

Proposed City of Claremont Charter 9/9/2014

****NOTE: THIS DOCUMENT REPLACES THE CURRENT CHARTER IN ITS ENTIRETY. IT IS A NEW CHARTER BASED ON THE CURRENT MANCHESTER CHARTER, BUT MODIFIED TO INCLUDE THOSE ITEMS IN THE CURRENT CHARTER UNIQUE TO CLAREMONT. ANY MENTIONS OF SPECIFIC SECTIONS OF THE CURRENT CHARTER ARE FOR REFERENCE ONLY. **COMMENT NOTES FOLLOW EACH ARTICLE.**

PREAMBLE:

We, the people of the City of Claremont, State of New Hampshire, in order to maintain our right of self-government and to secure the benefits and advantages granted by the state constitution, do adopt and establish this home rule charter. This charter expresses the desire we, the citizens, have to govern ourselves in the most effective, efficient and beneficial manner. We resolve for ourselves and for our children that there be a representative government which promotes the general welfare and stimulates harmony and creativity among all its citizens. Through the elective process, we secure for ourselves and future generations a municipal government which strives to achieve compassion, freedom and justice.

****ADDED LANGUAGE**

ARTICLE I. POWERS

SECTION 1.01 INCORPORATION

The residents of the city shall continue to be a body politic and corporate under the name of Claremont and shall have, exercise and enjoy all rights, immunities, powers and privileges and shall be subject to all duties and liabilities now incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all existing debts and obligations of the city shall remain obligatory upon it after the adoption of this charter. All ordinances not inconsistent with the provisions of this charter shall continue to remain in full force and effect until amended or appealed.

SECTION 1.02 GENERAL POWERS

The city shall have all the powers as now or hereafter may be conferred upon cities under the New Hampshire State Constitution and under the Revised Statutes Annotated.

****REFERENCE SECTIONS 1 AND 2 OF CURRENT CHARTER.**

ARTICLE II. THE MAYOR AND BOARD OF ALDERMEN

Board of Aldermen

SECTION 2.01 GOVERNING BODY.

The administration of the fiscal affairs, municipal resources and other affairs of the city shall be vested in a principal officer to be called the mayor and a board of directors to be called the board of aldermen who as a body, acting together, shall be known as the board of mayor and aldermen.

SECTION 2.02 COMPOSITION, ELIGIBILITY AND TERM

- a) The board of aldermen shall be composed of eight (8) members, two (2) each from the three (3) wards of the city and two from the city at large.
- b) Aldermen representing a ward shall be residents and qualified voters of the ward. Aldermen at-large shall be residents and qualified voters of the city.
- c) Aldermen shall be elected to serve a term of two years.
- d) The board of aldermen shall be the final judge of the election and qualifications of its members.

SECTION 2.03 POWERS AND DUTIES

- a) The board of aldermen shall act as the policy making and legislative body for the city government.
- b) Unless a contrary intent or provision appears in this charter or in State law, the board of aldermen shall have all the powers and discharge all the duties conferred or imposed on city councils, boards of aldermen or selectmen of towns.
- c) The board of aldermen shall provide for the performance of all duties and obligations imposed on the city by this charter or State law.
- d) The board of aldermen shall nominate and appoint the city officers listed in ARTICLE III, SECTION 3.07 of this Charter.
- e) The city clerk or his/her designee shall act as clerk to the board of aldermen.

SECTION 2.04 POWER TO DELEGATE AUTHORITY

- a) The board of aldermen may delegate such of its powers as may be lawfully delegated to authorities, boards, commissions, department or officers.
- b) The board of aldermen shall not, in the exercise of this power, decrease the administrative and executive powers of mayor and department heads as granted by this charter.

SECTION 2.05 VACANCIES

- a) Should a vacancy occur in the office of mayor, the aldermen shall elect an interim mayor, who shall serve for 90 days or until a successor is elected in a special election until the next regularly scheduled election for the office of mayor, and until his successor is duly elected and qualified. No special election shall be held if the vacancy occurs within 180 days of the next regularly scheduled election for mayor.
- b) Should a vacancy occur in the office of alderman, the remaining members shall offer the position to the next highest vote getters for that position, in descending order. If this procedure fails, the position will be filled by appointment by the Board of Aldermen until the next municipal or state general election at which time an election shall be held for the unexpired term.

SECTION 2.06 MEETINGS

- a) Regular meetings of the board of mayor and aldermen shall be held at least monthly as provided by ordinance.
- b) Special meetings of the board of mayor and aldermen may be called by the mayor or five (5) of the aldermen.

- c) The board of mayor and aldermen shall provide a period of public comment at least monthly.

SECTION 2.07 ELIGIBILITY AND TERM

The Mayor

- a) The mayor shall be elected for a term of two years.
- b) The mayor shall have been a resident of the city for at least one (1) year prior to filing for the office of mayor, and be a registered voter of the city.

SECTION 2.08 POWERS AND DUTIES

- a) *Chief executive officer.* The administrative and executive powers of the city shall be vested in the mayor.
- b) *Administrative powers.* The mayor shall have the power to supervise the administrative affairs of the city. The mayor shall carry out the policies enacted by the board of aldermen and perform other duties as are consistent with those of a chief executive.
- c) The mayor shall not, in the exercise of his powers, decrease the policy making power of the aldermen as granted in this charter.
- d) *Voting powers.* The mayor shall have the power to break tie votes of the board of aldermen, pursuant to RSA 45:9.
- e) *Communication.* The mayor shall keep the aldermen informed of the condition of the city and shall make such recommendations as he may deem advisable.
- f) *Law enforcement authority.* The mayor shall enforce, or direct other officials to enforce the ordinances of the city, this charter and all general laws and special acts applicable to the city.
- g) *Budget officer.* The mayor shall exercise administrative control over the expenditure of all appropriations; establish a budget format and the procedures for the adoption of the budget; review all departmental budgetary requests; and make recommendations to the board of aldermen regarding financial policies, appropriation resolutions and revenues.
- h) *Other powers and duties.* The mayor shall exercise all other powers and discharge all other duties not inconsistent with this charter, municipal ordinances, general law and all special acts pertaining to the city not hereby repealed by this charter.

SECTION 2.09 VETO POWER

The mayor shall have veto power upon the action of the board of aldermen in all matters. No vote can be passed or appointment made by the board of aldermen over his veto unless a vote to override the veto is approved by at least two-third (2/3) of all the aldermen elected.

SECTION 2.10 APPOINTMENTS

- a) There shall be standing committees.
- b) Standing Committees shall consist of, but not be limited to, Public Works, Public Health, Public Safety, Finance and Budget, and Parks and Recreation.

- c) All standing committees shall have three (3) members from the Board of Aldermen and three (3) members from the public. The Mayor shall appoint each standing committee, three members to each standing committee, one from each ward. The Board of Aldermen shall appoint three (3) members from the public, one from each ward to these same committees. The Mayor and relevant department heads shall serve as ex-officio members of all committees. Each standing committee of the board shall elect their own chair and vice chair from their members.
- d) The mayor shall appoint, based upon merit and due consideration of qualifications, all department heads, except the city officers as listed in ARTICLE III, SECTION 3.07, the board of alderman shall confirm the appointment by a vote of five (5) aldermen.
- e) The mayor shall nominate members of boards, commissions and authorities, with concurrence of five (5) Aldermen, unless such power is granted to someone other than the mayor by state law or this charter. All such appointments shall be made pursuant to the provisions established in ARTICLE III, SECTION 3.11.

