no change from the current operation of election law in Merrimack,

# Article 3 - GOVERNING BOARD

- Replaces 5 members Board of Selectmen with 7 member Town Council
  - Still elected for 3 year staggered terms
  - Council the governing and legislative bodies
    - Council establishes policy
    - Council adopts budgets (Bond and land use issues still pending)
    - Eliminates the current Budget Committee (RSA 32:14,1 – only allowed by law in towns with town meeting)
    - Consideration of an Advisory Budget Committee pending Commission consideration
- 

# Article 3 - GOVERNING BOARD

- Establishes organization procedure
  - Council to adopt procedures for removal
  - Councilor may be removed by votes of 5 Council members for cause after notification and hearing
    - Some forms of "cause" listed in charter
- 



# Article 3 - GOVERNING BOARD

## ■ Establishes

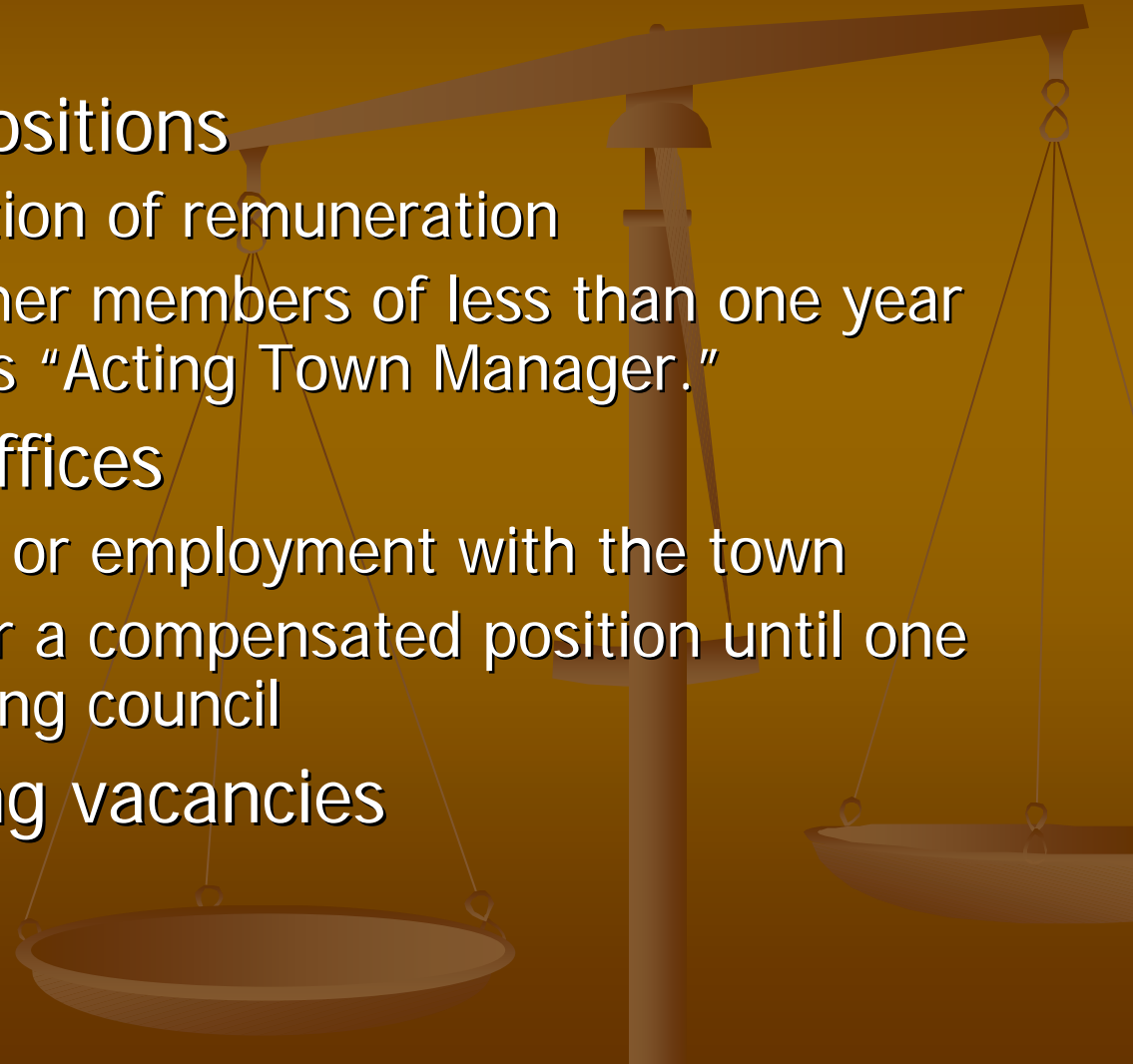
### ■ Incompatible Positions

- Any other position of remuneration
- Current or former members of less than one year cannot serve as "Acting Town Manager."

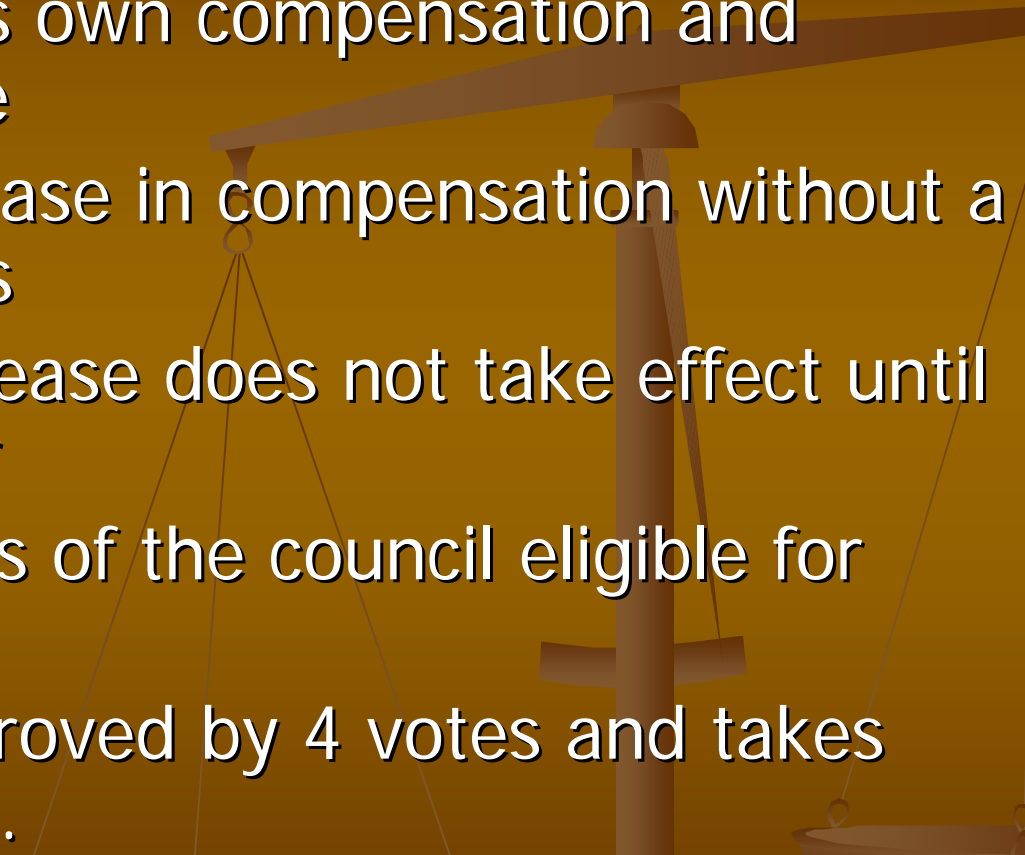
### ■ Incompatible Offices

- No other office or employment with the town
- No eligibility for a compensated position until one year after leaving council

