

## **PART I - CHARTER** <sup>(1)</sup>

**AS ENGROSSED**  
**STATE OF NEW HAMPSHIRE**  
In the Year of Our Lord  
One thousand nine hundred  
and seventy-five  
**AN ACT TO ESTABLISH THE**  
**CITY OF CLAREMONT**  
**UNDER THE COUNCIL**  
**MANAGER PLAN**

Be it Enacted by the Senate and House of Representatives in the General Court convened:

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FOOTNOTE(S):

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**Editor's note**— Printed herein is the Charter for the City of Claremont which was originally enacted and adopted in a referendum held on October 21, 1947 and amended by acts of the legislature through January 1, 1975 which version appears as printed herein. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets []. Amendments have been included and are indicated by a history note immediately following the amended section.

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***[ARTICLE] I. - CITY ESTABLISHED***

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**1. - Establishment.**

The inhabitants of the town of Claremont, in the county of Sullivan, shall continue to be a body corporate and politic under the name of the "City of Claremont."

**2. - Rights and Obligations Saved.**

All existing property now of said town of Claremont shall be vested in said city under the provisions of this charter, and all debts and obligations of said town shall be considered and shall continue for all purposes the debts and obligations of said city of Claremont under this charter.

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**3. - Wards.**

The city of Claremont shall be divided into three wards.

*Ward One.* Ward One shall contain all that part of said city included within a line starting at the center of Sugar River where North Street begins. Southeasterly on North Street to the intersection of North and Elm Streets southerly on Elm Street to Federal Street, northwesterly on Federal Street to Gold Street, Rice Street, Pillsbury Street, Royce Street. Southeasterly on Royce Street to the intersection of West Terrace and then west on West Terrace to the intersection of Main Street then east on Main Street to the Sugar River Bridge at the intersection of Main and Elm Streets east following the Sugar River to the Newport, New Hampshire town line. The southerly boundary of ward one beginning at the center of the Sugar River at the intersection of North and Main Streets shall proceed south on the Sugar River to the bend at the River on Sullivan Street, easterly on Sullivan Street to Albion Street. South on Albion Street to the Claremont Concord Railway Line, then east to Mulberry Street intersection and then northwest on Mulberry south to Summer Street. Easterly on Summer Street to Pleasant Street and then southwest on Pleasant Street to the Claremont Concord Railway Line intersection, easterly to Broad Street and southerly on Broad Street to South Street.

*Ward Two.* Ward Two shall contain all that part of the city included within a line commencing at a point in the center of the Connecticut River at the Ascutney Bridge, thence southerly along the banks of the Connecticut River to the boundary of the Town of Charlestown, easterly to the intersection of the town line of Charlestown and Bible Hill Road, Claremont. North on the town line at Pappas Road then north to South Street at the intersection with Broad Street. North on Broad Street to the Claremont Concord Railway Line, west on the railway line to Pleasant Street. North on Pleasant Street to the intersection of Pleasant and Summer Streets, west on Summer Street to the Mulberry and Prospect Streets intersection. South on Mulberry Street to the Claremont Concord Railway and west on the railway, north to Albion Street. North on Albion Street to the intersection of Sullivan Street. West on Sullivan Street to the bend of the Sugar River. North along the Sugar River to the Main and North Street intersection. Northwest on Main Street to the Ascutney Bridge at the Connecticut River.

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*Ward Three.* Ward three shall contain all that part of the city included within a line commencing at a point in the center of the Connecticut River at the Ascutney Bridge, thence north to the Claremont/Cornish town line, east at the Cornish town line to the Claremont/Newport town line, then south along the Newport town line to the Sugar River. Following the Sugar River to the Main Street Bridge, northwest on Main Street to West Terrace Street, northeast on West Terrace Street to the intersection of West Terrace and Royce Streets. Northeasterly on Royce Street, east on Rice Street, northeast on Gold Street, east on Federal Street to the intersection at Elm Street. North on Elm Street to the North Street intersection. Northwest on North Street to Main Street, then north on Main Street to the Ascutney Bridge at the Connecticut River.

(Amended, election of 11-18-86; amended, election of 5-21-02)

### **[4. - Reserved.]**

### **5. - School District.**

The school district of the town of Claremont as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the city manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency.