SECTION 2.11 REMOVALS

- a) The mayor may remove a department head by giving the department head written notice of and the basis for such action. The removal shall become effective upon the vote of six (6) members of the board of aldermen. The department head shall be given the opportunity to be heard prior to such vote.
- b) See ARTICLE III, SECTION 3.10 for removal of appointed city officers.

****ARTICLE II IN ITS ENTIRETY CHANGES THE CURRENT FORM OF GOVERNMENT TO A STRONG MAYOR/ALDERMAN FORM AND OUTLINES THEIR POWERS. IT ELIMINATES ARTICLE III OF THE CURRENT CHARTER AND REPLACES IT WITH THE PROPOSED ARTICLE II AND, YOU WILL SEE, MOVES SECTIONS OF IT TO OTHER ARTICLES IN THE PROPOSED CHARTER. ALL REFERENCES TO COUNCILMEN WILL BE REPLACED BY ALDERMEN AND THE REFERENCE TO THE MAYOR WILL REFER TO THE ELECTED MAYOR UNDER THE PROPOSED CHARTER AND NOT THE CURRENT MAYOR.**

THE ASSISTANT MAYOR POSITION IS ELIMINATED.

THE CURRENT SYSTEM WILL BE REPLACED BY THIS, IF THE PROPOSED CHARTER PASSES. TRANSITIONAL PLANS WILL BE DEVELOPED WHEN, AND IF, THIS IS APPROVED BY THE VOTERS IN NOVEMBER.

SECTIONS 2.09 AND 2.10 RE-ESTABLISH STANDING COMMITTEES BUT NOW WOULD REQUIRE CITIZEN MEMBERS. THIS WAS A MAJOR ITEM WITH THE MAJORITY OF THE COMMISSION. THE PREVALENT VIEW WAS THAT THESE COMMITTEES WILL ENSURE THAT VOTERS ARE HEARD AND LISTENED TO IN

RUNNING THE CITY. THEY ARE NOT INTENDED TO BE AN OBSTACLE, BUT RATHER A SUPPORT GROUP FOR THE ALDERMEN.

I CAN'T STRESS ENOUGH HOW IMPORTANT THE COMMISSION FEELS THESE COMMITTEES CAN BE.

REFERENCE SECTIONS 16, 17, 18, 20, 21, 23, 24, 25, 27, 28, 29, 30, 31 AND 32 OF THE CURRENT CHARTER.

ARTICLE III. DEPARTMENTS AND DEPARTMENTS HEADS

Departments

SECTION 3.01 DEPARTMENTS

- a) All departments of the city in existence on the effective date of this charter shall remain as then organized unless and until six (6) aldermen shall vote to establish, eliminate, combine or otherwise reorganize departmental structure by ordinance to meet the future needs of the city. Such ordinances(s) shall describe the functions of the departments so established.
- b) In exercising the powers set forth herein, the aldermen shall detail in any ordinance passed, the scope and duties of any department and shall have the power to consolidate similar functions performed by several departments in one or more departments.
- c) The board of aldermen may by majority vote transfer support functions from one department to another in the interest of economy or efficiency or in keeping with good business practice and existing labor agreements.

SECTION 3.02 DEPARTMENTS EXISTING AT ADOPTION

- a) For reference, the following departments of the city exist at the adoption of this charter. The departments existing are as follows:

Assessing	Public Works
Executive/Policy	Streets & Roads
Finance	Sanitation
IT	Cemetery
Human Resources	Water-Enterprise Fund
Maintenance	Sewer-Enterprise Fund
Central Collections	Parks
Elections	Recreation
Planning & Development	Welfare
Fire	Airport
Police	Library
Police & Communications 911	
- b) It shall be the duty of the first mayor holding office under the provisions of this charter to draft and submit to the board of aldermen within nine (9) months, an ordinance consistent with the charter which defines the functions and duties of each department existing of his/her election at the time of the ordinance.

Department Heads

SECTION 3.03 NOMINATIONS

- a) Department heads shall be nominated by the mayor based upon merit and after due consideration of qualifications for office. The board of mayor and aldermen shall adopt a procedure for the selection of department heads which shall require a job description for each position, the posting and advertising of any vacancy in appropriate publications and final selection after an interview process has been completed. Qualified candidates shall be interviewed by the mayor and appropriate commission under ARTICLE III, SECTION 3.08 of this charter. The mayor may nominate his choice from among such candidates. No department head shall take office until the nomination has been confirmed by a vote of five (5) aldermen.
- b) 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.

SECTION 3.04 AUTHORITY

- a) *Chief administrative officer.* The department head shall be the chief administrative officer of the department, subject to departmental policies, the supervisory authority of the mayor as to administration and policy directives of the board of aldermen or policies established by boards and commissions in accordance with section 2.04 of this charter
- b) *Exclusive personnel responsibility.* The department head shall have exclusive personnel authority within the department. All appointments and promotions shall be made solely on the basis of merit and only after appropriate examination or review of the applicant's relative knowledge, skills, abilities and experience. Hiring, assignment, promotion, and discipline of personnel within the department shall be subject to the requirements of personnel ordinances and the provisions contained in collective bargaining agreements.
- c) *Supervisory authority.* The department head shall supervise the activities of the department and its employees and shall maintain a proper record of such activities, including money expended.
- d) *Budgetary authority.* The department head shall prepare, with input from the relevant committee, such budget and program plans and requests as may be necessary for the operation and development of the department. The department head shall submit the same to the mayor for inclusion in the city budget, all in accordance with guidelines set by the mayor.
- e) *Small purchase expenditures.* The department head shall conform to City of Claremont Ordinance 2-336.

SECTION 3.05 TENURE OF OFFICE

Effective upon the adoption of this charter there shall be no set terms for department heads, subject to the provisions of Article IX, Section 9.06.

SECTION 3.06 REMOVAL OF DEPARTMENT HEADS

The mayor may remove a department head by giving the department head written notice of and the basis for such action. The removal shall not be effective until it has been confirmed by the vote of six (6) aldermen. The department head shall be given the opportunity to be heard prior to such vote.

Appointed Officers

SECTION 3.07 APPOINTED CITY OFFICERS

- a) There shall be a city clerk. Any vacancy in the position of city clerk shall be nominated and appointed by the board of aldermen as prescribed by state law and the provisions of Article III, Section 3.08 of this Charter.
- b) There shall be a finance director. In the event of a vacancy, the finance director shall be nominated and appointed by the board of aldermen subject to the provisions of ARTICLE III, SECTION 3.08 of this charter.

SECTION 3.08 NOMINATIONS OF APPOINTED OFFICERS

City officers shall be nominated by the board of aldermen based upon merit and after due consideration of qualifications for office. The board of mayor and aldermen shall adopt a procedure for the selection of officers which shall require a job description for each position, the posting and advertising of any vacancy in appropriate publications and final selection after an interview process has been completed.

SECTION 3.09 TENURE OF OFFICE

Effective upon the adoption of this charter there shall be no set terms for appointed city officers, subject to the provisions of ARTICLE IX, SECTION 9.06.