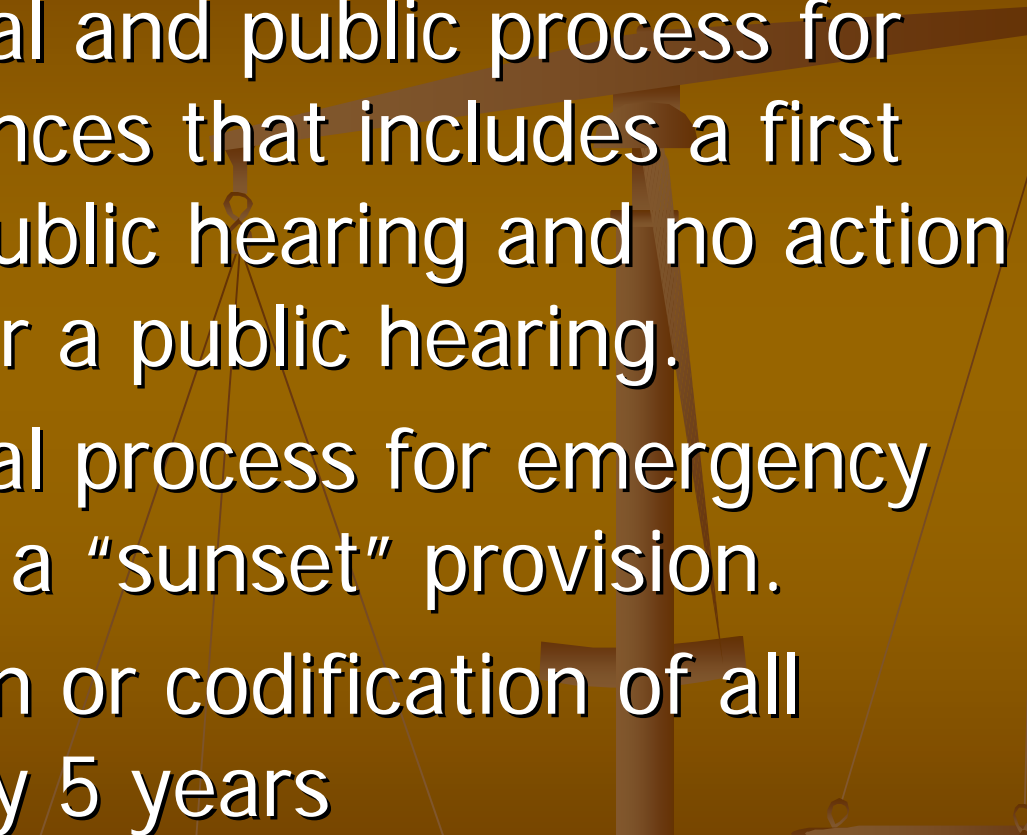
### ■ Method for filling vacancies



# Article 3 - GOVERNING BOARD

- Council establishes own compensation and expense allowance
  - Prohibits any increase in compensation without a vote of 5 members
  - Any approved increase does not take effect until ensuing fiscal year
  - Only new members of the council eligible for increase
  - Any reduction approved by 4 votes and takes effect immediately.
- 

# Article 4 - Ordinances

- Provides a formal and public process for adopting ordinances that includes a first reading and a public hearing and no action until 7 days after a public hearing.
  - Provides a formal process for emergency ordinances with a "sunset" provision.
  - Requires revision or codification of all ordinances every 5 years
- 

# Article 5 – Administrative and Judicial Boards

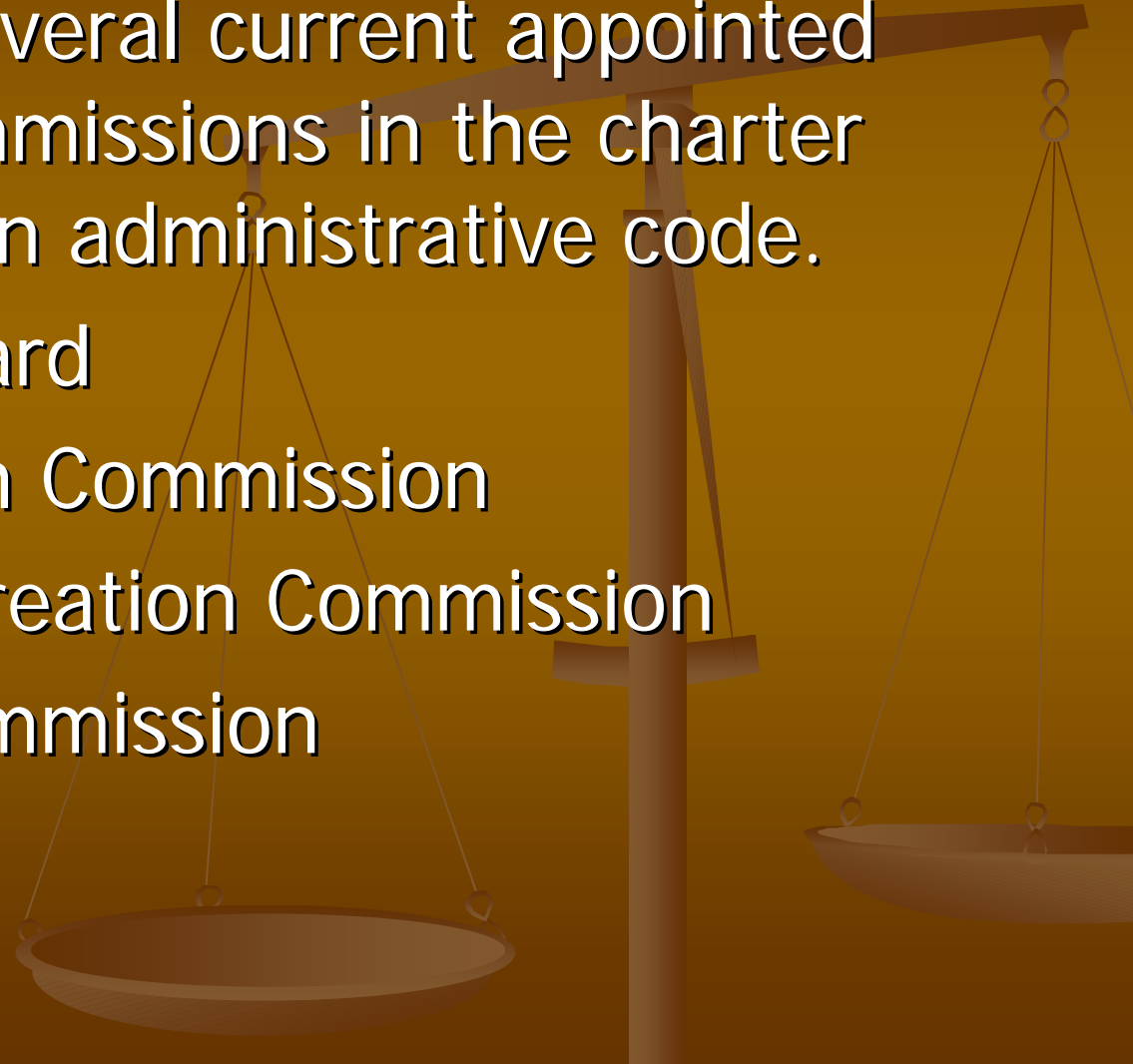
- Memorializes several current appointed boards and commissions in the charter rather than in an administrative code.