### **6. - Representatives to General Court.**

The city of Claremont shall elect representatives to the general court in numbers by virtue of their constitutional rights.

(Amended, election of 11-4-03)

### **7. - Biennial Election.**

The council shall be elected bi-annually, in odd numbered years, consisting of a mayor, an assistant mayor, and four councilors which shall be elected at-large and one councilor elected from each ward, on the first Tuesday after the first Monday of November as provided for herein. Councilors shall be elected to two-year terms of office. The term shall run from the first day of January after the election until the 31st day of December in the year of the next regular election.

(Amended, election of 5-21-02; amended, election of 11-4-03)

### **8. - Ward Officials.**

Each ward shall, at each regular municipal election held, choose by ballot a moderator and a ward clerk, who shall hold office for two years and until their successors are elected and qualified; one supervisor of the checklist, who shall hold office for six years and until his or her successor is elected and qualified. Said supervisors shall perform all the duties required by law of selectpersons of wards in cities and of supervisors of the checklists in towns, and for all purposes requiring such officers shall be considered and be selectpersons of their wards. No other selectpersons shall be chosen.

(Amended, election of 11-18-86; amended, election of 5-21-02; amended election 11-4-03)

**9. - Ward Checklists.**

Supervisors of the checklist shall act as and be selectpersons of their respective wards for the purpose of calling the ward meetings, and shall call said meetings according to law. They shall seasonably prepare checklists for their respective wards and perform all duties respecting the same required by law. The supervisors of the checklist in each ward shall fix the polling place therein and give notice thereof.

(Amended, election of 11-4-03)

**10. - Preparation of Ballots.**

Preparation of ballots: The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilperson. The filing period shall be ten days in duration, beginning on the seventh Wednesday before the date of the election. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto shall be endorsed on the petition by the candidate him/herself not later than five o'clock in the afternoon on the final day of the filing period. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with reference to municipal elections as has the secretary of state with reference to general biennial elections so far as such powers and duties are not inconsistent herewith.

(Amended, election of 11-4-03)

**11. - Qualifications of Voters.**

Persons who are legal voters, as defined by RSA 654:1-6 or any subsequent amendments thereto, shall be qualified to vote in all municipal elections. Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this chapter. The city council shall set the time the polls will open and close at municipal elections.

(Amended, election of 11-18-86; amended election of 11-4-03)

**12. - Procedure.**

The qualified voters in each ward, at said election, shall give in to the moderator their votes which shall be received, sorted, counted, and declared, and the ward clerk shall make a true and certified copy of the record of the votes and said record, certified also by a majority of the supervisors and the moderator, shall be delivered upon certification by the ward clerk to the city clerk.

(Amended, election of 11-4-03)

**13. - Ballots. Preservation.**

All the ballots cast at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast upon order of any court or the city council.

**14. - Canvass.**

The city council shall meet on the Thursday next following the election, and the city clerk having entered upon the record the number of votes given in each ward for every person voted for on the ballots, shall lay before the council the returns of such votes, and the council shall examine the same and declare the persons having the largest number of votes to be elected as councilors, or such other officers as may be balloted upon, and shall cause them to be notified of their election.

(Amended, election of 11-4-03)

**15. - Contested Elections.**

Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be resolved in accordance with the procedures set forth in the general election laws governing biennial elections. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

(Amended, election of 11-4-03)

***[ARTICLE] III. - ADMINISTRATION***

16. - The Council.

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## **16. - The Council.**

The entire administration of all fiscal, prudential and municipal affairs of the City of Claremont shall, except as otherwise provided, be vested in a city council of nine (9) councilors, consisting of a mayor, an assistant mayor, and four (4) councilors elected at-large and one (1) councilor elected per ward. Each councilor shall hold office for the term of two (2) years. For the purpose of transition all councilor's terms expiring on even years shall be extended for one (1) year to the next odd year election including the mayor's and assistant mayor's term. All councilor seats elected in November 2005 shall be elected at large with the exception of the Ward 2 seat that would normally have expired on December 31, 2004, but for the one (1) year extension provided for herein.