SECTION 3.10 REMOVAL OF APPOINTED OFFICERS

The board of aldermen may remove a city officer by giving the city officer written notice of and the basis for such action. The removal shall not be effective until it has been confirmed by the vote of six (6) aldermen. The city officer shall be given the opportunity to be heard prior to such vote.

Board, Commissions and Authorities

SECTION 3.11 DEPARTMENTAL BOARDS AND COMMISSIONS

- a) In order to provide citizen input to the city departments, the board of mayor and aldermen shall establish commissions to consult, advise and make policy recommendations to the department heads and board of mayor and aldermen on matters appropriate to the department.
- b) Upon request of the board of mayor and aldermen or the department head, the commission shall advise the board or the department head on specific matters referred to the commission.
- c) The commission shall have no responsibility for personnel decisions or administration of the department unless otherwise required by state statute or this charter.
- d) If specifically requested to do so by the mayor, the commission shall serve as a nominating committee to recommend a candidate or candidates to the mayor for department head.
- e) Upon request of the board of aldermen the commission shall assume the policy making authority of the board of aldermen in accordance with ARTICLE II, SECTION 2.04 of this charter. The board of aldermen shall retain the right to rescind such action.

SECTION 3.12 EXISTING DEPARTMENTAL BOARDS AND COMMISSIONS

Each departmental board or commission which exists on the effective date of this charter shall remain in existence unless changes are made in accordance with ARTICLE III, SECTION 3.01 above or by this charter.

SECTION 3.13 ADDITIONAL BOARDS AND COMMISSIONS

The board of mayor and aldermen may establish additional commissions, boards or authorities by ordinance to consult, advise and make policy recommendations to the board of mayor and aldermen.

SECTION 3.14 MEMBERSHIP LIMITATION, APPOINTMENT, ORGANIZATION, TERMS AND REMOVAL

The following provisions shall apply to all commissions, boards and authorities, whether departmental commissions or commissions established by ordinance, and to extent permitted by law, commissions, or boards established or required by statute hereinafter referred to as "commission:"

- a) Membership limitations.
 - 1. No commission shall be comprised entirely of members of the same political party. No commission shall have a majority of members from any one ward of the city. The Mayor and aldermen shall seek broad geographical representation for members of all commissions.
 - 2. The mayor shall establish procedures to give reasonable notice of vacancies before they are filled and provide an opportunity for application by citizens of the city.
 - 3. Members of commissions shall be residents of the city except as required by law.
- b) Appointments and organization. The members of all commissions of the city shall be nominated by the mayor and shall not take office until the appointment has been confirmed by a vote of five (5) aldermen, unless the appointment has been made by the aldermen under the provisions of ARTICLE III, SECTION 3.14(g)2. Each January, all commissions shall choose one of its members to chair the commission and one to serve as secretary.
- c) In the event of a vacancy in any commission as a result of resignation, death, expiration of term or other reason, the above nomination and appointment process shall be followed subject to the provisions of ARTICLE III, SECTION 3.14(b).
- d) Terms and limits. Members of commissions shall serve for three (3) year terms and shall be limited to two (2) consecutive full terms on the same commission. A full term shall be considered a term of two (2) consecutive terms, unless two (2) years shall have elapsed since such member completed the second consecutive term.
- e) Removal for cause. After a finding of the board of aldermen that there is a cause to remove a member of a commission of the city, the member may be removed by a vote of six (6) aldermen voting on a motion stating specific reasons.
- f) Attendance. If any member of a commission fails to attend one third of the regular scheduled meetings of the board or commission during a calendar year or misses four (4) consecutive meetings held by such commission, the record of attendance shall be reported to the mayor and aldermen who, upon finding of no reasonable explanation for such absences, shall declare the office vacant.
- g) Appointment of commissions.
 - 1. No member of a commission shall serve in holdover status for a period longer than ninety (90) days after the expiration of any term. At the end of such period, the office shall become vacant unless the mayor has re-nominated the incumbent or nominated a replacement. The mayor shall submit a nomination to the aldermen for confirmation not later than ninety (90) days after the expiration of the term.

2. In the event the mayor shall fail to submit a nomination in said ninety (90) day period, the position shall be filled by the board of aldermen which shall be entitled to nominate and confirm its choice. Such confirmation vote shall require the votes of eight (8) aldermen.
3. In the event the mayor makes a nomination in said ninety (90) day period and the nominee is not confirmed, the mayor shall be entitled to nominate a new candidate within ninety (90) days after the rejection of the prior nominee. There shall be no limit on the number of nominees the mayor may nominate as long as nominations are made within ninety (90) days of the rejection of the prior nominee.

ARTICLE III OUTLINES THE AUTHORITY OF THE MAYOR AND ALDERMEN IN RELATION TO THE DEPARTMENT HEADS, OFFICERS AND COMMISSIONS OF THE CITY. IT CLARIFIES THEIR ROLES AND DEFINES THEIR RESPONSIBILITIES. AGAIN THE TERM "ALDERMEN" IS INTENDED TO REPLACE "CITY COUNCILMEN" AND THE "MAYOR" REFERS TO THE ELECTED STRONG MAYOR RATHER THAN THE CURRENT MAYORAL POSITION. NOTE IN SECTION 3.02 WATER-ENTERPRISE FUND AND SEWER-ENTERPRISE FUND ARE THE CURRENT WATER AND SEWER DEPARTMENTS.

REFERENCE SECTIONS 31, 32, 33 AND 34 OF THE CURRENT CHARTER.

ARTICLE IV. ELECTIONS

Terms and Definitions

SECTION 4.01 NON-PARTISAN BALLOT SYSTEM

The mayor, aldermen, ward clerks, selectmen and moderators shall be elected by non-partisan ballot.

SECTION 4.02 MUNICIPAL GENERAL ELECTIONS

"Municipal general elections" shall mean the biennial municipal election to be held on the Tuesday next following the first Monday in November in each odd numbered year at which time the qualified voters shall choose city and ward officers.

SECTION 4.03 FILING FEE

"Filing fee" shall mean the fee paid to the city clerk for the use of the city by each candidate who submits a declaration of candidacy. The amount of the fee for each office shall be as follows: mayor, \$100; and all other offices, no fee.

SECTION 4.04 FILING PERIOD

"Filing period" shall mean the ten (10) consecutive working days (excluding Saturday and Sunday) commencing on the second Monday in September in each odd numbered year during which candidates for municipal office shall file their declarations of candidacy.

SECTION 4.05 NOMINATING PETITIONS

“Nominating petitions” shall mean petitions filed with the city clerk by each candidate who submits a declaration of candidacy. The number of petitions for each office shall be as follows: mayor, 200; aldermen, 100; and other offices none.

Political Calendar

SECTION 4.06 AUTHORITY

Prior to the municipal election, the city clerk with the advice and approval of the city solicitor, shall prepare a political calendar for the municipal election and the municipal general election setting forth the dates when action is required under the election laws. Any action taken by any candidate or official in connection with the election laws which shall be in accordance with dates set forth in such calendar shall be deemed duly performed for the purposes of the election laws. Copies of such calendar shall be available in the office of the city clerk.