Planning Board

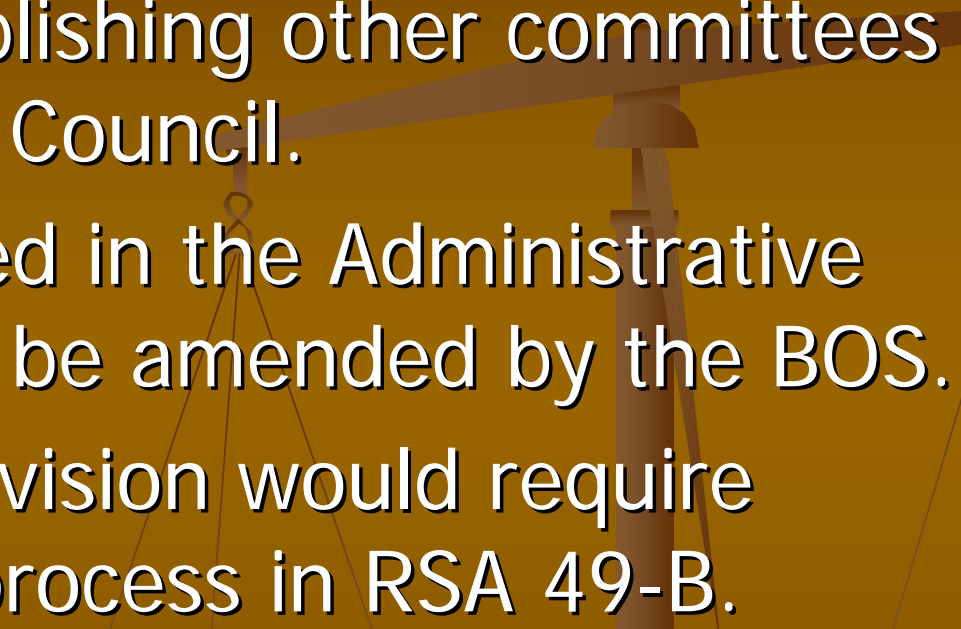
Conservation Commission

Parks & Recreation Commission

Heritage Commission



# Article 5 – Administrative and Judicial Boards

- Authorizes establishing other committees by action of the Council.
  - All now contained in the Administrative Code which can be amended by the BOS.
  - As a charter provision would require charter review process in RSA 49-B.
- 

# Article 5 – Administrative and Judicial Boards

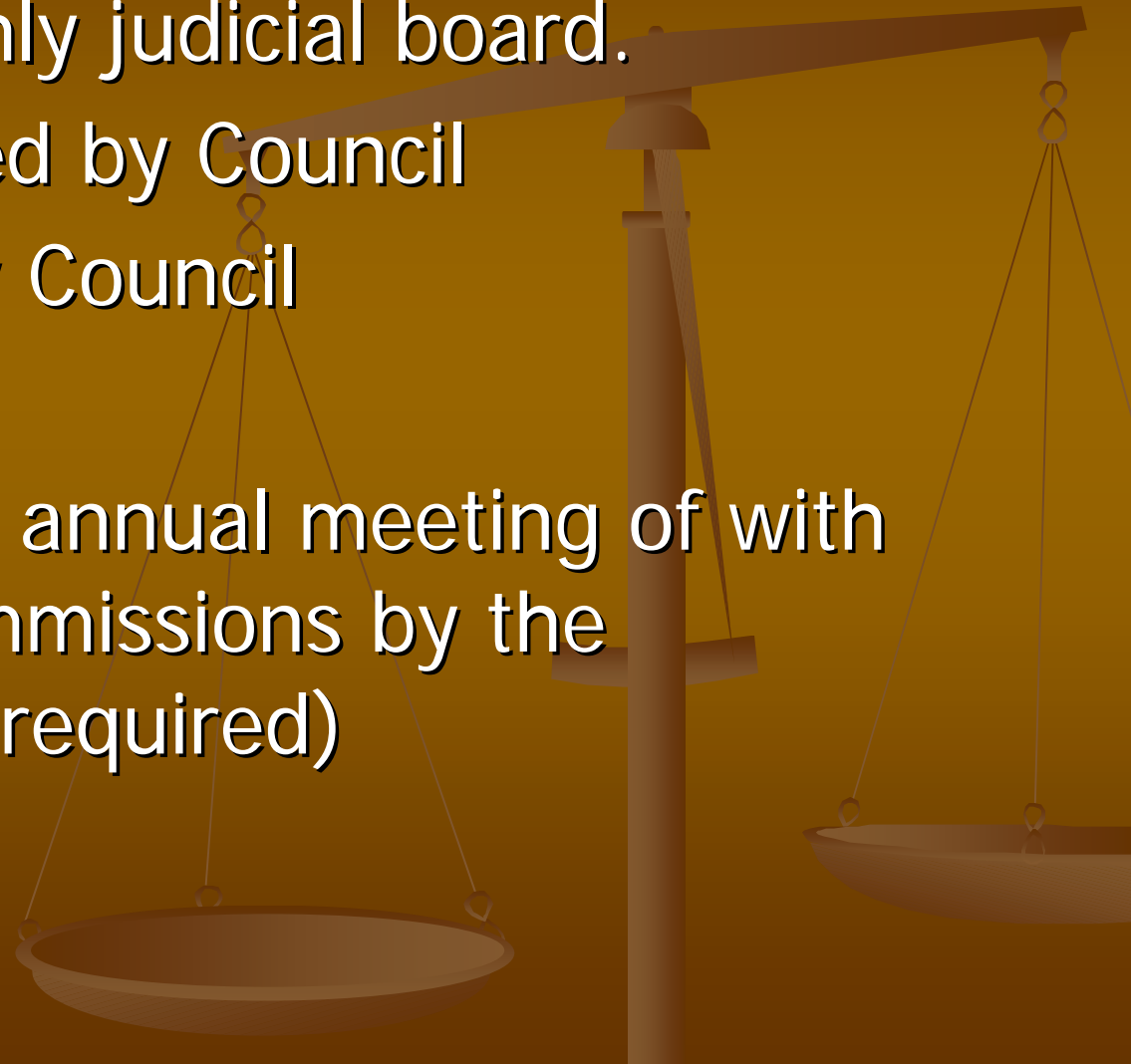
- Memorializes three elected boards:
  - Trustees of Trust Funds
  - Library Trustees
  - Ethics Committee