The office of the councilor shall be deemed vacant if any councilor takes up residence outside the ward from which he/she is elected or, in the case of the at large representative, the at-large councilor moves outside of the City of Claremont. Vacancies in the office of councilor resulting from a failure to elect a candidate thereto, or which occur at any time after the election of a candidate thereto, shall be filled by some qualified person who receives the votes of a majority of the remaining members of the city council. Such appointment shall be made at or before the second regular meeting after which such vacancy occurs and the councilor so appointed shall serve until his/her successor takes office. In the event a vacancy occurs, there shall be an election conducted at the next regular municipal election and the councilor elected to fill the vacancy shall serve for the balance of the unexpired term. The city clerk shall act as clerk to the council.

(Amended, election of 11-18-86; amended, election of 5-21-02; amended, election of 11-4-03)

## **17. - Mayor, Assistant Mayor.**

At each municipal election, there shall be elected, except as otherwise provided in this section, a mayor and an assistant mayor, who shall hold office for a term of two years, commencing with the second day of January following said election, if such day is neither Saturday nor Sunday, and if so on the following Monday. Those eligible individuals who desire to stand for election to either of these positions shall declare their candidacy by a written notice to the city clerk within the prescribed filing period for candidates for city council. The names of those individuals who declare their candidacy for either position shall be placed in alphabetical order, without party designation, on the ballot under the designations "Candidates for Mayor" and "Candidates for Assistant Mayor." These candidates shall be voted on by city-wide ballot. For each of these positions, the candidate who receives the highest citywide vote shall be declared elected and shall take office as herein provided.

The mayor shall preside at meetings of the council and may speak and vote in such meetings. The mayor shall be recognized as head of the city for all ceremonial purposes. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in the charter. The assistant mayor shall act as mayor during the absence or disability of the mayor and if the vacancy occurs he/she shall become mayor for the completion of the unexpired term. When a vacancy occurs in the office of assistant mayor, an assistant mayor shall be elected from among the remaining councilors by a majority vote of the members of the council and shall serve for the completion of the unexpired term.

(Amended, election of 11-18-86; amended, election of 5-21-02; amended, election of 11-4-03)

## **18. - Qualifications.**

Any person may be a candidate for election as councilor at-large provided he or she is a registered voter in the city. A candidate for a position as councilor of a ward must be a registered voter in that ward.

(Amended, election of 11-4-03)

**19. - Compensation.**

No councilor, shall, while in office, receive any pay or compensation of any sort, either as councilor or for any other personal services rendered for the benefit of the city, or be employed by the city, or any department or branch thereof, for any compensation, excepting that this provision shall not apply to compensation of call members of the fire department.

(Amended, election of 11-4-03)

**20. - Dealings of Councilors with City.**

No councilor or other official of the city including members of city boards and/or commissions shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

(Amended, election of 11-4-03)

**21. - Meetings.**

Except as otherwise provided by law, all meetings of the council shall be public. Regular meetings shall be held on such day of each month at such time as the council shall, from time to time, by ordinance or resolutions direct, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilor by the city clerk at the request of the mayor, the manager, or a majority of the councilors. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business.

(Amended, election of 11-4-03)

**22. - Ordinances.**

Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The City of Claremont Ordains" and the effective date of each ordinance shall be specified in it. Each ordinance shall be introduced in writing in the form it is to be finally passed, and after passage on its first reading shall be published at least once together with a notice of the time and place, when and where it will be considered for final passage. The first such publication shall precede the date of said hearing by at least the time required by any statute relating to such subject but in no case less than one week. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and city clerk. Ordinances shall be published within thirty days after their passage; and shall be further published, compiled, and revised in such manner and at such time as the council shall determine. The council or their designee shall review all ordinances during the 5th year of the ordinances' adoption and every subsequent five-year interval.

(Amended, election of 11-4-03)

**23. - General Powers.**

The city council created by this act shall, except as herein otherwise provided, have all the powers and do and perform in reference to each other or otherwise, all the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required to do and perform, either separately or otherwise, except in so far as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except in so far as a contrary intention

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appears in this act or in so far as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager.

### **24. - Salaries.**

The city council of the city of Claremont is hereby empowered to fix a scale of salaries to be paid to all officials and agents of said city of Claremont in accordance with the provisions of [section 52](#) of this charter.