Elected Officers

SECTION 4.07 CITY AND WARD OFFICERS

At every municipal general election, the following officers shall be elected:

- a) The mayor, the two aldermen at-large, two aldermen from each ward by the voters of the city; and
- b) 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.
- c) Three selectpersons shall be elected in each of the wards, who shall have the powers, perform the duties, and be subject to the liabilities, of selectpersons in towns, so far as relates to the warning of meetings, conducting elections, counting and declaring votes, recording the same, making returns of the votes received and certificates of elections, and all other matter relating to elections. Initially, one selectperson shall be elected to a one (1) year term, one selectperson shall be elected to a two (2) year term and one select person shall be elected to a three (3) year term. Upon expiration of the initial terms, selectpersons shall be elected for a term of three years.

SECTION 4.08 TERMS OF OFFICE AND VACANCIES

- a) The city officers so chosen shall hold their respective offices for two (2) years from the first Tuesday in January next following the election and until others are chosen and qualified. Should a vacancy occur in the office of the mayor or alderman, the board of aldermen shall fill such vacancy for the unexpired term with input from the public.
- b) Ward Officer terms shall be as designated in ARTICLE IV, SECTION 4.07b. Vacancies will be filled using the same process as City Officers in ARTICLE IV, SECTION 4.08a.
- c) Unexpired term shall mean the remainder of the term or period until a successor is elected and sworn in to fill such term under the provisions of this charter.

Checklist and Voter Registration

SECTION 4.09 ELECTION OVERSIGHT

- a) The City Clerk shall be the one responsible for oversight of all election related and voting activity.

- b) Supervisors of the checklist shall seasonably prepare checklists for their respective wards and perform all duties respecting the same required by law.

SECTION 4.10 PREPARATIONS 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 by surname according to the alphabetization procedure established in RSA 656:5-a, without party designation of all who file with the city clerk as candidates for Aldermen. The filing period shall be ten days in duration, beginning on the seventh Wednesday before the date of the election. Below the list of names of candidates for alderman there shall be as many blank spaces as there are aldermen 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.

SECTION 4.11 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 mayor and board of aldermen shall set the time the polls will open and close at municipal elections.

SECTION 4.12 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.

SECTION 4.13 BALLOTS PRESERVATION

All the ballots cast at a municipal election shall be kept by the city clerk sealed, until the contest is settled and all appeals have expired or at least sixty (60) days after the election, whichever is longer. Any person for whom a vote was cast and recorded for any office at a municipal election may, no later than the Friday following the election, apply in writing to the city clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the recount not earlier than five (5) days nor later than ten (10) days after the receipt of said application.

SECTION 4.14 CANVASS

The board of mayor and aldermen 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 board of mayor and aldermen the returns of such votes, and the board of mayor and aldermen shall examine the same and declare the persons having the largest number of votes to be elected as aldermen, or such other officers as may be balloted upon, and shall cause them to be notified of their election.

SECTION 4.15 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 board of aldermen shall extend the time in which such officer may qualify.

SECTION 4.16 CONTESTED ELECTIONS

Within seven days after a municipal election the board of mayor and aldermen 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 board of mayor and aldermen 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 board of mayor and aldermen 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 board of mayor and aldermen may determine. In cases arising under this section, the board of mayor and aldermen shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

SECTION 4.17 PROHIBITION AGAINST HOLDING OTHER PUBLIC OFFICES

No person shall hold incompatible offices as prescribed by state law.

SECTION 4.18 SESSIONS

The city clerk and supervisors of the checklists shall be in session to receive applications during the normal business hours of the city clerk's office, and at such times as may be determined by the city clerk and as required by statute.

Qualification for Office

SECTION 4.19 CITIZENSHIP

To file as a candidate for or to hold any elective city or ward office, a person must be a citizen of the United States either by birth or naturalization.

SECTION 4.20 DOMICILE

To file as a candidate for or to hold any elective city or ward office, a person must have and maintain during his term of office a domicile in the city or ward as the case may be.

SECTION 4.21 REGISTERED VOTER

To be a candidate for or to hold any elective city or ward office, a person must be a registered and qualified voter in the City of Claremont.

SECTION 4.22 MAYOR

To file as a candidate for the office of mayor one must be a resident of the city for one (1) year immediately preceding and shall continue to be a resident of the city during his term of office.

Nominations

SECTION 4.23 CANDIDATES

The name of any candidate shall not be printed upon the ballot for the municipal election unless such candidate:

- a) Shall have met all qualifications for office sought; and
- b) Shall have filed during the filing period a declaration of candidacy and any other required forms together with the requisite filing fee or shall have filed during the period the requisite number of nominating petitions.

Political Campaign Reporting

SECTION 4.24 POLITICAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

The provisions of this section shall apply to any municipal election.

Definitions

- a) "Candidate" shall mean any person publicly declared as such and for whom voters are sought in an election for the offices of mayor, alderman.
- b) "Incumbent Official" shall mean an incumbent mayor, aldermen.
- c) "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate, an incumbent official or political committee made for the purpose of influencing the nomination or election of any candidate. Contributions shall include the use of anything of value but shall not include the services of volunteers who receive no pay there for of the use of personal resources by a candidate on his behalf.
- d) "Expenditure" shall mean the disbursement of money or things of value or the making of a legally binding commitment, for political purposes, to make such a disbursement in the future.
- e) "Measure" shall mean any question which is submitted or intended to be submitted to a popular vote at an election.
- f) "Municipal election" shall mean the municipal general election.
- g) "Political Committee" shall mean any organization of two (2) or more persons to influence through contributions and or expenditures municipal elections or measures, including the political committee of a political party as hereinafter defined.
- h) "Political committee of a political party" shall mean the state, county, city, ward or town committee of a political party.

Reporting

- i) *Consent.* Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed by the city clerk at the time the political committee registers as provided in the following paragraph.
- j) *Registration of political committee.* Prior to the municipal election for which the political committee, is organized, the committee shall file with the city clerk a statement of the purpose of the political committee and a statement of the name, address, occupation and principal place of business, of its chairman, treasurer and other officers, provided, however, that a political committee to promote the nomination of a candidate of a municipal election may not be organized within forty-five (45) days of a municipal primary election.

k) *Report*

1. Each candidate and each political committee whose combined contributions or combined expenditures equal or exceed \$100 dollars shall file a disclosure report with the city clerk within ten (10) days immediately preceding or immediately following an election.
2. Each incumbent official whose combined contributions or combined expenditures equal or exceed \$100 within any quarter of the calendar year shall file a disclosure report with the city clerk within thirty (30) days of the end of each calendar quarter.
3. The disclosure report shall be itemized, signed and sworn to either by the incumbent official, the candidate or by the candidate's campaign chairman or treasurer, as applicable, showing each receipt regardless of amount with the full name and address of the contributor and the amount of the contribution made up to the date of the initial report or made since the date of the last report. The report shall also show each expenditure with the full name and address of persons, corporations, committee, or whoever was paid or is to be paid, with the specific nature of the amount of each expenditure made up to the date of the initial report or made since the date of the last report.

l) *Statement.* Any candidate whose contributions or expenditures are less than the amount designated in the preceding paragraph shall file a statement to that effect which shall be signed and sworn to as set forth in the preceding paragraph.

m) *Prohibition.* No candidate shall be entitled to nomination or election until the sworn itemized report or statement required to be filed by him or on his behalf has been filed as herein before required.

n) *Penalty.* Any candidate, or any member of his political committee, who is convicted for failure to comply with this section shall be subject to penalty as provided by law.

o) *Public inspection.* All reports, statements, written consents and registrations filed by candidates, political committees and political committees of political parties shall be open to the public.

