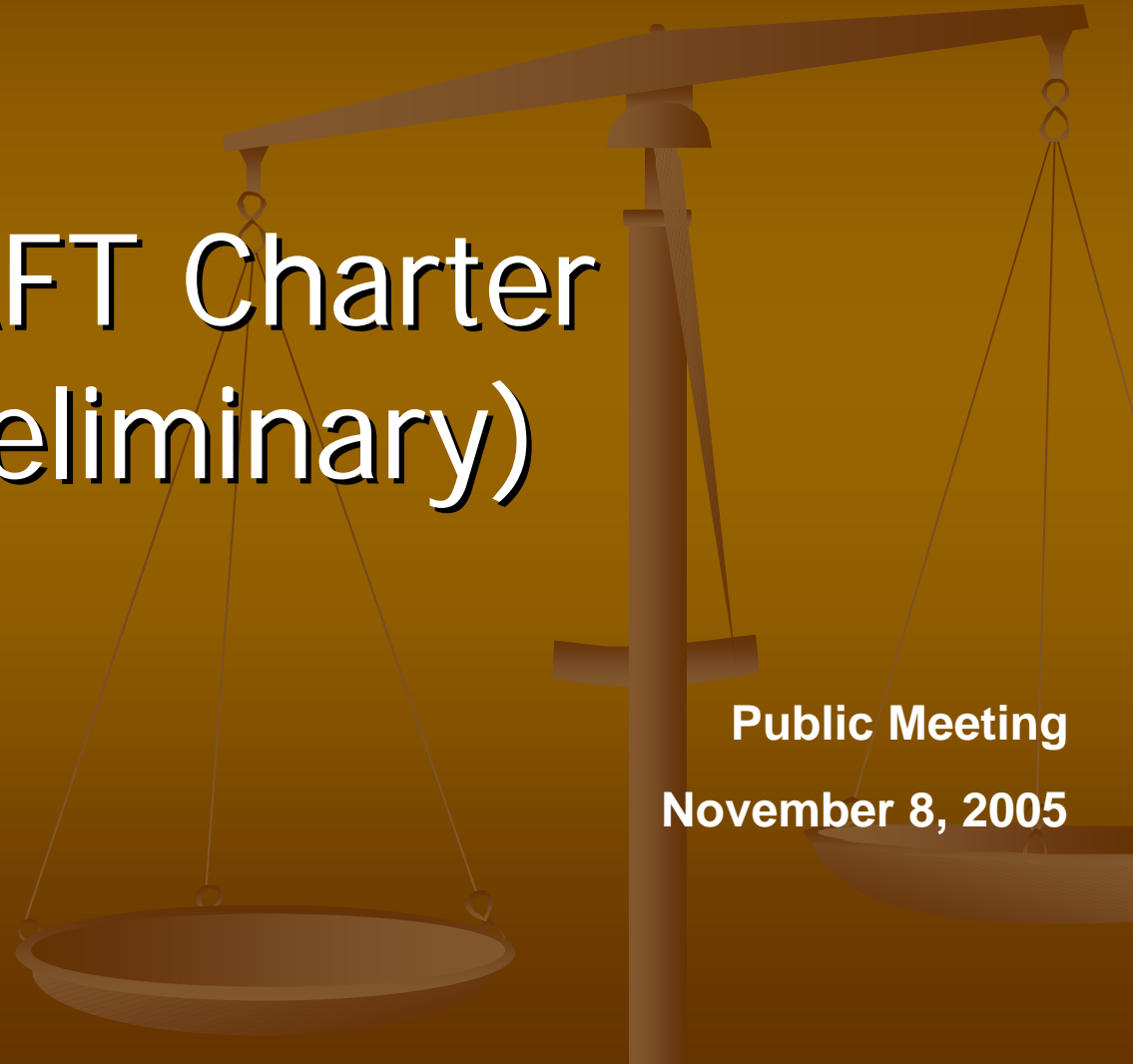


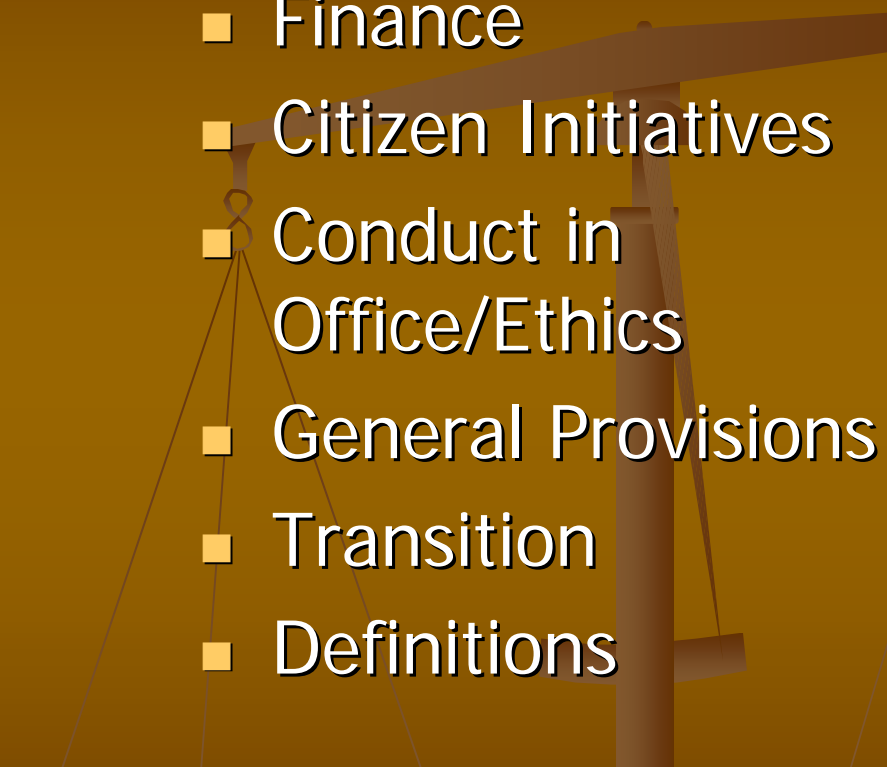
Merrimack Charter Commission

**DRAFT Charter
(Preliminary)**


**Public Meeting
November 8, 2005**



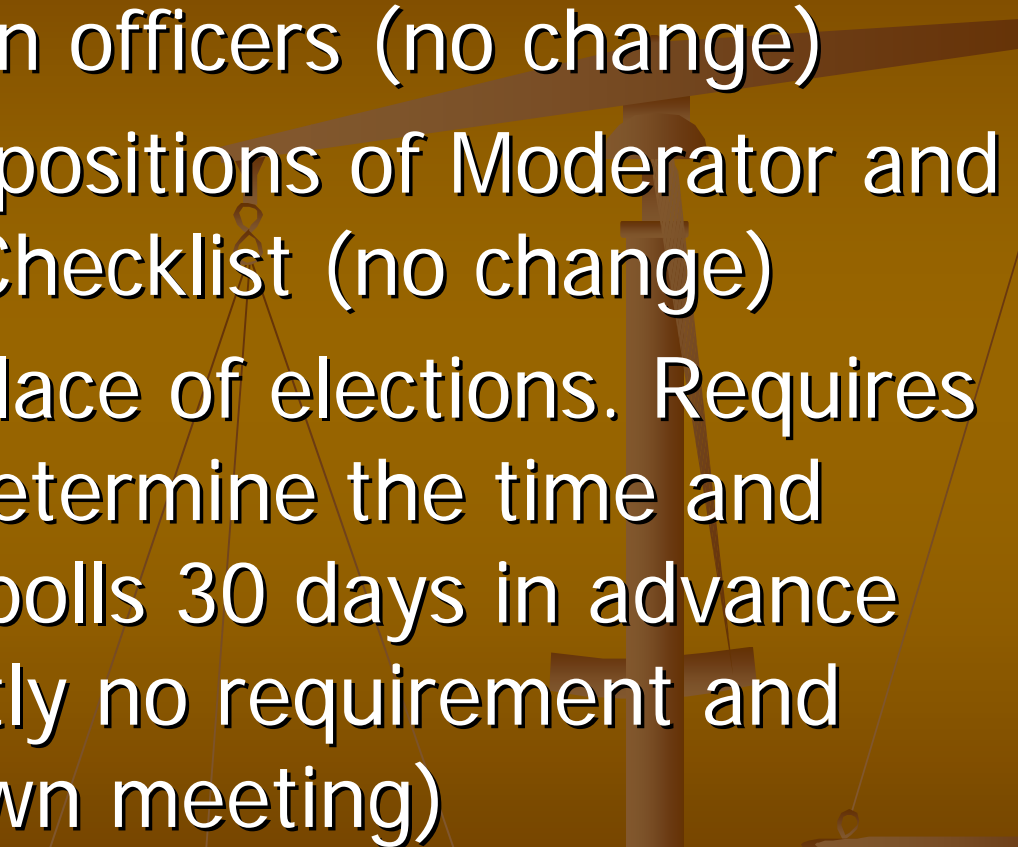
Preliminary Draft Has 12 Articles

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

ARTICLE 1. INCORPORATION

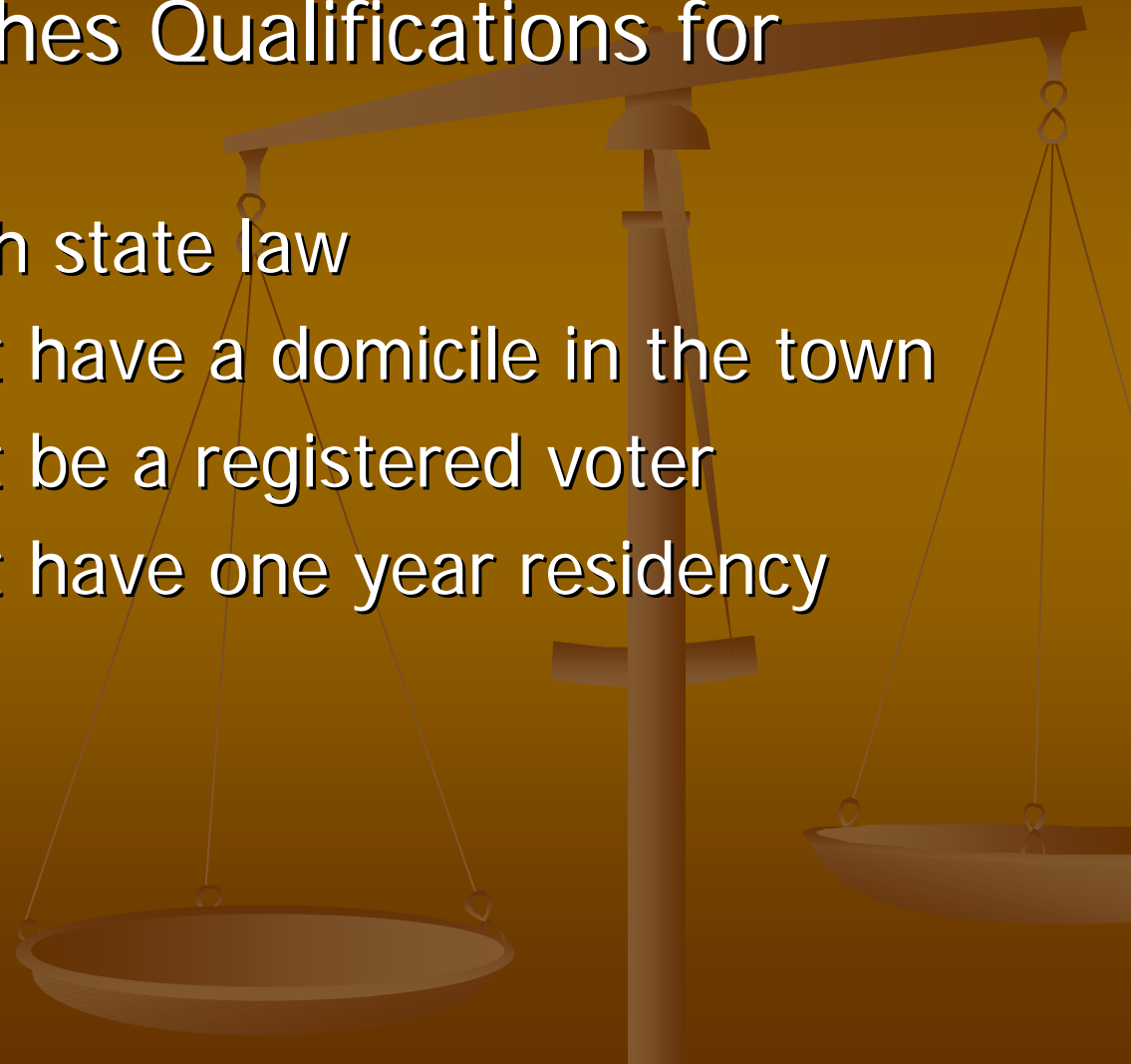
- Continues the name “Town of Merrimack”
 - Establishes a Town Council Form of government, town manager and prohibits interference in town administration by council members
