



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: TOWN COUNCIL GOVERNMENT OPERATIONS SUBCOMMITTEE
SUBJECT: REPORT OF THE SUBCOMMITTEE ON CHARTER AMENDMENTS
DATE: 10/3/2019
CC: TOWN ADMINISTRATOR, TOWN CLERK, TOWN ATTORNEY

The Town Council appointed a subcommittee to review potential charter revisions. These are mainly to clarify items and roles of individuals. Here is a list of potential charter amendments that were found. Items added are in *italics* Items removed are ~~struck out~~. New items are **in bold**.

Section 1.5 School District

The school district of the town of Newmarket 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 town manager provided for under this charter are hereby authorized to enter into such voluntary agreements as approved by the Town Council for cooperative purchasing, the maintenance of buildings, and other services as may be desirable to effect economies and promote efficiency.

Purpose: This amendment memorializes the Town and School District's efforts to share services. This model was taken from the city of Lebanon, NH's charter.

Section 3.2. Oaths of Office and Organizational Meeting.

~~Except as provided in Article 12,~~ The Councilors so chosen shall meet in their capacity as the Council on the first Monday ~~following the~~

~~second Tuesday in March~~ **in April** next following their election for the purpose of taking their respective oaths of office. **At its first regular meeting following, the Council shall** ~~adopting~~ **adopt its rules, choose its officers** and for the transaction of business required by law or ordinance to be transacted at such meeting. The Town Clerk shall act as the Clerk of the Council, and the Moderator shall preside without vote at the first organizational meeting of the Council following enactment of this Charter.

Purpose: Currently, when a member of the council is elected, they take office the following week. This does not allow time for training, studying up on the issues etc. In cities, they are elected in November and take office in January, giving more than enough time to have a transition to take office. This would allow for one month transition.

In addition, it clarifies when the council adopts its rules and chooses its officers.

Section 4.1. Town ~~Administrator~~ Manager.

The chief **executive and** administrative officer of the Town shall be the Town ~~Administrator~~ **Manager** (hereinafter called the "~~Administrator~~ **Manager** "). The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least four (4) members of the Council, to be ~~Administrator~~ **Manager**. The ~~Administrator~~ **Manager** shall serve at the pleasure of the Council which shall fix the ~~Administrator's~~ **Manager** salary and terms of employment.

[This would be changed throughout the charter]

Purpose: Currently, the position of town administrator in Newmarket has all of the authority of a town manager (Section 4.6) plus some of the authority of city managers. However, the title town administrator is confusing. In non-charter towns, the town administrator does not have the same authority as a town manager, but only the authority that the select board gives the position. By changing to the title to reflect the actual position it would clarify the chief executive officer's authority and duties.

In addition, if the position were to ever become vacant, it is more enticing to candidates to be hired as a town manager than a town administrator.

Section 4.6. Powers and Duties of Town Administrator.

(Amendment May 9, 1995 - Art. 4., Sec. 4.6.(i).)

The Administrator shall be the chief administrative officer of the Town, and shall supervise and direct the administration of all of the Town departments and personnel therein. The Administrator shall have no authority, however, to supervise Town elections. The ~~Town Clerk~~ **Town Moderator** is the chief elections officer. The Administrator

shall be charged with the preservation of the health, safety, and welfare of persons and property, and the enforcement of the ordinances of the Town, this Charter, and the laws of the State of New Hampshire, and such other responsibilities as may be assigned by the Council by resolution. The Administrator's responsibilities shall include, but not be limited to, the following:

Purpose: This reflects state law.

Section 5.2. Budget Procedure.

Preparation and adoption of the budget shall be pursuant to RSA ch. 32. At such time as may be requested by the Administrator or specified by the Administrative Code, each department head shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the Administrator. The Administrator shall, based on these estimates and other data, prepare a recommended budget which he shall, together with these department estimates, submit to the Council no later than October 15th. The Council shall review the budget and make such modifications and amendments as it desires, and submit the proposed budget to the Budget Committee no later than November 15th, ~~or at such other time as designated by the Budget Committee.~~ ***If the Town Council fails to adopt a budget by November 15, the Town Manager's budget as presented shall be submitted to the Municipal Budget Committee.***

Purpose: Under city charters, if the city council or board of aldermen do not adopt the chief executive's (city manager or mayor) budget by a date certain, the chief executive's budget becomes law. We do not have a provision in the charter if the council does not adopt a budget prior to the required date of submittal to the municipal budget committee. This would have the town administrator's budget be forwarded on if it is not adopted.

Section 5.3. Budget Hearing.

The Budget Committee shall hold in a convenient place a public hearing on the budget, ~~at least twenty-five (25) days before the first session of the annual meeting~~ ***on or before the third Tuesday in January.*** Notice of such public hearing, together with a copy of the budget as submitted, shall be posted in two public places. A copy of the budget shall be available to the public at the office of the Town Clerk during regular business hours. In addition, notices of such public hearing and Town Meeting shall be published by the Town Clerk in a newspaper of general circulation in the Town at least one (1) week prior to said meetings.

Purpose: When the town charter was amended to follow the procedures of official ballot (SB2) for budget adoption, it did not amend the date and time for holding the budget public hearing. This reflects that change.

Section 5.7. Capital Improvement Plan.

A. The Capital Improvement Program Committee shall prepare and submit to the Council and Budget Committee a Capital Improvement Plan at least one (1) month prior to the final date for submission of the ~~budget~~ **Administrator's budget to the Council**. The Capital Improvement Plan shall include:

Purpose: This clarifies whose budget that the CIP must be presented by and allows for the administrator to submit it as part of their budget.

Section 11.3. Terms of Office.

Except as otherwise provided by this Charter, the terms of office of all members of administrative committees shall begin on the first Monday ~~following the second Tuesday in March~~ **in April next following their appointment or election**, and they shall end on the first Monday ~~following the second Tuesday in March~~ **in April** in the year that their term expires. If a member received an appointment or was elected subsequent to the second Tuesday in March of the year in which the term of office originally commenced, the term to which the person was appointed or elected will end on the first Monday ~~following the second Tuesday in March~~ **in April** in the year that it was scheduled to end.

Purpose: This reflects changes to allow a month of transition for newly elected and appointed officials.