Applicability of Statutes-Election Material

SECTION 4.25 STATE ELECTION LAWS

The provisions of the Revised Statutes Annotated relating to state elections, including but not limited to, time computation, voters and checklists, nominations, preparation of voting materials, absentee voting, pre-election procedure, vacancies, elective districts, political expenditures and contributions and purity of elections, as are not already made specifically applicable to municipal elections, shall apply to all municipal and general elections to the extent practicable. The city clerk, in consultation with the chief legal officer, shall determine the applicability of state election laws.

SECTION 4.26 FORMS

The city clerk shall prepare all forms and related materials necessary for the municipal elections, including but not limited to, declarations of candidacy, nominating petitions, assent to candidacy, affidavits or qualifications and disclosure forms.

SECTION 4.27 WARDS

The city shall continue to be divided into three (3) wards until such may be revised under the statutes of the state of New Hampshire. The three (3) wards set by law at the date of this charter are as follows:

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.

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.

**** ARTICLE IV WAS WRITTEN TO INCLUDE THE SECRETARY OF STATE'S RECOMMENDATION AND TO BRING US INTO COMPLIANCE WITH CURRENT RSAs. WE DID NOT RECOMMEND CHANGES TO WARD BOUNDARIES. REPRESENTATION IN EACH WARD WILL CHANGE TO TWO ALDERMEN FROM EACH WARD AND TWO AT-LARGE ALDERMEN.**

REFERENCE ALL SECTIONS OF THE CURRENT CHARTER DEALING WITH ELECTIONS AND ELECTION PROCEDURES.

ARTICLE V. BUDGETS AND APPROPRIATIONS

SECTION 5.01 FISCAL YEAR

The fiscal year of the city shall begin on the first day of July and end on the last day of June.

SECTION 5.02 BUDGET REVIEW AND RECOMMENDATIONS

The mayor and finance committee, shall review all departmental budgets to submit the budget in form set forth in ARTICLE V, SECTION 5.03.

SECTION 5.03 BUDGET FORMULATION, SUBMISSION AND MESSAGE

- a) The mayor and finance committee shall establish the form and organization of procedures for preparation and adoption of the annual budget, the capital improvement budget, and other budget instruments and plans for future fiscal periods as the mayor and finance committee deems appropriate and which shall conform to all city ordinances concerning budgets and fiscal matters. Such procedures shall require that all budgets include all proposed expenditures according to general objects of expenditure and the proposed use and all anticipated revenue.
- b) On or before the last day of March of each year, the mayor shall submit to the board of aldermen a budget for the ensuing fiscal year and an accompanying message.
- c) The mayor's budget message shall explain the budget in fiscal terms and as an outline of city programs contained and affected. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the mayor deems desirable.
- d) The budget as presented shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the estimated property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be arranged to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two (2) fiscal years. It shall indicate in separate sections:
 1. Proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;
 2. Proposed capital expenditures for at least the ensuing two (2) fiscal years; detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
 3. The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the city.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.

SECTION 5.04 BUDGET ADOPTION

- a) *Notice and hearing.* The board of mayor and aldermen shall publish a copy of the proposed budget, a notice stating the times and place where copies of the message and budget are available for inspection by the public, and the time and place for a public hearing on the mayor's budget as submitted, at least one week in advance of the public hearing.
- b) *Amendment before adoption.* After the public hearing, the board of mayor and aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and provided that no consolidation of city departments shall be accomplished solely in the budget process without separate and specific additional action by the board of mayor and aldermen. If

amendments are made to the budget submitted by the mayor, a second public hearing may be held providing public comment on the changes made, prior to the final adoption of the budget.

- c) *Adoption.* The board of mayor and aldermen shall adopt the budget on or before the second Tuesday in June of the fiscal year currently ending. Such adoption shall include such appropriation and revenue ordinances as shall be required to fund the budget adopted. The power of the mayor to veto acts of the board shall apply to the entire budget or any line item thereof stating the specific reasons for the objection and the proposed alternatives to the item vetoed, subject to the power of the board of aldermen to override. In the event of the exercise of a line item veto all portions of the budget not so vetoed shall be passed. (As used herein "line item" shall mean any object of expenditure listed in the budget.) Action by the board of aldermen on any veto shall be completed by June 30. The final adoption of the budget shall require, subject to the veto powers of the mayor, the vote of five (5) members of the board of aldermen.
- d) If the board of mayor and aldermen shall fail to adopt appropriation resolutions for the ensuing fiscal year as provided herein, then either the budget as originally submitted by the mayor or the current fiscal year budget shall become the budget, depending on which one is lower, pursuant to RSA 49-c:23.

SECTION 5.05 AMENDMENTS AFTER ADOPTION

- a) *Supplemental appropriations.* If during the fiscal year the mayor certifies after consultation with and verification by the finance officer that there are available for appropriation revenues in excess of those estimated in the budget, the board of mayor and aldermen may make supplemental appropriations for the year up to the amount of such excess, after observing the budget procedures set forth in ARTICLE V, SECTION 5.04 of this charter.
- b) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the mayor after consultation with and verification by the finance officer that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the mayor shall report to the board of mayor and aldermen without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The board of mayor and aldermen shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may reduce one or more appropriations.
- c) *Transfer of appropriations.* At any time during the fiscal year the board of mayor and aldermen may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units after consultation with and verification by the finance officer of the accounts and balances involved and the fact that such funds are unencumbered. The mayor may authorize a department head to transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the board in writing prior to its next meeting.
- d) *Limitation; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 5.06 ADMINISTRATION OF THE BUDGET

The board of mayor and aldermen may provide by ordinance any additional procedures for administering of the budget.

SECTION 5.07 OVERSPENDING OF APPROPRIATIONS PROHIBITED

No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations made. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payments made illegal.

SECTION 5.08 DEBT LIMIT

The debt limit for the city shall be as prescribed by state law as amended from time to time.

SECTION 5.09 FINANCE OFFICER

The finance officer, in addition to other duties set forth in this charter or by law, shall maintain accounting control over the finances of the city, shall make financial reports monthly, and shall perform such other duties relating to budget management and control as the board of mayor and aldermen by ordinance may require.

SECTION 5.10 INDEPENDENT AUDIT

It shall be the duty of the board of mayor and aldermen to assure that an independent audit shall be made of all books and accounts of the city at least once every year. The audit shall be performed in accordance with the auditing standards promulgated by the Comptroller General of the United States and by certified public accountants or a firm of such accountants experienced in municipal accounting who have no personal interest, direct or indirect, in the fiscal affairs of the city government. The Finance Officer shall, through a competitive bid process, provide for the selection of the independent auditors in accordance with the city's procurement code. The contract for auditing services shall be subject to the approval of the board of mayor and aldermen. The results of such an audit shall be made public and reported to the board of mayor and aldermen.

SECTION 5.11 BIENNIAL BUDGETING

In the event the legislature of the state of New Hampshire authorizes the use of biennial budgeting practices, the board of mayor and aldermen may adopt, consistent with this charter, the biennial budgeting process and set by ordinance any procedures necessary in order to effectively carry out said changes.

SECTION 5.12 FUND DEPOSITORIES

The board of mayor and aldermen shall provide by ordinance for the designation of one (1) or more depositories of city funds, the periodic deposit of funds and the security required for such funds.