Advisory Budget Committee provisions pending consideration by Commission



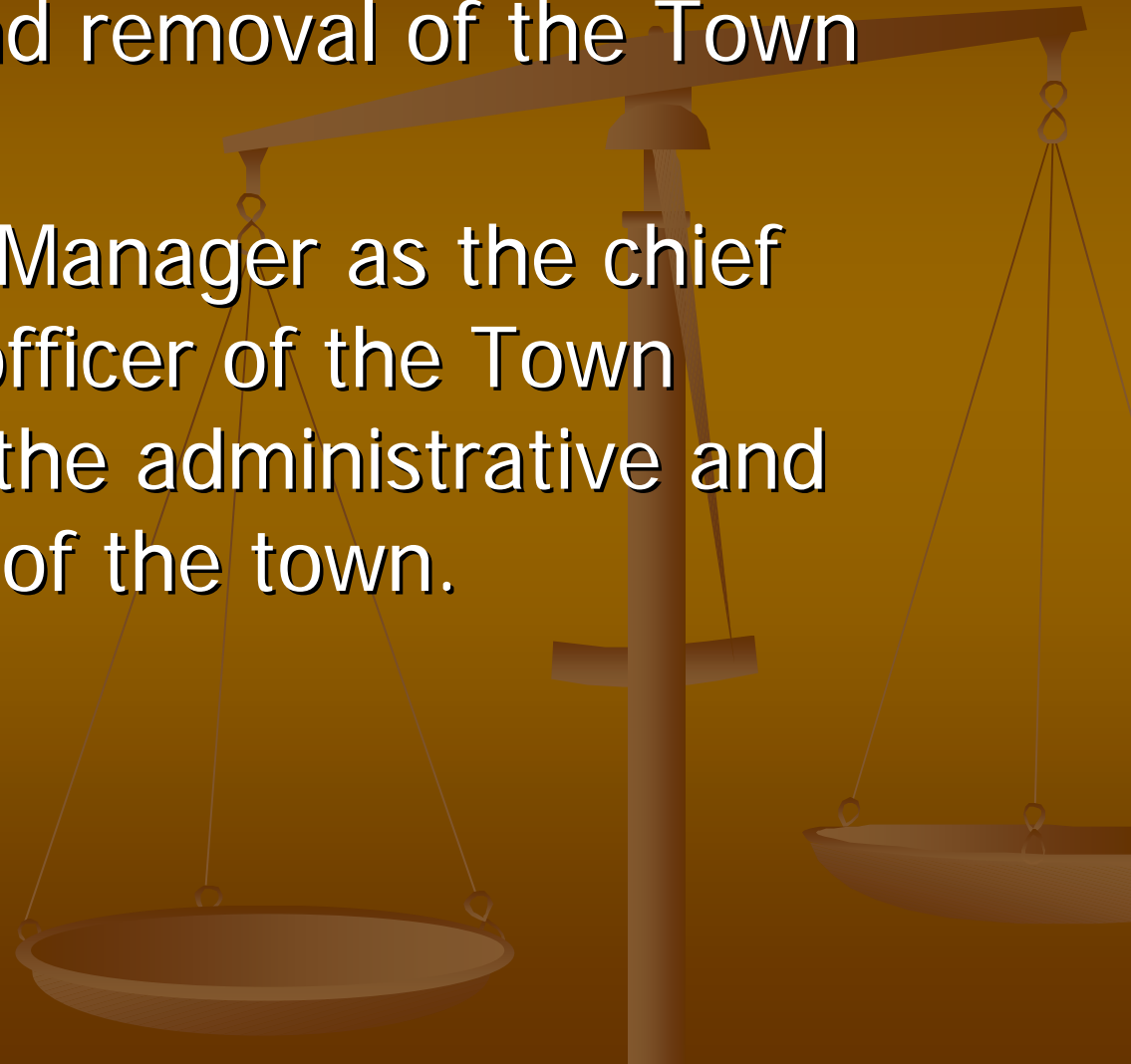
# Article 5 – Administrative and Judicial Boards

- Zoning Board is only judicial board.
- Members appointed by Council
- Vacancies filled by Council
- Article requires an annual meeting of with all boards and commissions by the Council. (not now required)



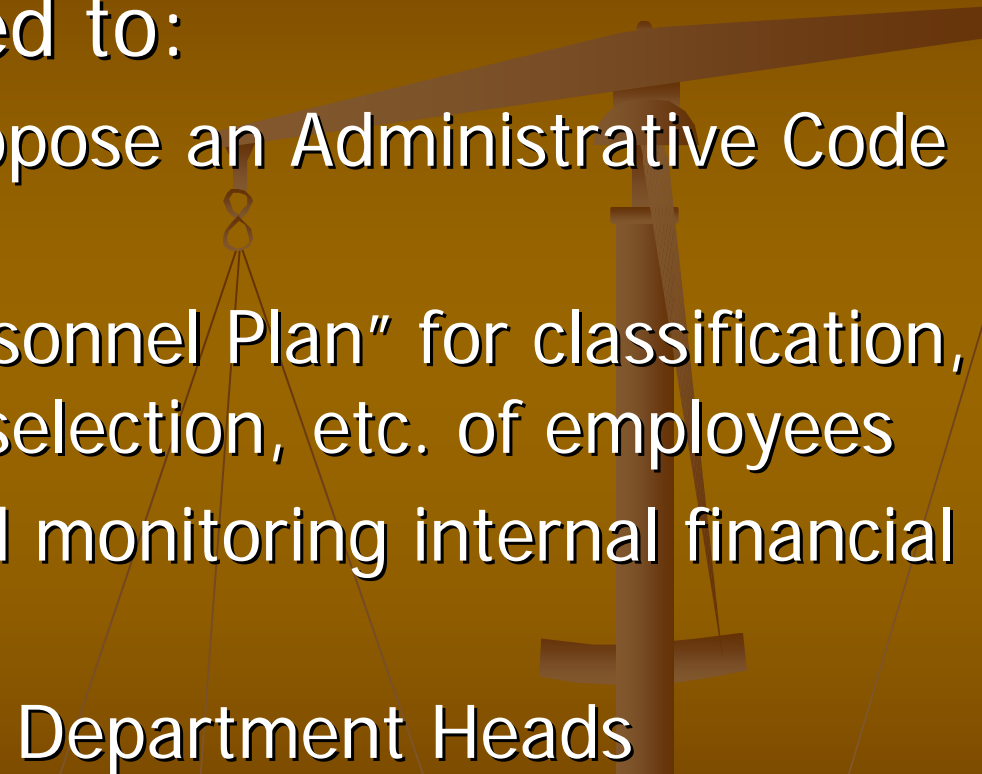
# Article 6- Administration of Government

- Appointment and removal of the Town Manager
- Establishes the Manager as the chief administrative officer of the Town responsible for the administrative and financial affairs of the town.