 - Authorizes intergovernmental cooperation
- 

ARTICLE 2. ELECTION PROCEDURES

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

ELECTIONS

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

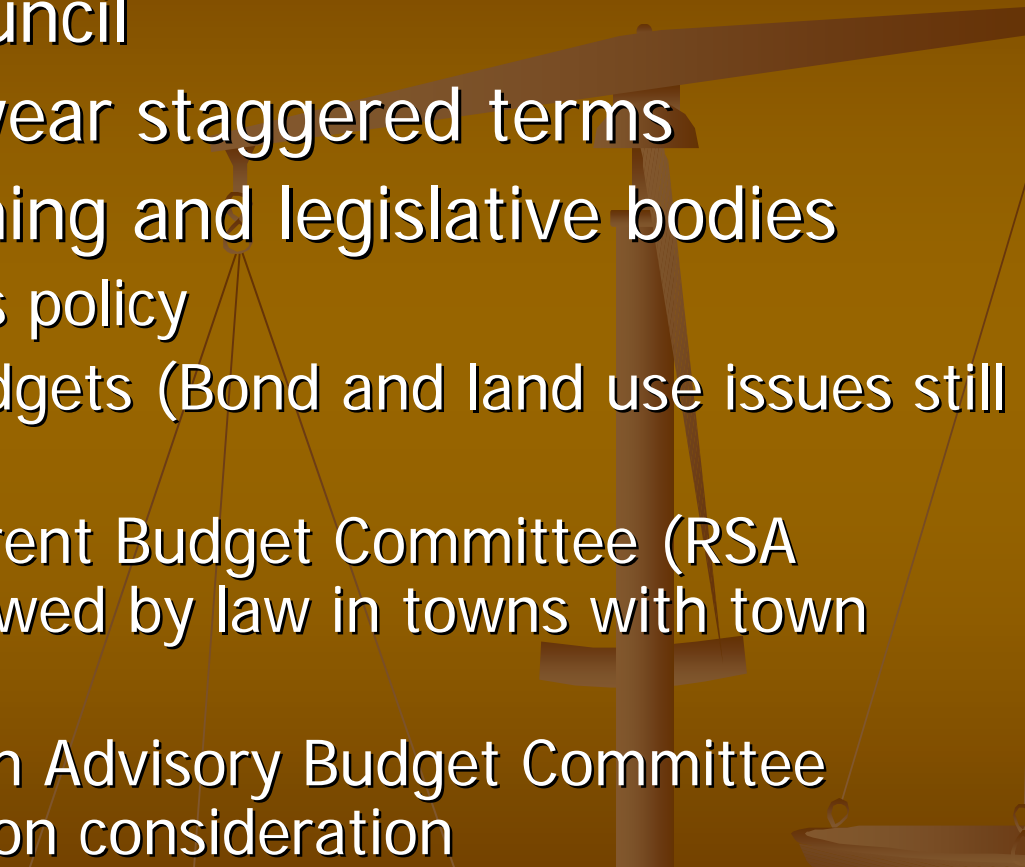


ELECTIONS

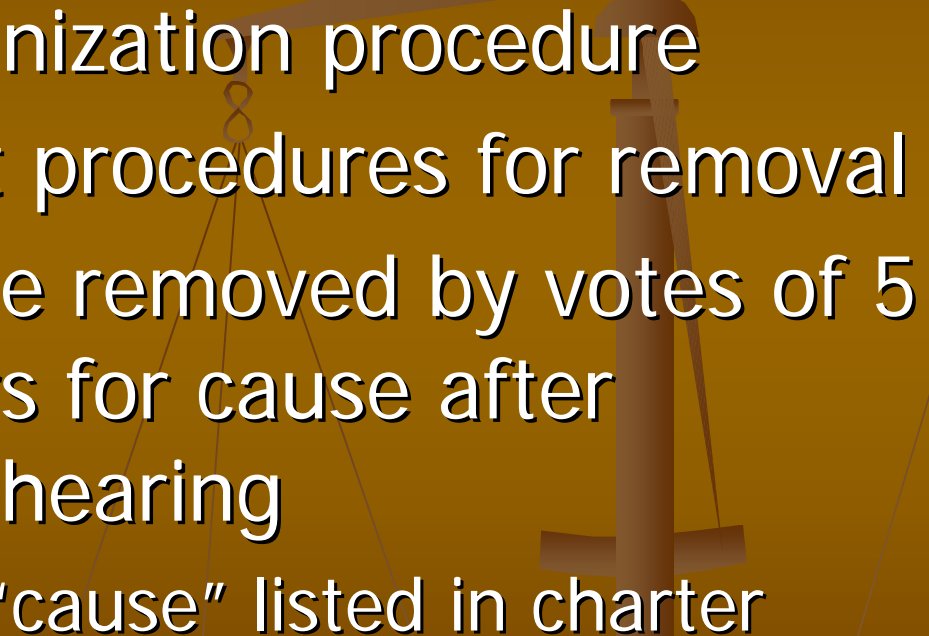


- Other significant change: If the successful candidate does not take the oath of their office within 30 days, this is deemed a refusal of service and a vacancy declared.
- Other provisions of this article represent no change from the current operation of election law in Merrimack,