****ARTICLE V DEFINES THE BUDGET PROCESS AND ADMINISTRATION. IT LISTS THE ROLES OF THE MAYOR, ALDERMEN, FINANCE DIRECTOR AND FINANCE COMMITTEE.**

REFERENCE SECTIONS 36 THROUGH 49 IN THE CURRENT CHARTER.

ARTICLE VI. PROCUREMENT PROCEDURES

SECTION 6.01 PROCUREMENT CODE

All purchases made by the city for materials, supplies, services, repairs, construction, or other items shall be made in accordance with a procurement code, which shall be adopted by ordinance by the board of mayor and aldermen. The procurement code shall promote fair and equitable treatment to all suppliers or prospective suppliers of goods or services, promote effective competition among prospective suppliers of goods and services, make as uniform as possible the procedures among various departments and agencies of the city, and promote the economical, effective, and efficient use of the city's total resources.

SECTION 6.02 PROCUREMENT METHODS

- a) As set forth hereinafter, the procurement code shall specify conditions precedent to and procedures applicable to competitive sealed bidding. As alternatives to competitive sealed bidding, the procurement code may specify conditions precedent to and procedures applicable to the use of one or more of the following methods of procurement: Competitive sealed proposal; small purchase procedures; special competitive selection procedures; and special purchase procedures. Such methods shall be as set in the 2003 Charter or the ordinance adopted hereunder in effect on the effective date of this charter until amended by the board of mayor and aldermen. Any such amendment shall conform with the laws of the State of New Hampshire. No such amendment shall eliminate the requirement for procurement methods as set forth herein but may change the provisions of such procedures for the good of the city.
- b) The city shall not preclude, otherwise qualified businesses or individuals of the City of Claremont from participating in the bidding process. In so far as it is possible, the city shall encourage local businesses to participate in the bidding process.

SECTION 6.03 PROCUREMENT MANAGER

Subject to the same appointment and removal provisions of this charter as to department heads, the mayor may appoint a professionally qualified and experienced procurement manager for the city to promote the continued development of purchasing policies and practices and to secure the advantages of centralized procurement or cooperative procurement processes.

**** ARTICLE VI WAS DESIGNED TO OUTLINE THE PURCHASING POLICIES AND ELIMINATE THE CONTROVERSIES SURROUNDING CURRENT HANDLING OF BIDS. IT ALLOWS FOR THE ESTABLISHMENT OF A PROCUREMENT MANAGER POSITION, IF THE MAYOR DECIDES TO DO SO.**

REFERENCE SECTION 35 OF THE CURRENT CHARTER.

ARTICLE VII. GENERAL PROVISIONS

Administrative Rules and Policies

SECTION 7.01 ESTABLISHMENT OF RULES

The board of mayor and aldermen may establish rules, procedures and standards, hereinafter called policies, relating to matters over which the board has jurisdiction. Such policies shall be set forth in a manual which shall be maintained by the city clerk and made available to the departments.

SECTION 7.02 STATEMENT OF POLICY

- a) The board of mayor and aldermen shall provide by ordinance for the adoption by city authorities, boards, commissions, departments and officers written statements of policy or interpretations thereof formulated or used in the discharge of their duties.
- b) These statements of policies shall include a general description of the organization of the department, the general course and method of its operations, the methods by which the public may obtain information or make submissions or requests, as well as forms and instructions used in dealing with the public, and a description of such other procedures which may directly bear on relations with the public, including any applicable appeal procedure.
- c) Each authority, board, commission, department and officer shall file all such adopted rules with the city clerk and shall transmit to the city clerk and make available to the public all other written statements of policy or interpretation formulated or used by the agency in the discharge of its duties.

SECTION 7.03 MERIT PLAN

- a) *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.
- b) *Rules and Regulations.* The rules and regulations known as the merit plan 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 board of aldermen and personnel advisory board by the mayor which shall become effective one month after their submission unless vetoed by the board of aldermen within that period.
- c) *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 9.19 and 9.20. In increasing or decreasing items in the city budget, the board of aldermen 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.
- d) *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 mayor, one (1) by the board of aldermen, 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 board of aldermen concerning the personnel policies of the city and the mayor 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 mayor 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.

- e) *Certification of Compensation.* No compensation shall be paid without certification by the mayor 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 7.03c. If such officer approves payments not in conformity therewith, he/she and his/her surety shall be liable for the amount of such payments.
- f) *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.

Charter Review Committee

SECTION 7.04 PERIODIC REVIEW

Not less than once every ten (10) years the board of mayor and aldermen shall cause the question of charter revision to be considered by the voters under the provision of state law. Nothing in this provision shall limit the availability of the charter amendment process provided by law.

Compensation

SECTION 7.05 COMPENSATION OF OFFICIALS

- a) The compensation of the mayor shall be set at ninety thousand dollars (\$90,000) annually, a single person membership in an insurance plan and any other benefits required by state statute after the election of a new mayor at the next municipal election. The mayor's salary shall not be increased greater than the cost of living from the time of any election until the close of the term of the mayor then elected. The board of aldermen shall not lower said salary. The mayor shall not be entitled to any additional bonus or stipends.
- b) Aldermen shall be paid in monthly installments, only for the time they hold their position, the equivalent of three thousand dollars (\$3,000) annually.

Incompatibility

SECTION 7.06 INCOMPATIBILITY OF OFFICE

No elected city official shall be employed fulltime by the city during the official's term in office. Acceptance of elected office by a fulltime city employee shall result in termination of employment.

Local Initiative

SECTION 7.07 NON-BINDING INITIATIVE

- a) On the written petition of a number of voters equal to at least fifteen percent (15%) of the registered voters of the city, including at least six percent (6%) of the registered voters of each ward, the board of mayor and aldermen shall order non-binding informational questions to be placed on the ballot at any general election, whether federal, state or municipal except a primary held within the municipality in accordance with the procedures set forth below.
- b) The petitions shall be limited to questions which do not involve established operational expenses of the city or questions on appointed or elected officials of the city. Each page comprising the total petition shall be complete

unto itself as a separate document setting out in full the proposed initiative questions and shall be in such format as is approved by the city clerk prior to voter signature(s).

- c) Petitions shall be submitted to the city clerk not less than forty-five (45) days prior to the election at which the question is to be submitted to the voters and such petitions shall be collected within twelve (12) months of the election at which the question will appear.
- d) The city clerk shall certify as to the adequacy of such petitions on the examination of the same.
- e) On certification by the city clerk of the adequacy of the petitions, the board of mayor and aldermen shall order such questions placed on the ballot, but the result of any such initiative shall be non-binding, unless otherwise required by law.