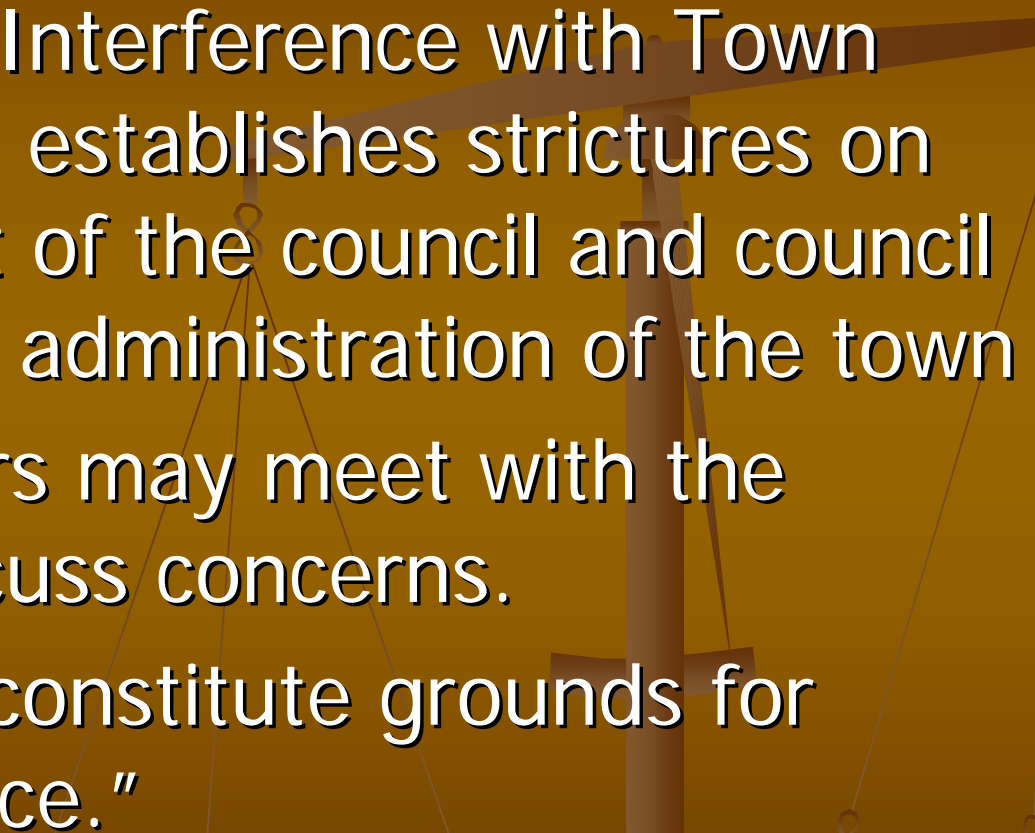




# Article 6- Administration of Government

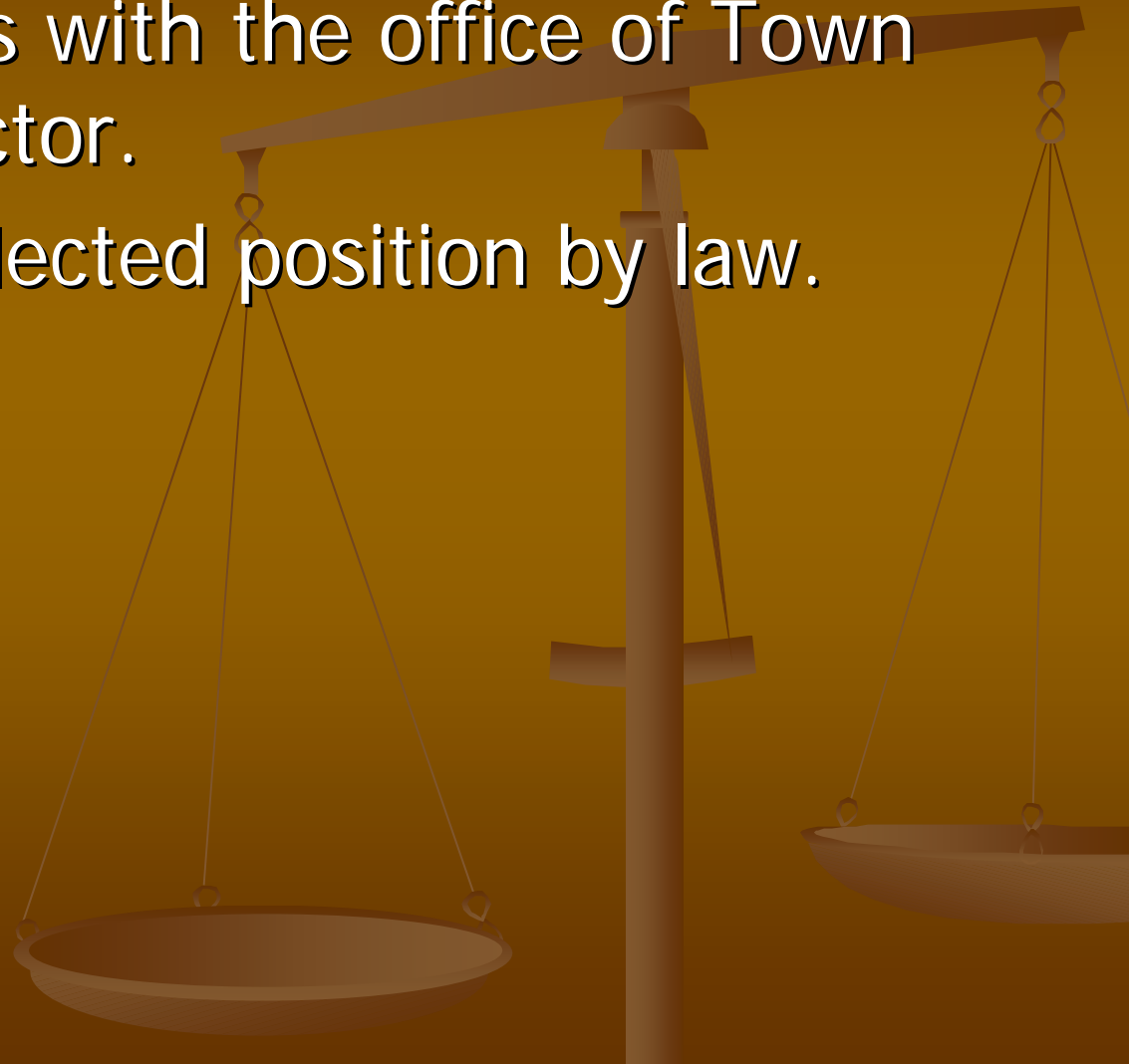
- Manager required to:
    - Prepare and propose an Administrative Code to the Council
    - Establish a “Personnel Plan” for classification, compensation, selection, etc. of employees
    - Establishing and monitoring internal financial controls
    - Appoint/remove Department Heads
- 