Article 3 - GOVERNING BOARD

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

Article 3 - GOVERNING BOARD

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

Article 3 - GOVERNING BOARD

■ Establishes

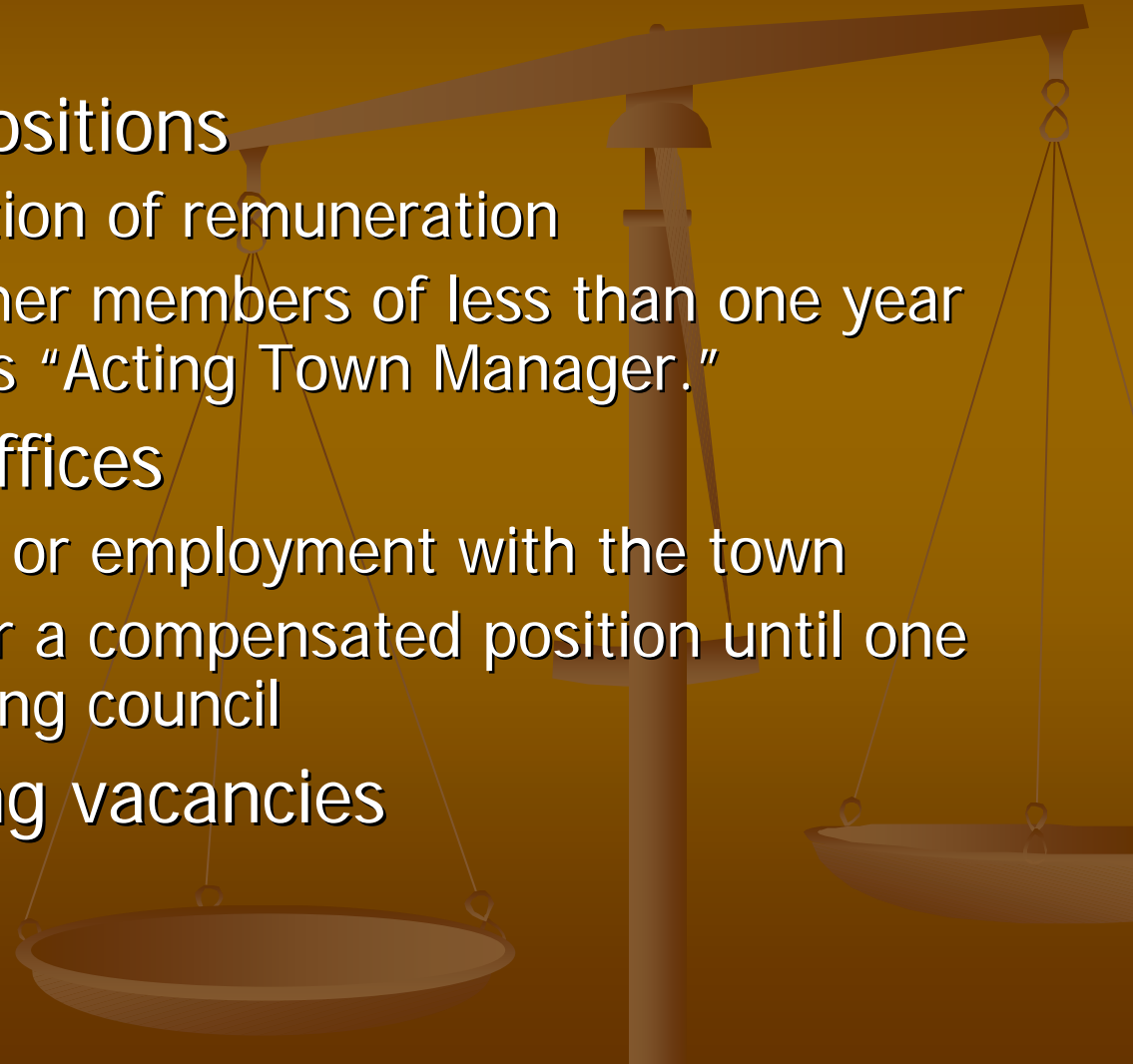
■ Incompatible Positions

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

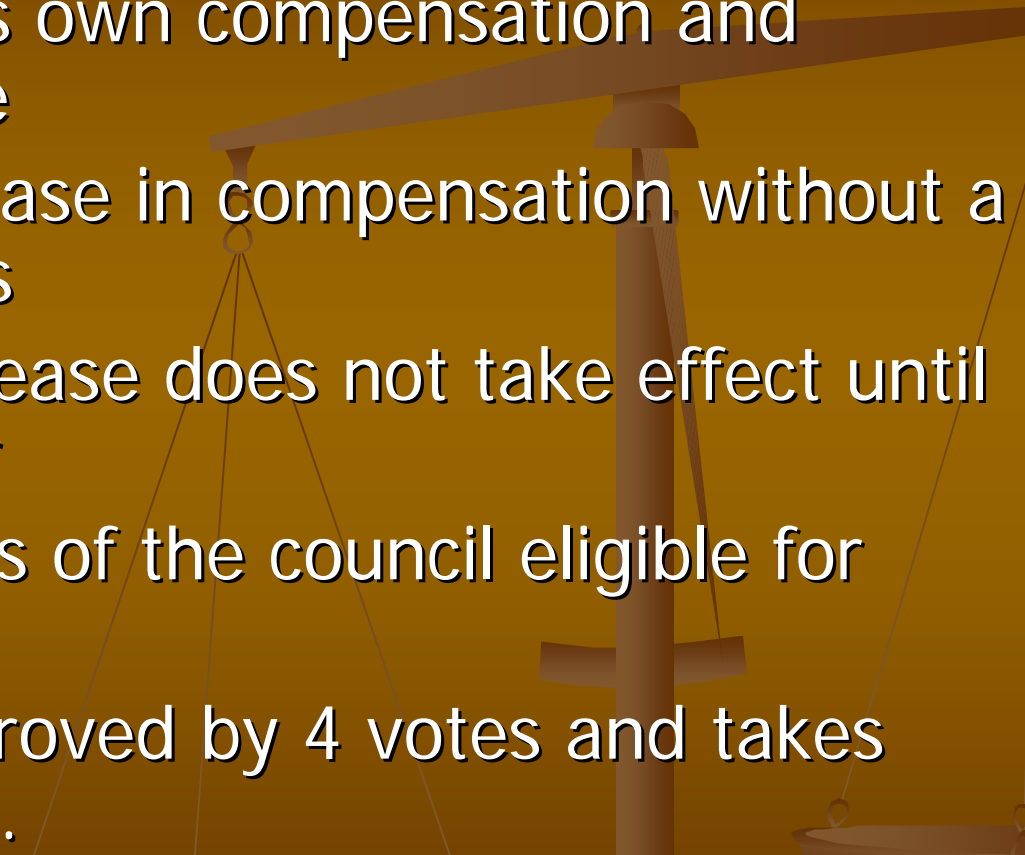
■ Incompatible Offices

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

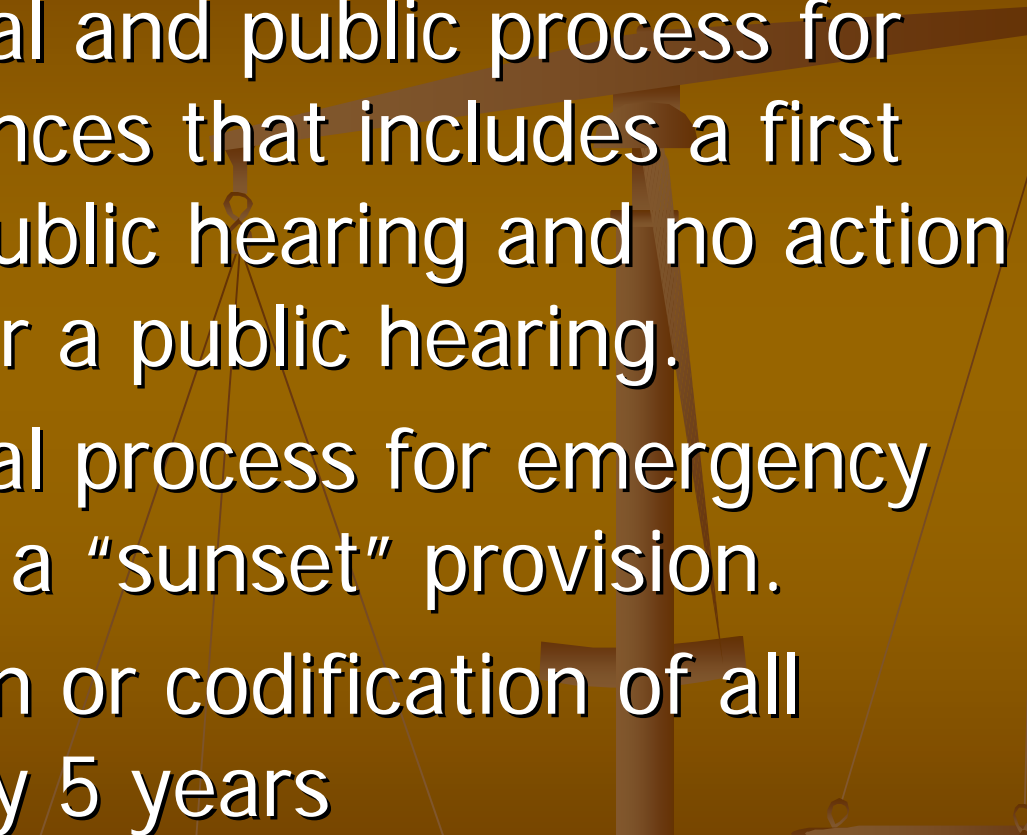
■ Method for filling vacancies



Article 3 - GOVERNING BOARD

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

Article 4 - Ordinances

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