(Amended, election of 11-4-03)

### **25. - Procedure to Fix Salaries.**

No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had three separate readings in said council, only one reading at any meeting of said council, and shall have received the votes of at least two-thirds (2/3) of all the members elected to said council upon its final passage.

### **26. - Manager.**

The city council shall appoint an officer of the city of Claremont who shall have the title of city manager and who shall have the powers and duties hereinafter provided. He/she shall be appointed for an indefinite term by the votes of two-thirds (2/3) of the members of the council.

(Amended, election of 11-4-03)

### **27. - Qualifications.**

The manager shall be chosen solely on the basis of his/her executive and administrative qualifications, but he/she need not be a resident of the city or state at the time of his/her appointment. During his/her tenure of office, he/she shall reside within the city. To avoid a conflict of interest, no person who has within two (2) years been elected by popular vote to any office in the city of Claremont shall be chosen manager.

(Amended, election of 11-4-03)

### **28. - Removal.**

*[The removal of manager.]* The manager may be removed by a majority vote of the members of the council as herein provided. At least thirty (30) days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him/her and the reasons therefore, a copy of which shall be served forthwith on the manager who may, within ten (10) days, demand a public hearing in which event the manager shall not be removed until such public hearing has been held. Upon or after passage of such resolution the council may suspend him/her from duty, but his/her pay shall continue until his/her removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than one hundred eighty (180) days. The action of the council in removing the manager shall be final.

*The removal of mayor, assistant mayor and councilors.* The elected body may, on specific charges and after due notice and hearing, at any time remove the mayor, assistant mayor, or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter. Any vacancy occasioned by removal under this section shall be filled in the manner provided in the charter.

(Amended, election of 11-4-03)

**29. - Non-Interference by the Council.**

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or his removal therefrom, by the manager or any of the administrative offices. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in section 31 of this charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, conviction of which shall constitute immediate forfeiture of his/her office.

(Amended, election of 11-4-03)

**30. - Powers and Duties of Manager.**

The city manager shall be the chief executive and administrative officer of the city government, and carry out the policies laid down by the city council. He/she shall be responsible to the city council for the proper administration of all affairs of the city, but including the preservation of the public health, the safety of property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. He/she shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he/she may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him/her by ordinance or resolution of the council not inconsistent with this charter. He/she shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him/her by municipal ordinance or upon mayors of cities by general law. He/she shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

(Amended, election of 11-4-03)

**31. - Power to Appoint and Remove.**

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him/her to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom he/she proposes to appoint as the head of any department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objections to the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten-day period. All appointments shall be without definite term, unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

(Amended, election of 11-4-03)

**32. - Certain Officers.**

The manager shall appoint a city clerk, auditor, treasurer, assessor or assessors, collector, fire chief, health officer, and such other officers as he/she deems necessary to administer all departments which the council shall establish which departments shall replace all existing departments, boards and commissions, except as herein specifically excepted. The duties of any two or more such officers may be combined in one officer. The powers and duties of these officers and heads of departments so appointed shall include those prescribed by state law, by this charter or by ordinance.

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For purpose of public safety the fire chief, police chief, and director of public works shall reside within the city limits within 180 days after completion of their probationary period.

(Amended, election of 11-4-03)

### **33. - Administrative Departments.**

The council by ordinance may create, consolidate, or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. Such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his/her department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code and the rules and regulations of the merit plan.

(Amended, election of 11-4-03)

### **34. - Commissions.**

All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to section 33 above, but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

### **35. - Purchasing Procedure.**

The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.

### **36. - Municipal Year.**

The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

### **37. - Financial Control.**

The auditor shall maintain accounting control over the finances of the city, make financial reports and perform such other duties as may be required by the administrative code. No bill against the city shall be approved by the city manager until the auditor has audited and approved the same and certified that said bill was lawfully contracted, that the prices charged for all goods and materials are reasonable, that the goods or materials were actually received by the city and that it is in favor of a person legally entitled to receive payment for the same.

### **38. - False Audit, Penalty.**

If the auditor provided for under section 37 above, shall knowingly make any false certification in any case provided for in section 37 or approve any bill when the appropriation for which the same should be paid is exhausted, he/she shall be fined not exceeding \$200.00 or imprisoned not exceeding ninety (90) days, or both.