SECTION 7.08 CITIZEN'S BINDING INITIATIVE

- a) Citizens may propose an ordinance or suspension of an ordinance by submitting a written petition of a number of voters equal to at least fifteen percent (15%) of the registered voters of the city including at least six percent (6%) of the registered voters of each ward, the board of mayor and aldermen shall order such binding initiatives placed on the ballot at municipal elections in accordance with the procedures set forth below.
- b) The petitions shall be limited to ordinances or suspensions of ordinances which do not involve budgetary adoption or land use regulations of the city. Each page comprising the total petition shall be complete unto itself as a separate document setting out in full the proposed initiatives and shall be in such format as is approved by the city clerk prior to voter signatures. Initiatives to suspend ordinances shall include both the ordinance number and the language of said ordinance.
- c) Petitions shall be submitted to the city clerk not less than forty-five (45) days prior to the election at which the ballot question on the ordinance or suspension of the ordinance is to be submitted to the voters and such petitions shall be collected within twelve (12) months of the election at which the ballot question will appear.
- d) The city clerk shall certify as to the adequacy of such petitions for verification and report.
- e) When said petitions are complete, as certified by the city clerk of their adequacy and have met the above requirements, said proposed ordinance or suspension of the ordinance shall be submitted to the board of mayor and aldermen requesting the board of mayor and alderman to pass the proposed ordinance without alteration or to reconsider said ordinance; if said proposed ordinance be not passed without alteration or said reconsideration of ordinance fails to pass satisfactorily within twenty (20) days after the date of the clerk's certification; then, such initiative shall be submitted by the board of mayor and aldermen to the vote of qualified voters by placing it on the ballot at the next municipal election.
- f) If a majority of the qualified voters voting on the proposed ordinance or suspension of the ordinance, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.

Oaths

SECTION 7.09 OATHS

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.

Separability

SECTION 7.10 PROVISIONS AND APPLICATION

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to any other person or to any other circumstance shall not be affected thereby.

Special Acts

SECTION 7.11 APPLICABILITY

Special acts inconsistent with the provisions of this charter are repealed to the extent of such inconsistency.

Veterans

SECTION 7.12 VETERANS RECOGNITION

In recognition of its veterans who have served their country, the city shall honor them in appropriate ceremonies on Memorial Day and Veterans Day.

Public Participation

SECTION 7.13 PUBLIC COMMENT BOARDS AND COMMISSIONS

All boards, commission, authorities and committees, acting together as a full body, shall provide for a period of public comment.

Charter Enforcement

SECTION 7.14 CHARTER ENFORCEMENT PROVISION

- a) It shall be the responsibility of all elected officials to ensure the enforcement of and compliance with this charter.
- b) In the event there is an allegation of a violation of the charter or failure to follow its provisions, such allegation shall be referred to the mayor who shall review the allegation with the official or officials involved.
- c) In the event such review shall not resolve the matter, the mayor shall refer the allegation to the chief legal officer of the city who shall report findings on the allegation to the mayor and board of aldermen within ninety (90) days.
- d) If the violation or failure is alleged to involve the mayor, the board of aldermen shall receive the allegation and refer it to the chief legal officer of the city.
- e) If a violation is found to have occurred, the mayor and aldermen shall direct such action or changes in procedure as shall ensure compliance with this charter. This provision shall comprise administrative procedure and remedy for alleged violations of this charter.
- f) The board of mayor and aldermen shall provide for any procedures necessary in order to address violations of this charter.

****THIS IS A MAJOR CHANGE IN THAT SECTIONS 7.07 AND 7.08 EMPOWER THE VOTERS TO HAVE A PART IN THE ORDINANCE PROCESS. IT TAKES A MEASURE OF CONTROL OUT OF THE HANDS OF THE ALDERMEN AND DELEGATES IT TO THE VOTERS. MOST OF THESE PROPOSED CHANGES ARE AIMED AT GETTING MORE CITIZEN INPUT INTO THE DAILY OPERATIONS OF THE CITY GOVERNMENT.**

IT ALSO DEFINES COMPENSATION FOR THE MAYOR AND ALDERMEN IN SECTION 7.05 AND INCLUDES, BY REFERENCE, THE CURRENT MERIT PLAN.

ARTICLE VIII. STANDARDS OF CONDUCT

SECTION 8.01 DECLARATION OF POLICY

Honest government, ethical conduct, the avoidance of conflicts of interest and public perception of ethical and honest conduct of public affairs are essential. This code is adopted to further these purposes.

SECTION 8.02 DEFINITIONS

- a) *Business.* Any corporation, partnership, sole proprietorship or other business entity whether or not for profit. Such definition does not include governmental entities.
- b) *City official.* Mayor, alderman, member of boards, committees and commissions.
- c) *Immediate family.* Spouse, Child, Father, Mother, Sister, Brother, Father-in-law, Mother-in-law, Sister-in-law, Brother-in-law, Grandchild, Grandmother, Grandfather, Aunt or Uncle.
- d) *Financial interest.* A monetary or pecuniary interest in a business, entity or matter, whether direct or indirect, not shared by the public at large. A city official shall have a financial interest in the affairs of immediate family members, any business in which the official is an officer, director, proprietor, partner, trustee, member or employee, or any investment in which the official owns directly or indirectly, more than five percent (5%) of the total stock or an interest totaling \$50,000 or more.
- e) *Personal interest.* Interest in a matter which is other than that of the official as a public official and which is more direct than that of the public at large and would influence the action of the public official.

SECTION 8.03 STANDARDS OF CONDUCT

This code is written to establish standards of conduct for city officials. It is declaratory and is to be read consistently with the requirements of New Hampshire law and not to create duties less stringent than those required by New Hampshire law. It shall not limit the board of mayor and aldermen from enacting consistent ordinances or rules.

- a) *Contracts and Purchases.* A city official shall not have an undisclosed financial or direct personal interest in any contract with the city. In the event a business or family member shall have any such interest, it shall be disclosed if pre-existing the official's taking office, or disclosed prior to any vote to enter such arrangement is taken by the board of mayor and aldermen.

- b) *Appointment or employment of immediate family member.* No city official shall participate in any way in any decision to employ or appoint any immediate family member to any city position nor any personnel action in connection with such employment or classified appointment.
- c) *Disclosure of confidential information.* A city official shall not disclose confidential information concerning the city or its business without proper legal authorization; nor shall any official use any such information to advance a private interest. Confidential information is information which the official obtains because of the position held which is not a matter of public record.
- d) No city official shall accept any gift or thing of value which is offered to affect the vote or action of the official, nor shall any official solicit any such gift. This shall not prohibit legal campaign contributions or admission to events to which officials are invited in their official capacities, or food or beverage consumed at such events.
- e) *Conflict of interest.* No city official shall participate in the decision-making process of any matter in which the official or a member of the official's immediate family has a direct personal or financial interest. Any official who believes such an interest exists shall disclose such interest and shall not participate in the matter further. In the event any other official believes an official has a conflict, such conflict shall be disclosed to the city clerk who shall make a record of it. If the official does not believe such a conflict exists, the board of mayor and alderman, shall make a determination and if it finds a conflict exists, the official shall not participate in the matter further, or the appropriate board may refer the matter to the Personnel and Conduct Board.
- f) *Non-interference.* The board of mayor and aldermen, the various boards and commissions shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office; or to interfere in any way with the performance by such officers of their duties. This provision shall not prohibit assistance to constituents in their dealings with city officials if direct requests to the appropriate administrative officials have been unsuccessful, advocacy of particular outcomes on matters pending before the city when the matters are of a general nature, or submission of recommendations or references on behalf of a candidate for city employment which are not inconsistent with this code.