Article 5 – Administrative and Judicial Boards

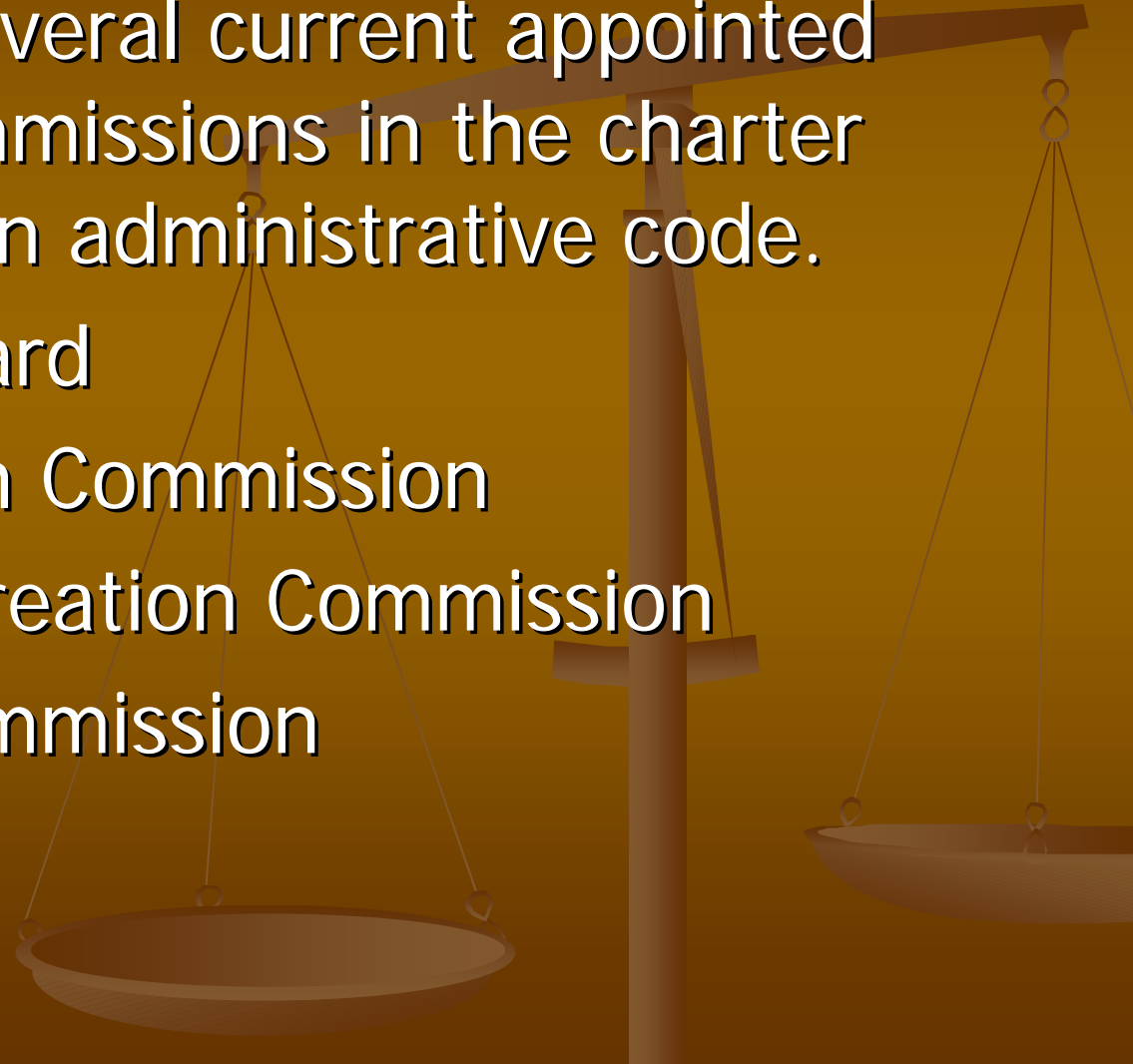
- Memorializes several current appointed boards and commissions in the charter rather than in an administrative code.

Planning Board

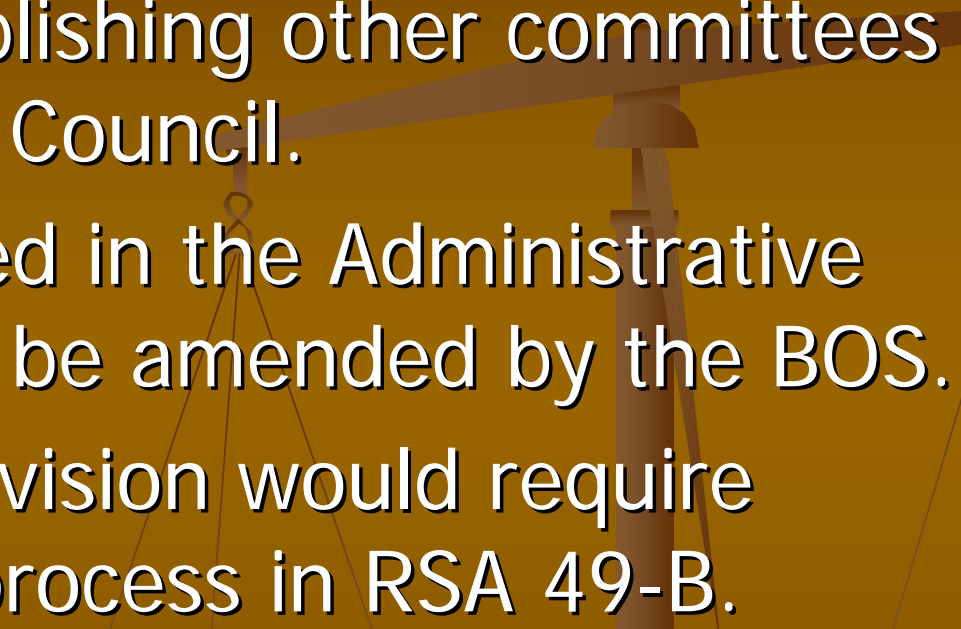
Conservation Commission

Parks & Recreation Commission

Heritage Commission



Article 5 – Administrative and Judicial Boards

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

Article 5 – Administrative and Judicial Boards

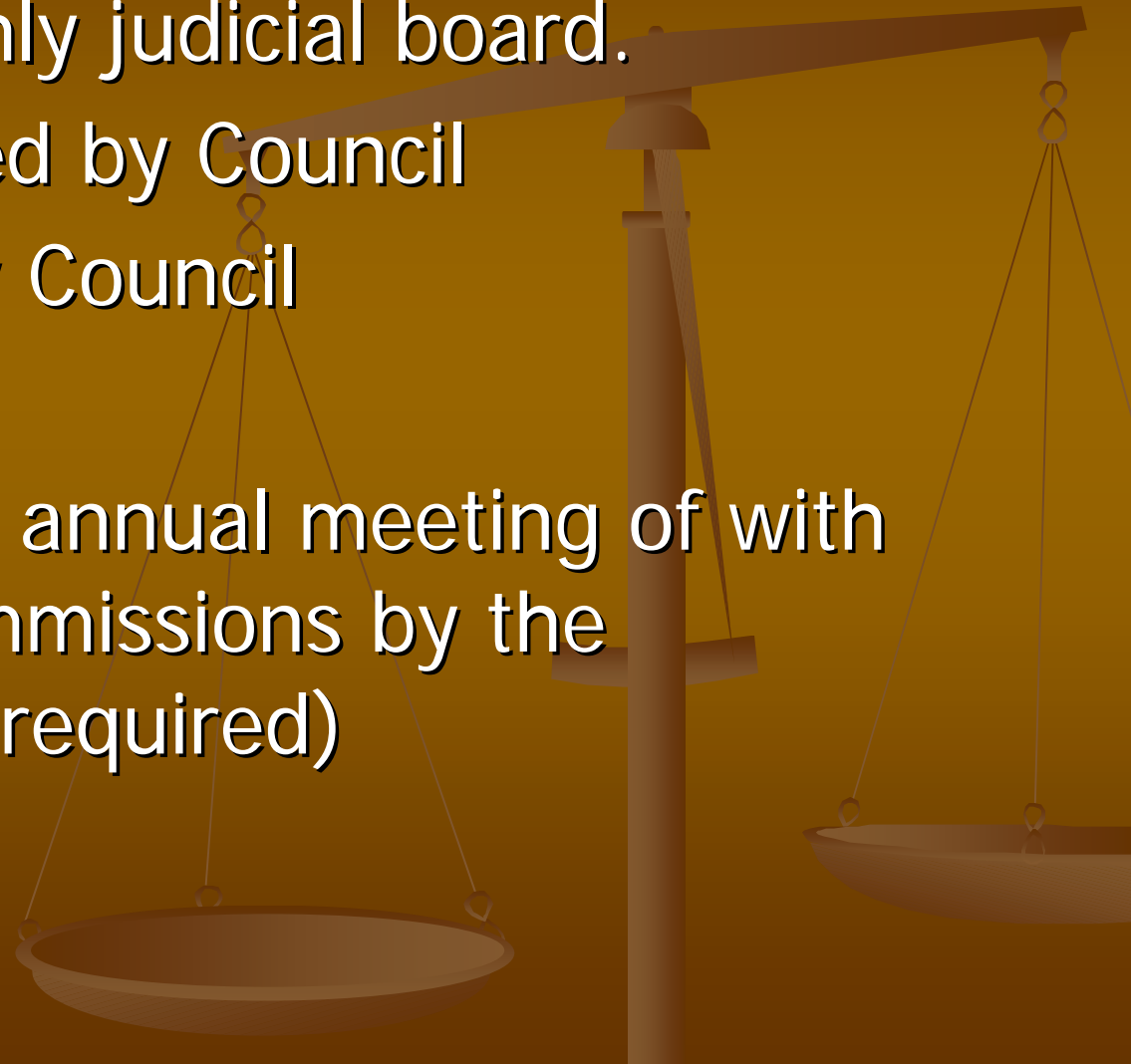
- Memorializes three elected boards:
 - Trustees of Trust Funds
 - Library Trustees
 - Ethics Committee