(Amended, election of 11-4-03)

**39. - Unauthorized Payment—Penalty.**

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the auditor, he/she shall be fined not exceeding \$200.00 or imprisoned not exceeding ninety (90) days, or both and shall be personally bound to refund to the city any sum so paid.

(Amended, election of 11-4-03)

**40. - Budget Procedure.**

At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of expenditures for the next fiscal year for the departments or activities under his/her control. The manager shall submit the proposed budget to the council not later than the last day of December annually.

(Amended, election of 11-4-03)

**41. - Budget Hearing.**

A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least one week in advance by the city clerk.

**42. - Date of Final Adoption.**

The budget shall be finally adopted not later than the last day of the second month of the fiscal year. Should the council take no final action on or prior to such day, the budget as submitted shall be deemed to have been finally adopted by the council.

**43. - Appropriations After Budget Is Adopted.**

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by two-thirds majority of the council after a public hearing held to discuss said appropriation. The council shall by resolution designate the source of any money so appropriated.

**44. - Budget Control.**

At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtednesses and estimated future expenses; and if it shall appear that the income is less than anticipated the council or manager may reduce the appropriation, for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep 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 he/she shall prescribe.

(Amended, election of 11-4-03)

**45. - Transfer of Appropriations.**

After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless

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there shall be a specific additional appropriation therefore. The head of any department, with the approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within his/her department to another fund or agency within his/her department; the manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

(Amended, election of 11-4-03)

### **46. - Depository.**

The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city monies. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

### **47. - Independent Audit.**

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available.

(Amended, election of 11-4-03)

### **48. - Official Bonds.**

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of his/her office, but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

(Amended, election of 11-4-03)

### **49. - Borrowing Procedure.**

Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing. In no event shall the term of such bonds exceed the limitations imposed by state law.

***[ARTICLE] IV. - MERIT PLAN***

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**50. - Appointments.**

Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. So far as practicable examination shall be competitive.

**51. - Rules and Regulations.**

The rules and regulations known as the merit system shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement, and any 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 to both the council and personnel advisory board by the manager which shall become effective one month after their submission unless vetoed by the council within that period.

(Amended, election of 11-4-03)

**52. - Compensation.**

The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which 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 and which shall be enacted in the form of an ordinance as provided in sections 24 and 25. In increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

**53. - Personnel Advisory Board.**

There is hereby established a personnel advisory board of three (3) citizens holding no other political office and appointed, one (1) member by the manager, one (1) by the council, and the third by these two (2) appointees. The term of all succeeding members shall be for three (3) years beginning on the expiration of the term each succeeds. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the manager regarding the administration of the merit plan and retirement system, and to hear appeals of any employee aggrieved as to the status or condition of his/her employment or retirement. The board shall issue written reports, containing findings of facts and recommendations to the manager upon such appeals but the board shall have no power to reinstate an employee unless it finds,

after investigation, that disciplinary action was taken against the employee for religious, racial, or political reasons.

(Amended, election of 11-4-03)

#### **54. - Certification of Compensation.**

No compensation shall be paid without certification by the manager or such officer as he/she may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in [section 52](#). If such officer approves payments not in conformity therewith, he/she and his/her surety shall be liable for the amount of such payments.

(Amended, election of 11-4-03)

#### **55. - Taxpayers Remedy.**

A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

#### **56. - Reserved.**

#### **Editor's note—**

Former [section 56](#) pertained to the grandfathering of current city employees relating to the taking of examinations and derived from the charter as adopted in 1947. This section was repealed at an election held on Nov. 4, 2003.