SECTION 8.04 PERSONNEL AND CONDUCT BOARD

A personnel and conduct board is established and shall consist of five (5) members and two (2) alternates to: issue advisory opinions to the board of mayor and aldermen, if requested to do so by said board or committee, concerning this code and the actions of city officials; Interpret this code; investigate violations of this code if requested to do so by city officials, written and attested complaints by citizens of the city or those doing business with the city, if it finds basis for such complaints, and issue reports after such investigations to the board of mayor and aldermen which may take action after such reports if it deems action necessary and, recommend ordinances to carry out the purposes of this code. One member shall be the chief legal officer of the city. Two members and one alternate shall be appointed by the mayor and confirmed by the vote of five (5) aldermen. Two members and one alternate shall be appointed by the board of aldermen by six (6) votes. At least one (1) member shall have served as an alderman previously. Members shall be appointed for terms of three (3) years and such terms shall be staggered so no more than two (2) members and one (1) alternate are appointed at one time. Members may not serve for more than six (6) consecutive years.

****ARTICLE VIII DEFINES THE RESPONSIBILITIES OF ELECTED OFFICIALS TO CONDUCT THE OPEN AND HONEST OPERATION OF THE CITY GOVERNMENT AND DESCRIBES THE MAKE-UP OF THE PERSONNEL AND CONDUCT BOARD (CURRENTLY TITLED THE PERSONNEL ADVISORY BOARD) CHARGED WITH**

OVERSEEING THE CONDUCT OF THE ELECTED AND APPOINTED OFFICIALS OF THE CITY.

REFERENCE SECTIONS 29 THROUGH 53 OF THE CURRENT CHARTER.

ARTICLE IX. TRANSITION PROVISIONS

Effective Date

SECTION 9.01 EFFECTIVE DATE OF THIS CHARTER

The effective date of this charter shall be <date>.

State and Municipal Laws

SECTION 9.02 CONTINUATION OF EXISTING LAWS

- a) All ordinances, resolutions, rules, regulations and votes of the board of mayor and aldermen which are in force at the adoption of this charter, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.
- b) Where the provisions of this charter conflict with provisions of city ordinances, regulations, orders or special acts, the provisions of this charter shall govern. All provisions of city ordinances, rules, regulations, orders and administrative actions not superseded by this charter shall remain in force until otherwise amended.

Departments, Offices and Agencies

SECTION 9.03 TRANSFER OF POWERS

- a) The powers of administration and policy previously held by city boards, commissions and authorities affected by this charter in ARTICLE III, SECTION 3.01 shall be transferred on the effective date of this charter to the mayor and department head in administrative matters or to the board of mayor and aldermen for policy matters unless superseded by state or federal law, inter-municipal agreement, contract or by this charter.
 1. The boards, commissions and authorities shall maintain the powers and duties granted to them by federal or state law, inter-municipal agreement, contract, or this charter. The composition of, appointment to and governance of, said boards, commissions, authorities shall be subject to the restrictions imposed by state or federal law, inter-municipal agreement, contract or this charter.
 2. All powers and duties not specifically granted by state or federal law, inter-municipal agreement, contract or this charter to a board, commission, authority or committee shall be retained by the mayor and department head in administrative matters and the board of mayor and aldermen in policy matters subject to the provisions of this charter.
- b) All members of boards, commissions, authorities and committees shall continue to serve until reappointed or a successor has been appointed under the provisions of this charter.

SECTION 9.04 TEMPORARY REGULATIONS

The board of mayor and aldermen may adopt such temporary regulations as they may deem necessary in connection with the transition of government. Every temporary regulation shall be presented and ratified in the same manner

prescribed for enacting ordinances. All temporary regulations shall be labeled as such and be automatically repealed in a manner designated by the board of mayor and aldermen in any such temporary regulation.

Officers and Employees

SECTION 9.05 EXISTING OFFICIALS AND EMPLOYEES

Any person holding a city office or employment under the city shall retain such office or employment and shall continue to perform the duties of the office until provisions have been made in accordance with this charter for the performance of the said duties by another person or agency.

SECTION 9.06 DEPARTMENT HEADS AND APPOINTED CITY OFFICERS EMPLOYMENT TRANSITION.

- a) Department heads and appointed city officers shall continue their service under the present terms of employment. All such provisions for the term, including but not limited to, promotions, removals and benefits shall remain in force during the remainder of the term. Upon the expiration of the department head's existing term, the department head shall continue in service under the provisions established by this charter.
- b) Department heads and appointed city officers in transition from term status to the provisions of this charter shall not be subject to competitive tests or other criteria as a condition of continuance in the office, but shall become subject to the removal provisions in this charter and the personnel system provided for in the ordinances of the city.

SECTION 9.07 SICK LEAVE TRANSITION

No employee of the city covered by sick leave benefits on the effective date of this charter shall have such benefits reduced unless such change is contained in a ratified collective bargaining agreement covering such employee.

Miscellaneous

SECTION 9.08 INITIAL SALARY OF THE MAYOR

The salary of the mayor shall become effective upon the inauguration of the mayor in <date>.

SECTION 9.09 DEBT LIMIT

On the effective date of this charter the debt limit of the city is as set forth in New Hampshire law.

SECTION 9.10 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.

SECTION 9.11 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.

SECTION 9.12 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.

SECTION 9.13 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 mayor, 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 there from without an order of court or a vote of the board of aldermen first had and obtained. All books and accounts of any official of the city and all records of the board of aldermen and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city.

SECTION 9.14 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 years. Said trustees shall invest such funds in securities legal for investment by mutual savings banks of this state.

SECTION 9.15 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.

SECTION 9.16 School District

The school district of the city 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 mayor 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.

SECTION 9.17 REPRESENTATIVES TO GENERAL COURT

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

SECTION 9.18 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 board of aldermen or their designee shall review all ordinances during the 5th year of the ordinances' adoption and every subsequent five-year interval.

SECTION 9.19 SALARIES

The board of Aldermen 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 7.03c of this charter.

SECTION 9.20 PROCEDURE TO FIX SALARIES

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

****ARTICLE IX DEFINES THE CONTINUATION OF STANDARD OPERATING PROCEDURES AND IS INTENDED TO STATE THAT ANYTHING NOT SPECIFICALLY CHANGED IN THIS PROPOSED CHARTER REMAINS INTACT. IT ADDRESSES THE TRANSITION PERIOD. FINAL TRANSITION PROCEDURES WILL BE DEVELOPED IF THIS PROPOSED CHARTER PASSES IN NOVEMBER. THIS SECTION IS DESIGNED TO ENSURE WE COVERED ALL RELEVANT SECTIONS OF THE CURRENT CHARTER NOT PREVIOUSLY MENTIONED.**

SUMMATION:

I want to commend my fellow commission members. We did not always agree, but we did always cooperate. Each and every member contributed to the development of this proposed charter and worked hard to get it ready in a timely manner. I also want to thank all those citizens who participated by attending our meetings, through email, phone calls and petition. Your input was helpful on more than one occasion. Despite what has been said all of this input was considered in the decision making process.

Our entire group was dedicated to presenting the best possible (proposed) charter to the voters. The majority of the committee believes this document does just that. We will be holding two meetings solely to explain the proposed charter to the voters on consecutive Fridays, 9/19 and 9/26, at 6:30 PM in the Council Chambers. It is not the Commission's intent to either recommend or oppose the proposed charter at these meetings but solely to explain the changes. I will not allow arguments either recommending or opposing the charter from the Commission or the public.

Citizen questions will be welcomed, as they have been in all our prior meetings.