Advisory Budget Committee provisions pending consideration by Commission



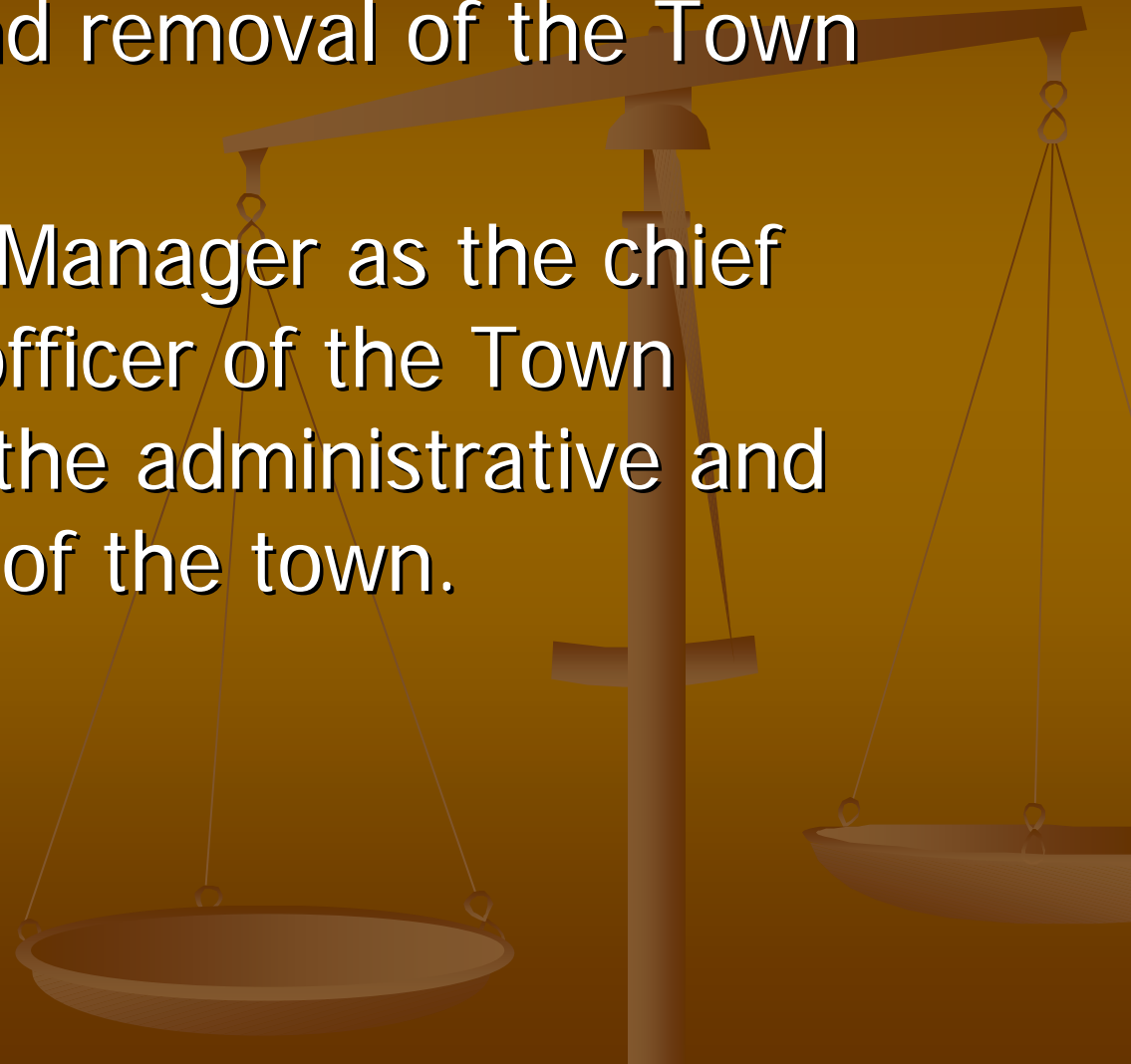
Article 5 – Administrative and Judicial Boards