# Article 6- Administration of Government

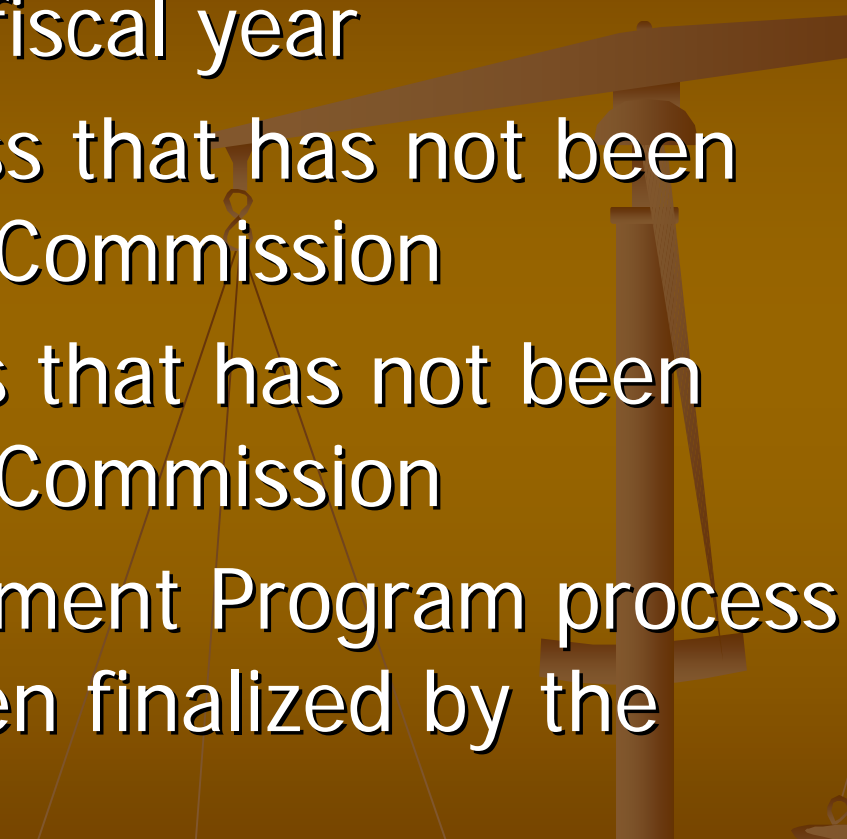
- Article 6-9 Non-Interference with Town Administration - establishes strictures on the involvement of the council and council members in the administration of the town
  - Council members may meet with the manager to discuss concerns.
  - Violation "shall constitute grounds for forfeiture of office."
- 

# Article 6- Administration of Government

- Section 11 deals with the office of Town Clerk/Tax Collector.
- Currently and elected position by law.



# Article 7 - Finance

- Establishes the fiscal year
  - A budget process that has not been finalized by the Commission
  - Bonding process that has not been finalized by the Commission
  - Capital Improvement Program process that has not been finalized by the Commission
- 

# Article 7 - Finance

- Lapse of Appropriation
- Quarterly Budget Reports
- Transfer of Appropriation
- Purchasing Procedure
- Depository for Town Funds
- Bonding of Officials, Indemnification



# Article 7 - Finance

- Investment of Trust Funds
- Fiscal Control
- Grants, Gifts
- Independent Audit
- Appropriation After Adoption of Budget
- Town Treasurer



# ARTICLE 8-ETHICS

- Adopts current ethics ordinance in its entirety.



# ARTICLE 9 – Citizen Initiatives

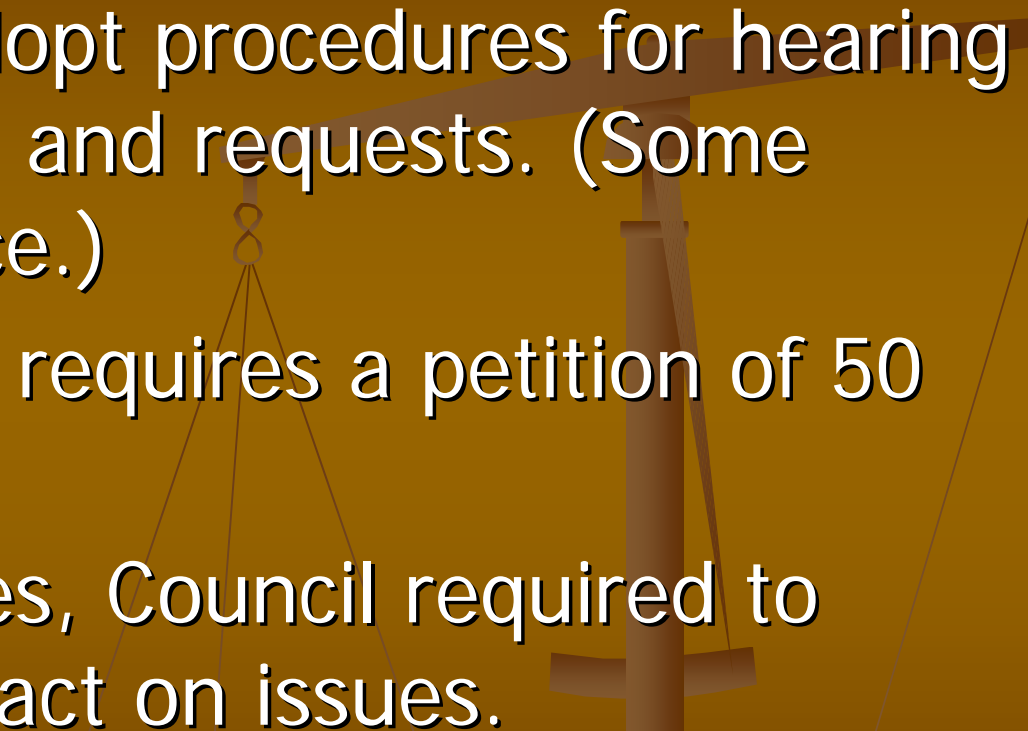
## FOUR SECTIONS:

1. Citizen Concerns and Petitions
2. Initiative
3. Referendum
4. Recall

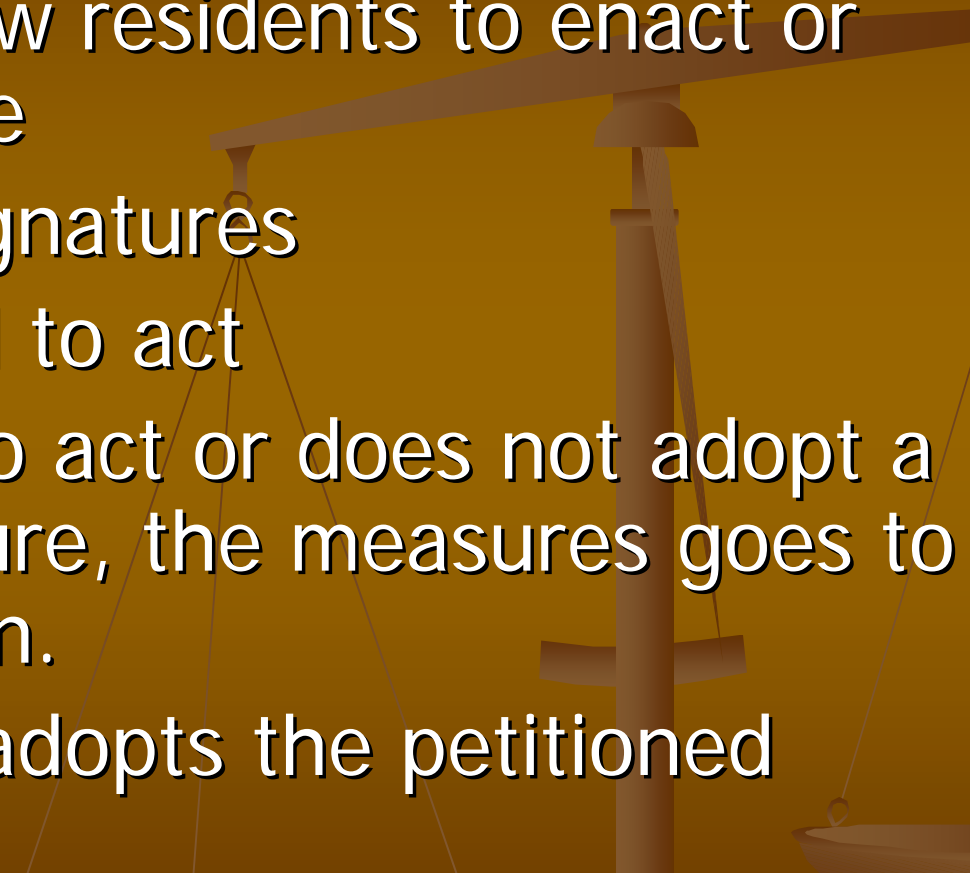




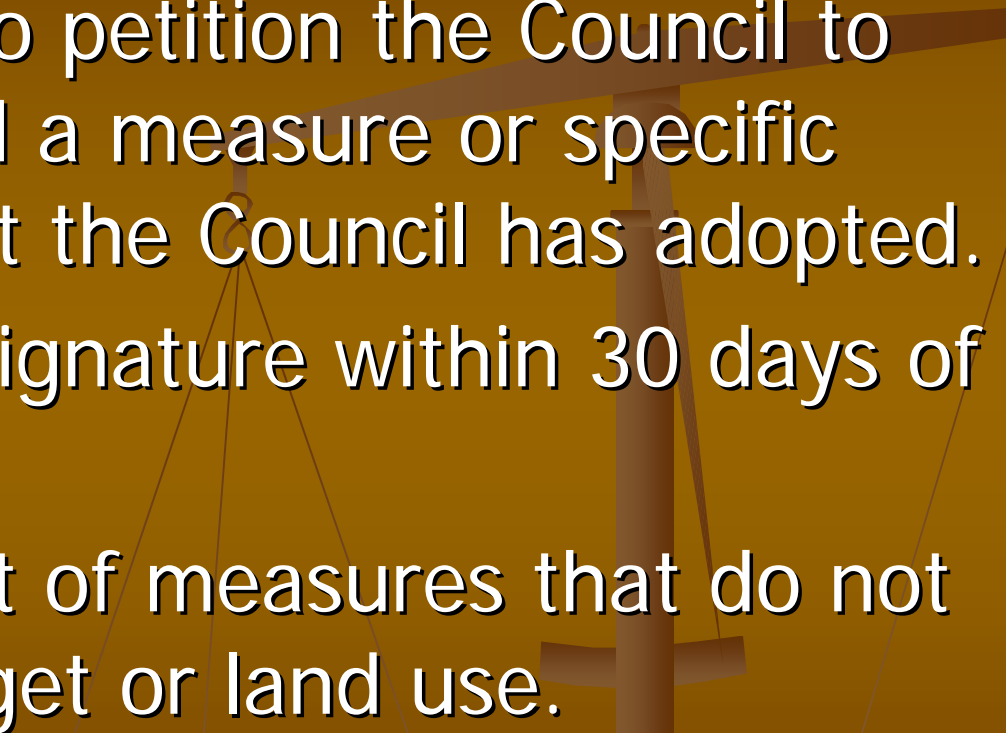
# ARTICLE 9 - Citizen Concerns and Petitions

- Council must adopt procedures for hearing citizen concerns and requests. (Some currently in place.)
  - Group concerns requires a petition of 50 signatures.
  - In both instances, Council required to receive but not act on issues.
- 

# ARTICLE 9 - INITIATIVE PETITIONS

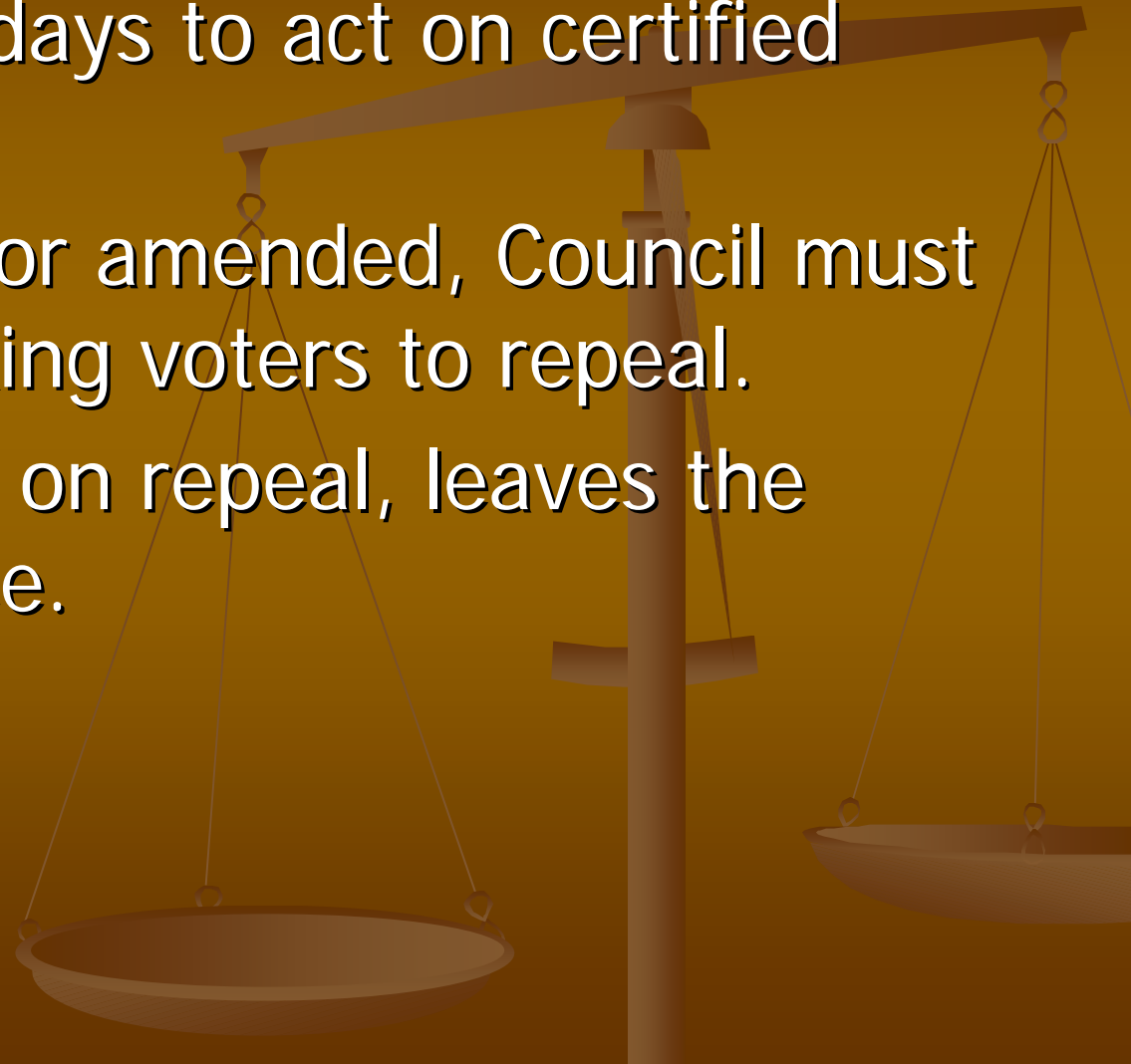
- Intended to allow residents to enact or adopt a measure
  - Requires 500 signatures
  - Council required to act
  - If Council fails to act or does not adopt a proposed measure, the measure goes to a special election.
  - A positive vote adopts the petitioned measure.
- 