***[ARTICLE] V. - SPECIAL ASSESSMENTS***

[57. - Council Resolution.](#)

[58. - Procedure Fixed By Ordinance.](#)

**57. - Council Resolution.**

The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**58. - Procedure Fixed By Ordinance.**

The council shall prescribe by general ordinance complete special assessment procedure concerning plans and the specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

***[ARTICLE] VI. - MISCELLANEOUS PROVISIONS***

[59. - Oath of Office.](#)

[60. - Notice of Election or Appointment.](#)

[61. - Vacancy Defined.](#)

[62. - Official Interest in Contracts.](#)

[63. - Private Use of Public Property.](#)

[64. - Use of Streets by Public Utilities.](#)

[65. - Liability for Discharge.](#)

[66. - Municipal Court.](#)

[67. - Public Records.](#)

[68. - Trust Funds.](#)

[69. - Saving Clause.](#)

[70. - Saving Clause; Municipal Legislation.](#)

[71. - Tenure of Office.](#)

[72. - Referendum.](#)

[73. - Repeal or Amendment.](#)

[74. - Separability Clause.](#)

[75. - Takes Effect.](#)

**59. - Oath of Office.**

Every person elected or appointed to any city office before entering upon the duties of his/her office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

(Amended, election of 11-4-03)

**60. - Notice of Election or Appointment.**

Written notice of election or appointment of any city officer shall be mailed to him/her at his/her address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

(Amended, election of 11-4-03)

**61. - Vacancy Defined.**

In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, is physically incapacitated, or is judicially declared to be mentally incompetent.

**62. - Official Interest in Contracts.**

No elective or appointive officer or employee of the city shall take part in a decision concerning the business of the city in which he/she has a financial interest aside from his/her salary as such officer or employee direct or indirect, greater than any other citizen or taxpayer.

(Amended, election of 11-4-03)

**63. - Private Use of Public Property.**

No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

**64. - Use of Streets by Public Utilities.**

Every public utility shall pay such part of the cost of improvement or maintenance of street, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

**65. - Liability for Discharge.**

The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract, or otherwise.

**66. - Municipal Court.**

The municipal court of the city as at present constituted is hereby continued.

**67. - Public Records.**

All books of account, in relation to the receipt, holding or disbursement of money of the city kept by an official of the city shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from office. All books pertaining to city affairs kept by the city manager, city clerk, or any other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city.

**68. - Trust Funds.**

Trust funds of the city of Claremont, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three

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years. Said trustees shall invest such funds in securities legal for investment by mutual savings banks of this state.

### **69. - Saving Clause.**

All special legislation now in force relating to water works, sewers, the E. Charles Goodwin Community Center, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Claremont or any board or commission thereof being vested in the city of Claremont, subject, however, to all the provisions of this charter. Special legislation relating to the police commission is hereby continued in force. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

### **70. - Saving Clause; Municipal Legislation.**

All ordinances and by-laws of the town of Claremont or its selectmen shall continue in force until altered or repealed, except where a contrary intent herein appears.

### **71. - Tenure of Office.**

The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

### **72. - Referendum.**

This charter shall not take effect unless it is adopted by a majority ballot vote at a special election to be held on the third Tuesday of October, 1947, or at a subsequent referendum as is hereinafter provided for. On the ballot then used the following question shall appear, "Shall the provisions of an act entitled 'An Act to establish the City of Claremont' be adopted?" Beneath the question shall be printed the word "Yes" and the word "No." with a square immediately opposite each word, and the voter shall indicate his choice by making a cross in the appropriate square. If a majority of those voting on this question vote in the affirmative on this question, this act shall be declared to have been adopted. If this act should not be adopted at said special election, the question of the adoption of this act may again be voted on at any annual town meeting in an odd numbered year following the passage of this act if at least three percent of the number voting at the last previous annual town meeting, all qualified voters of the town shall sign a petition requesting such vote, said petition to be submitted to the selectmen at least fourteen days prior to said election.

### **73. - Repeal or Amendment.**

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed.

### **74. - Separability Clause.**

The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

**75. - Takes Effect.**

[Section 72](#) of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows:

So much relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first weekday in January following the first election under this charter.

The voters of the Town of Claremont adopted this charter on October 21, 1947 by a vote of 2433 in favor, 1326 opposed.

## CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter adopted on October 21, 1947, as amended by Acts of the Legislature through January 1, 1975, and as subsequently amended by referendum.

Election Date	Section this Charter
10-21-47	1—75
11-18-86	3 8 11 16 17
5-21-02	3
11- 4-03	6—12,
	14—22,
	24,
	26—33,
	38—40,
	44, 45,
	47, 48
	<a href="#">51, 53</a>
	<a href="#">54, 56</a>
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