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

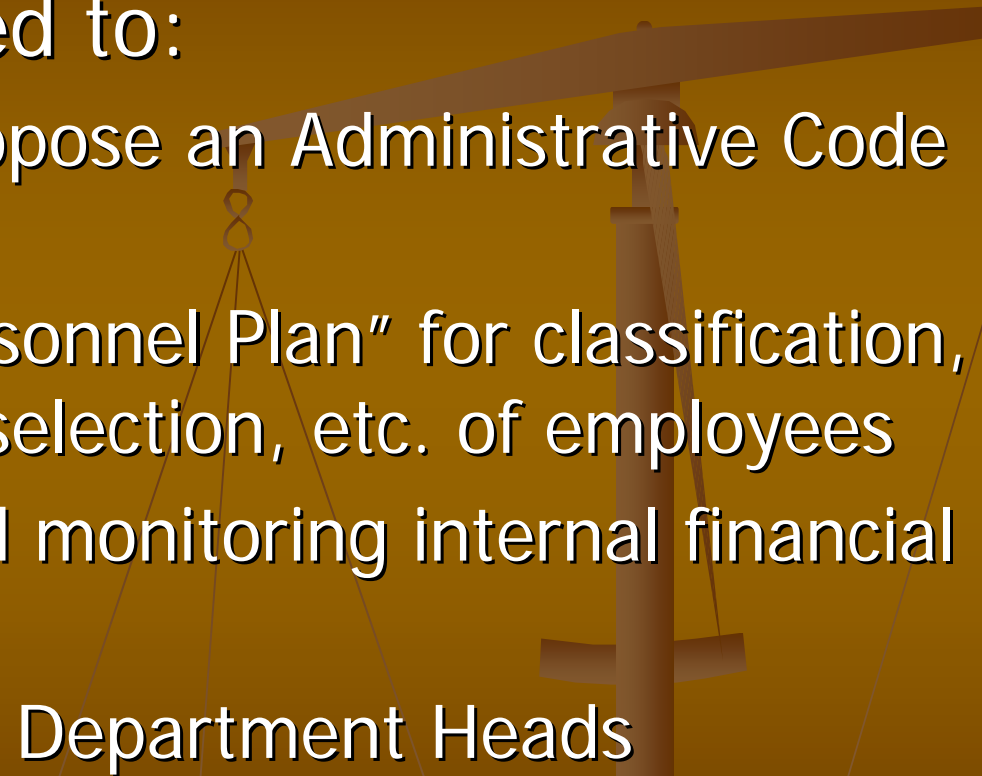


Article 6- Administration of Government

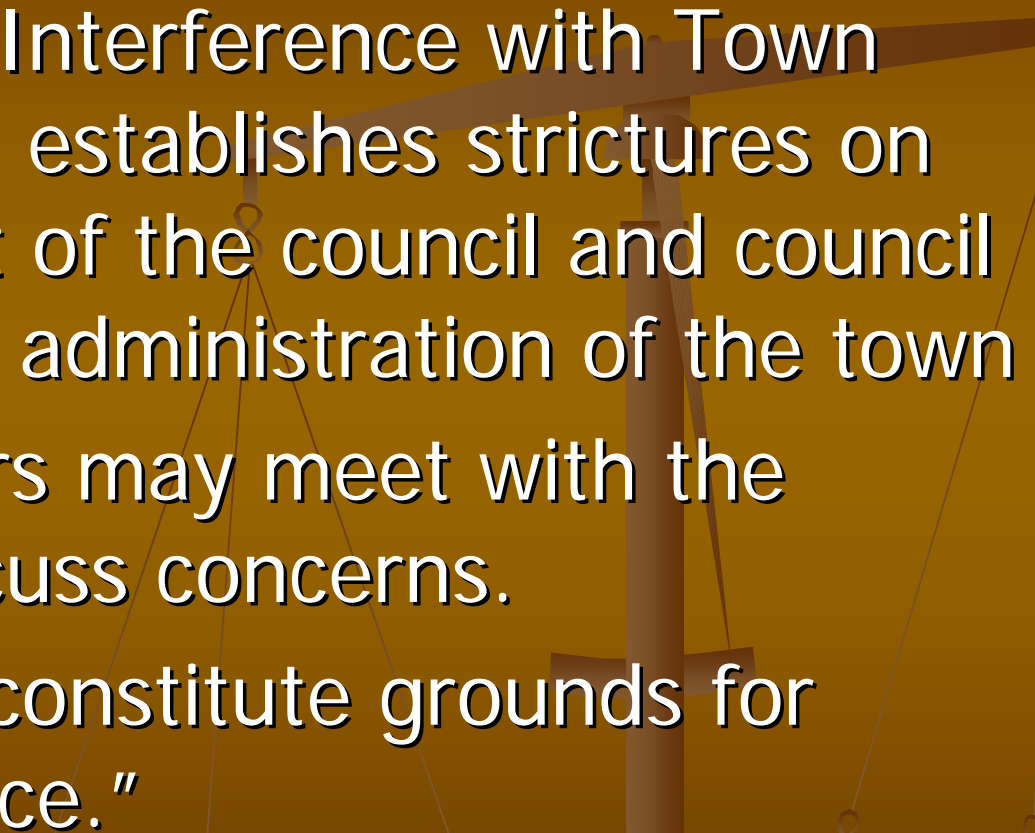
- Appointment and removal of the Town Manager
- Establishes the Manager as the chief administrative officer of the Town responsible for the administrative and financial affairs of the town.



Article 6- Administration of Government

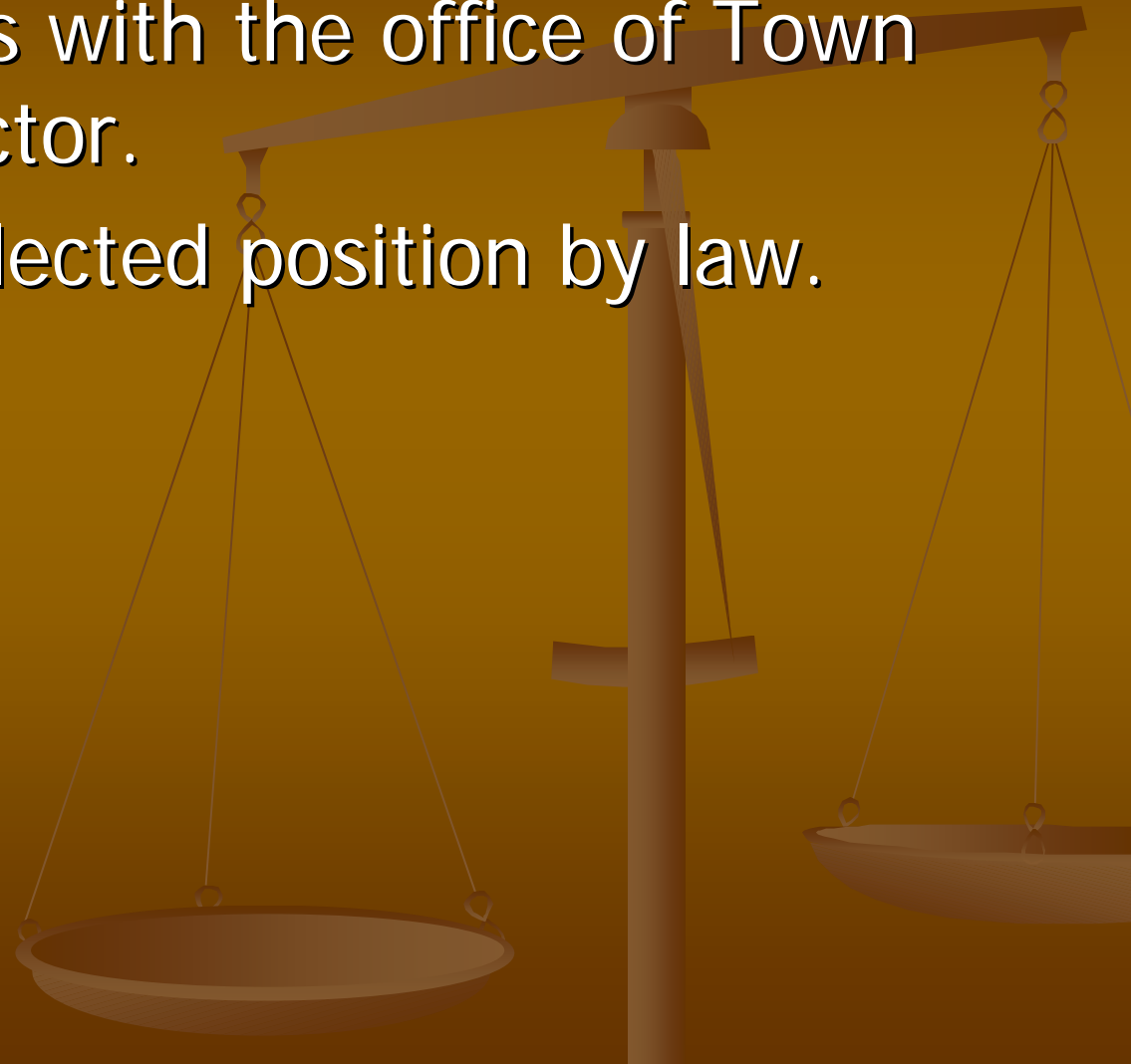
- Manager required to:
 - Prepare and propose an Administrative Code to the Council
 - Establish a “Personnel Plan” for classification, compensation, selection, etc. of employees
 - Establishing and monitoring internal financial controls
 - Appoint/remove Department Heads
- 

Article 6- Administration of Government

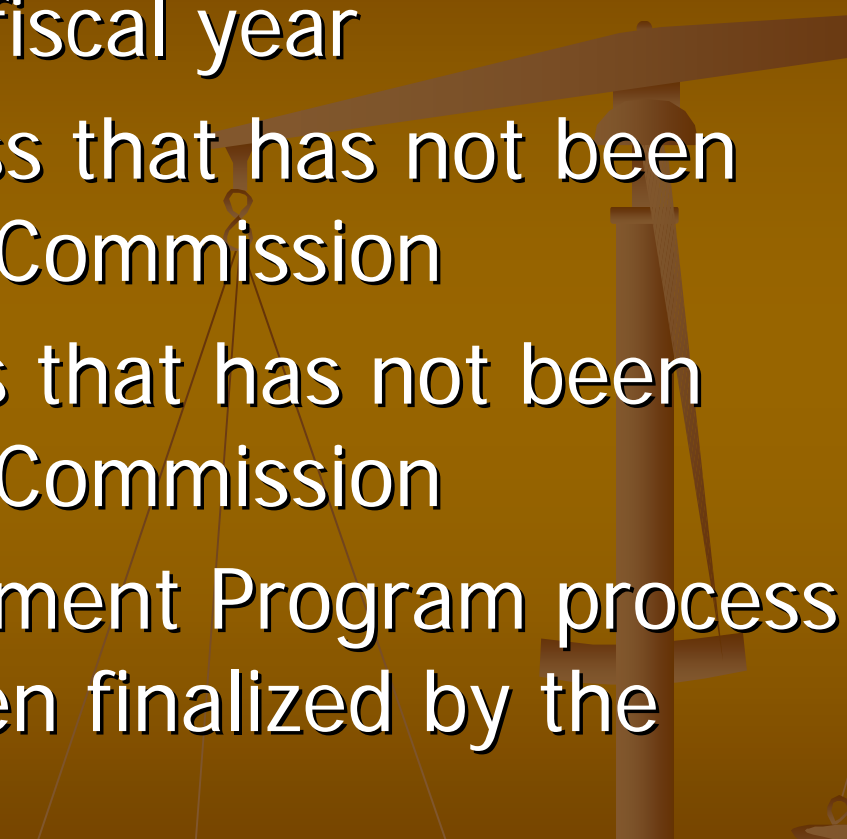
- Article 6-9 Non-Interference with Town Administration - establishes strictures on the involvement of the council and council members in the administration of the town
 - Council members may meet with the manager to discuss concerns.
 - Violation "shall constitute grounds for forfeiture of office."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

Article 6- Administration of Government

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



Article 7 - Finance

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

Article 7 - Finance

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



Article 7 - Finance

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



ARTICLE 8-ETHICS

- Adopts current ethics ordinance in its entirety.