# ARTICLE 9 - REFERENDUM PETITIONS

- Allows citizens to petition the Council to repeal or amend a measure or specific budget item that the Council has adopted.
  - Requires 1250 signature within 30 days of Council action
  - Stays enactment of measures that do not involve the budget or land use.
- 

# ARTICLE 9 - REFERENDUM PETITIONS

- Council has 30 days to act on certified petition
- If not repealed or amended, Council must call election asking voters to repeal.
- A negative vote on repeal, leaves the measure in place.



# ARTICLE 10 – GENERAL PROVISIONS (PROPOSED)

- 
- Interlocal Agreements
  - Authentication of Charter
  - Charter Amendments
  - Indemnification of Officials
  - Land Use Ordinance
  - Municipal Budget Law Repealed
  - Public Records and Meetings
  - Reorganization Plans
  - Prohibitions
  - Severability
  - Special provision to prevail
  - Violations and penalties

# ARTICLE 11 – TRANSITION (PROPOSED)

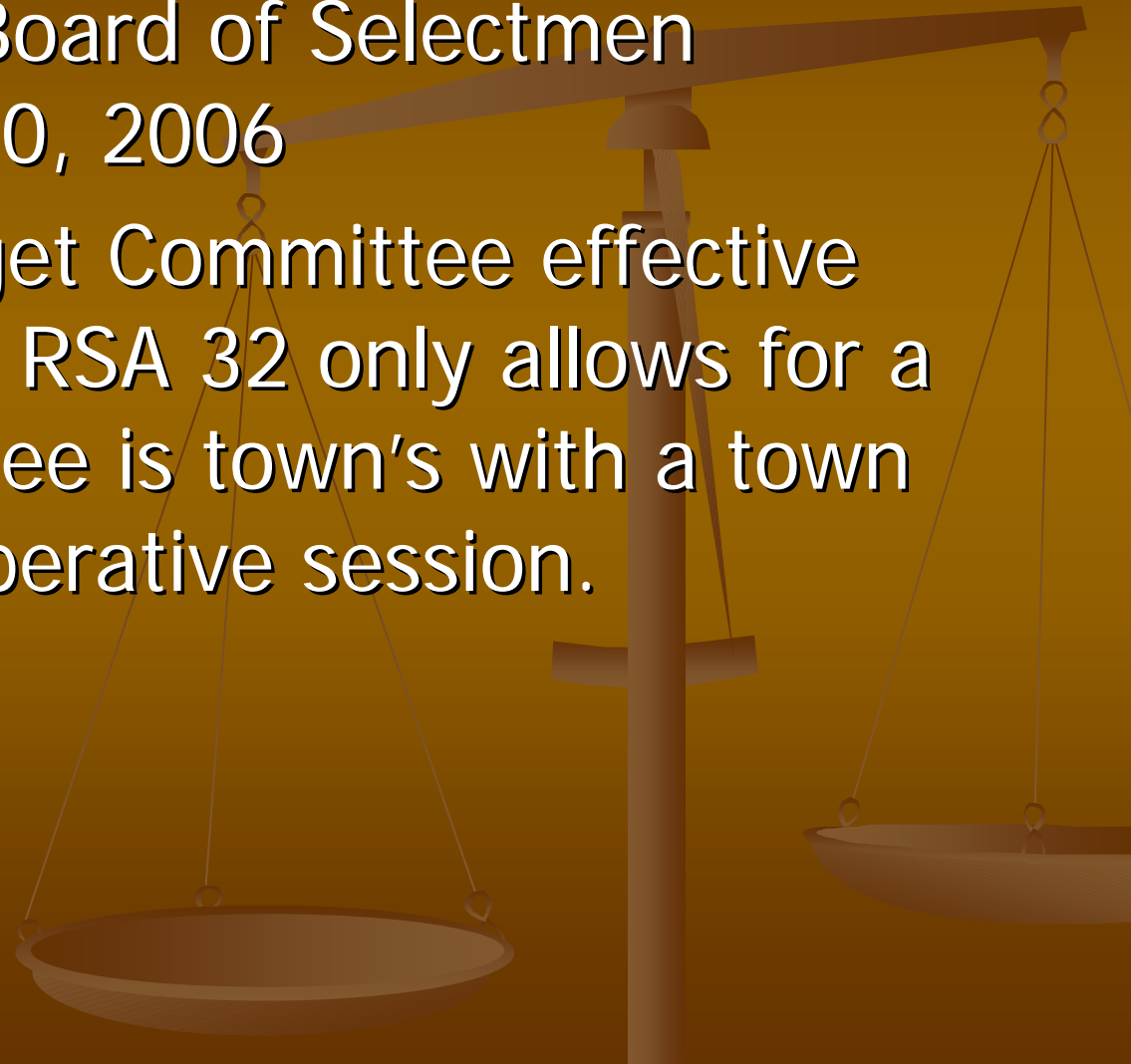
- Effective date of charter July 1, 2006
- Special Election to be held on June 13, 2006 to fill two Council seats:
  - 1 for 3 years
  - 1 for 2 years

This sets up 3-2-2 election stagger on terms.



# ARTICLE 11 – TRANSITION (PROPOSED)

- Eliminates the Board of Selectmen effective June 30, 2006
- Eliminates Budget Committee effective June 30, 2006. RSA 32 only allows for a budget committee is town's with a town meeting or deliberative session.



# ARTICLE 11 – TRANSITION (PROPOSED)

- Continues all:
  - Elected Officials
  - Appointed Officials
  - Committees and Boards
  - Departments
  - Employees