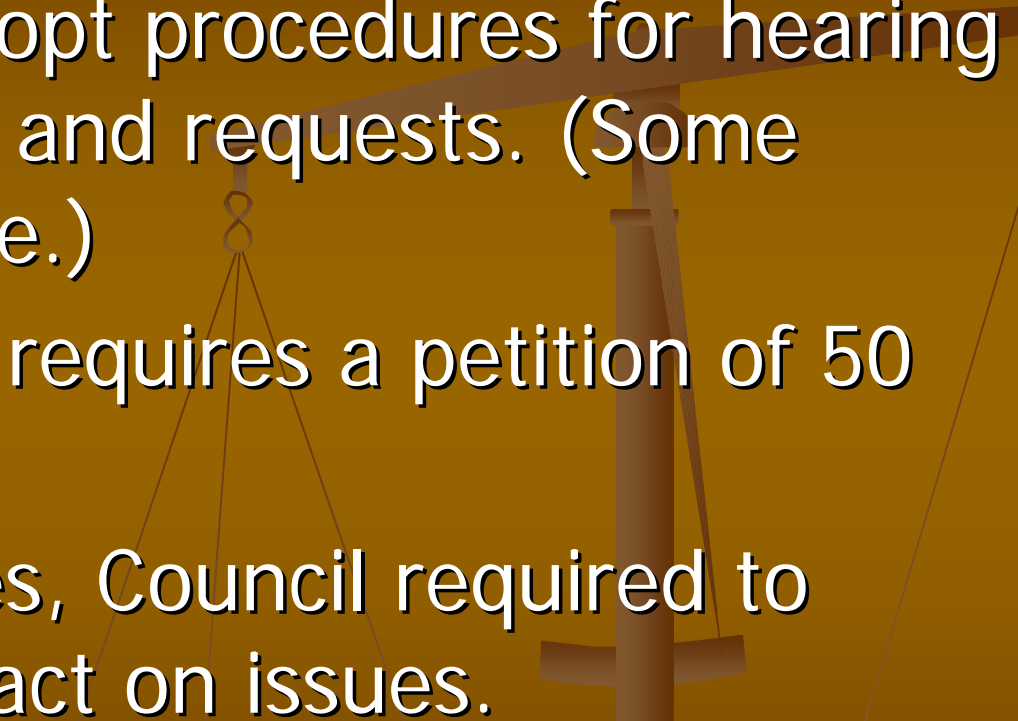
ARTICLE 9 – Citizen Initiatives

FOUR SECTIONS:

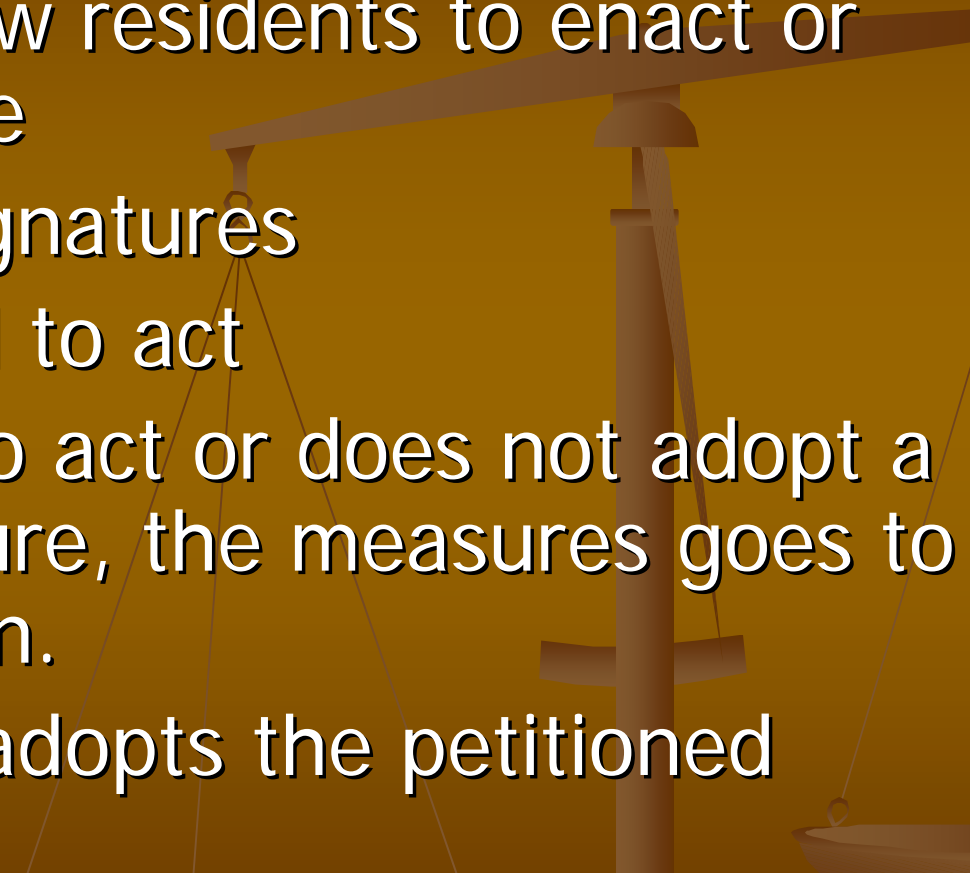
1. Citizen Concerns and Petitions
2. Initiative
3. Referendum
4. Recall



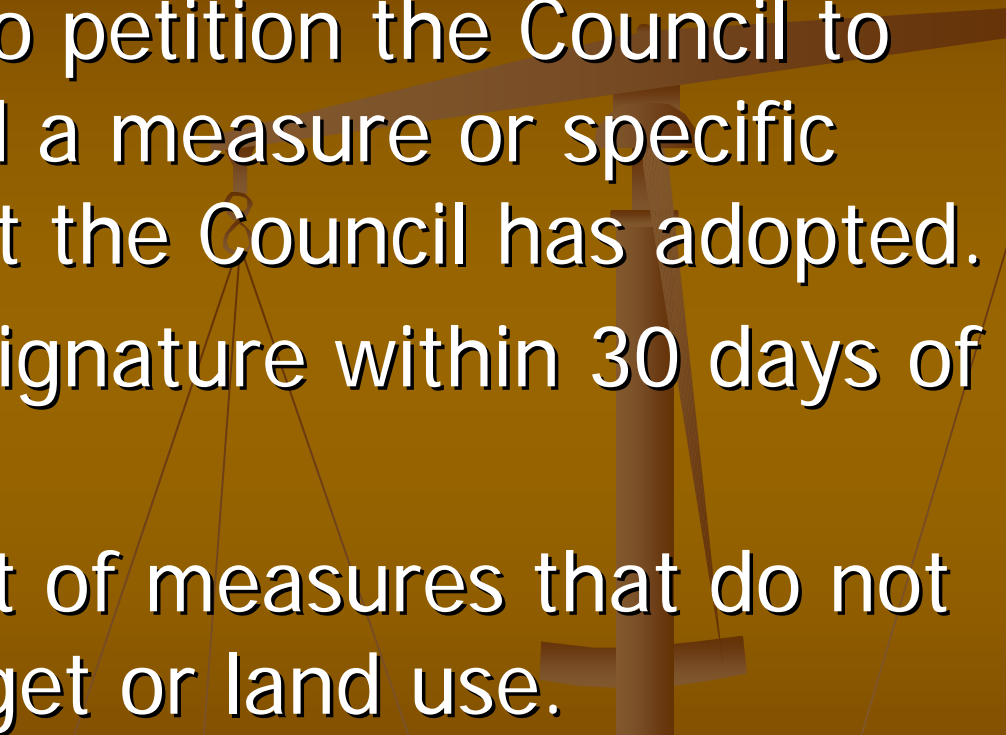
ARTICLE 9 - Citizen Concerns and Petitions

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

ARTICLE 9 - INITIATIVE PETITIONS

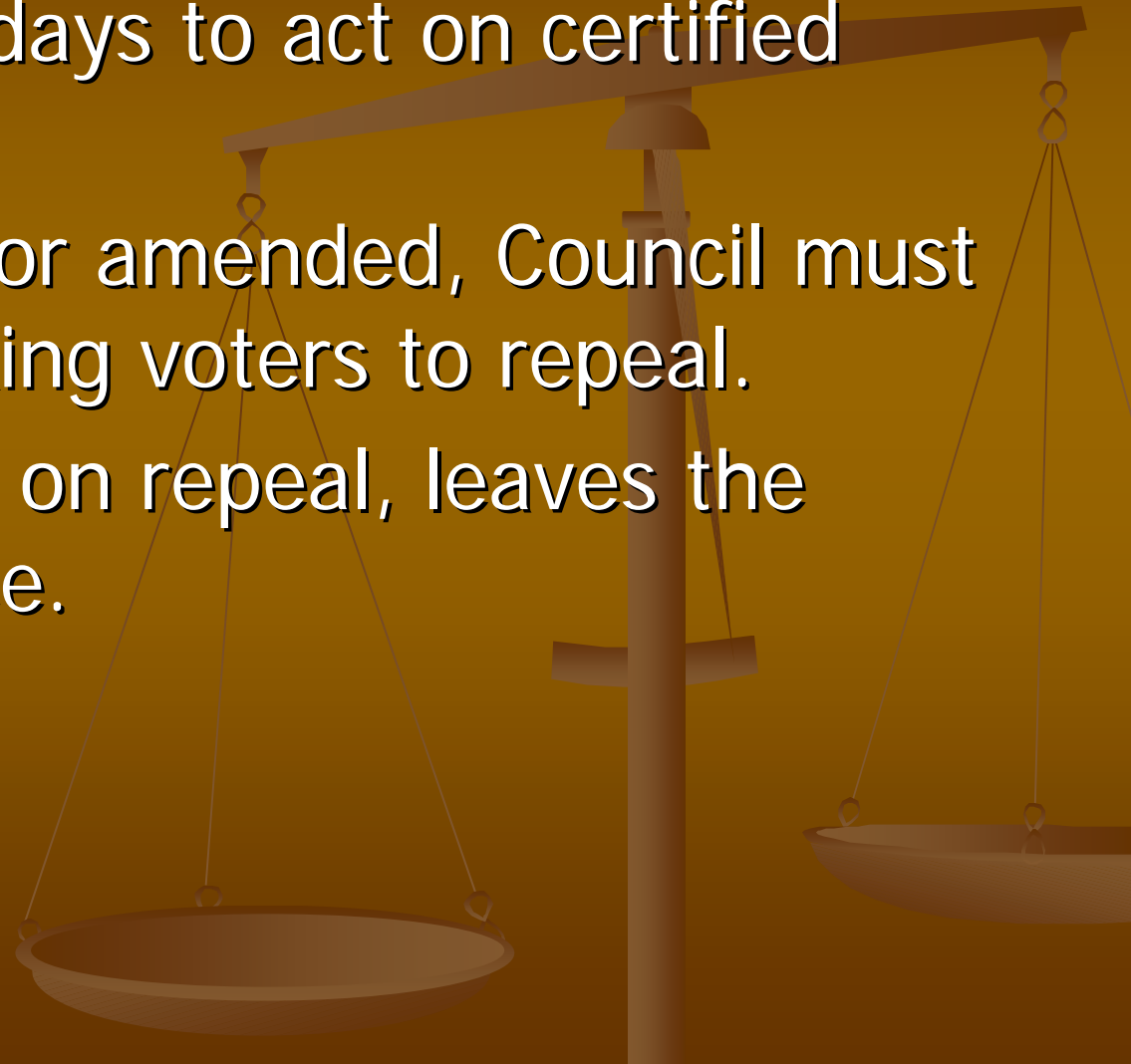
- Intended to allow residents to enact or adopt a measure
 - Requires 500 signatures
 - Council required to act
 - If Council fails to act or does not adopt a proposed measure, the measure goes to a special election.
 - A positive vote adopts the petitioned measure.
- 

ARTICLE 9 - REFERENDUM PETITIONS

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

ARTICLE 9 - REFERENDUM PETITIONS

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



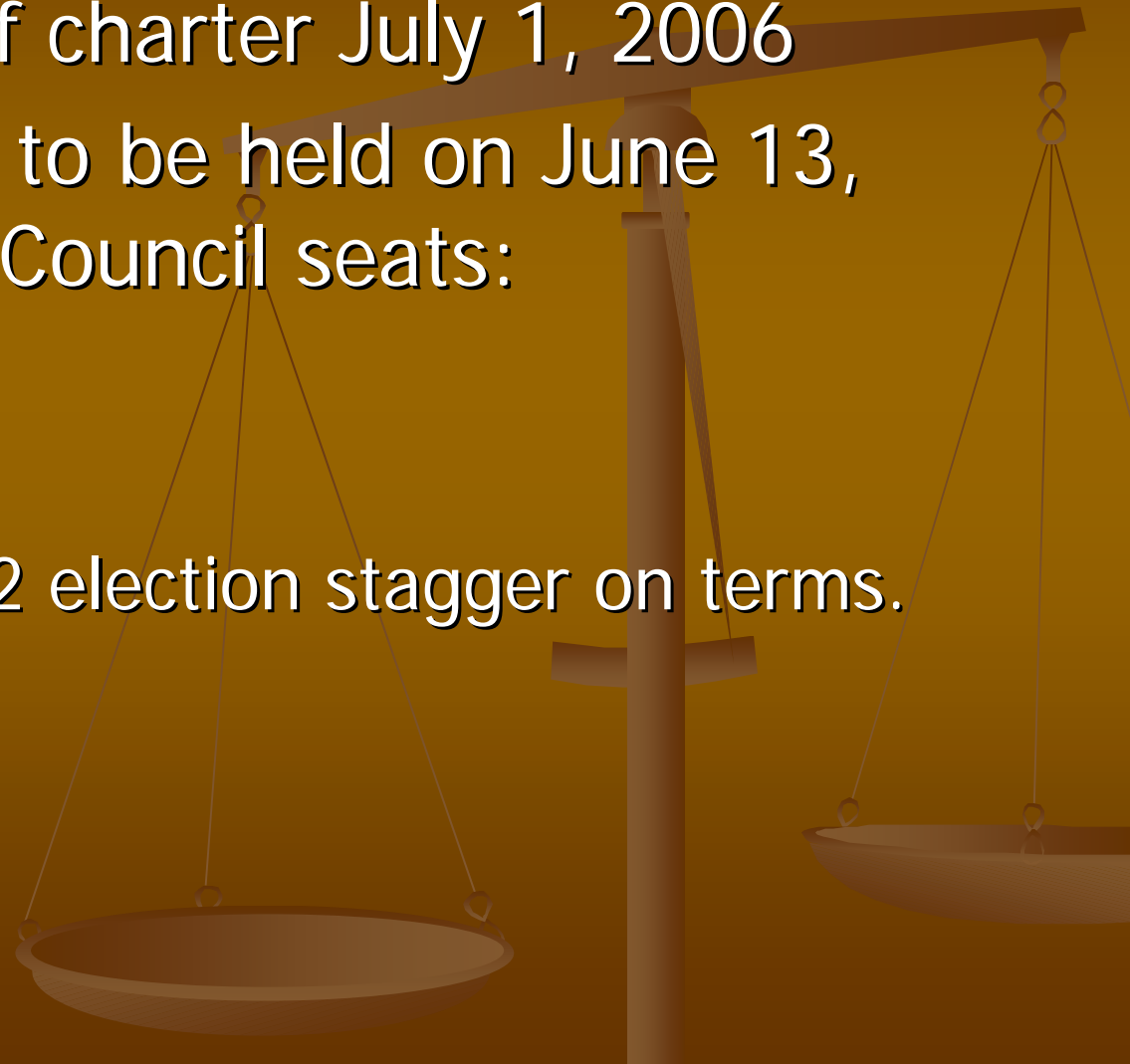
ARTICLE 10 – GENERAL PROVISIONS (PROPOSED)

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

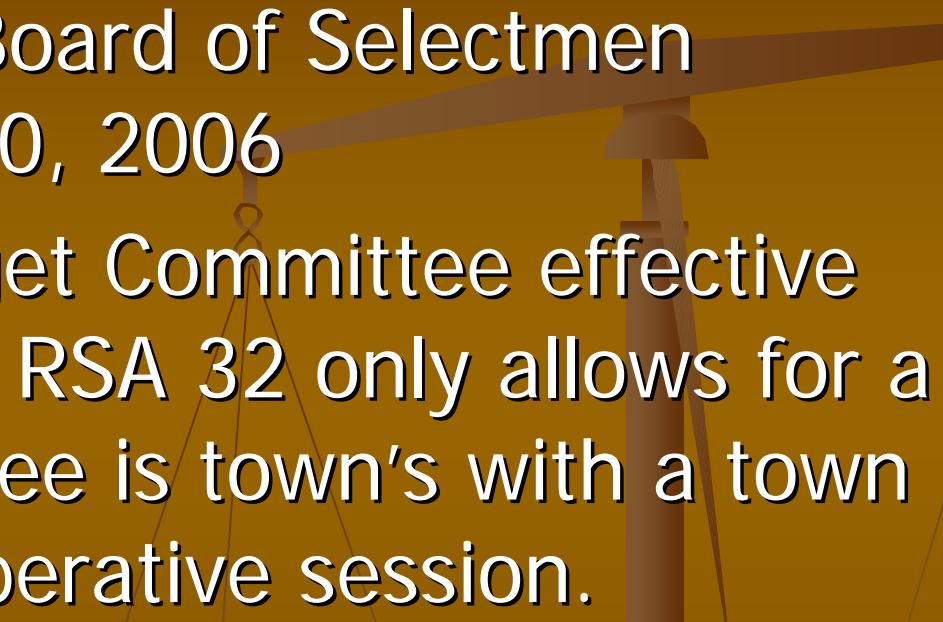
ARTICLE 11 – TRANSITION (PROPOSED)

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

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



ARTICLE 11 – TRANSITION (PROPOSED)

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

ARTICLE 11 – TRANSITION (PROPOSED)

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

