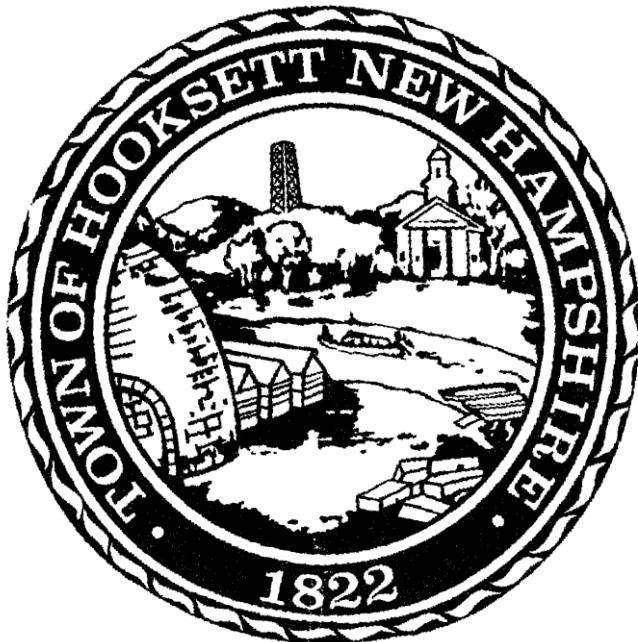


# **TOWN CHARTER**



**HOOKSETT  
NEW HAMPSHIRE**

July 1, 2022

PRICE: \$5.00

**TOWN CHARTER  
TABLE OF CONTENTS**

<b>ARTICLE 1</b>	<b>Incorporation; Town Form of Government; Power.....</b>	<b>1</b>
Sec. 1.1.	Incorporation.....	1
Sec. 1.2.	Town Form of Government.....	1
Sec. 1.3.	Construction.....	1
Sec. 1.4.	Intergovernmental Relations.....	1
Sec. 1.5.	Initial Districting.....	1
Sec. 1.6.	Changes in Districting.....	2
<b>ARTICLE 2</b>	<b>Elections: Election Officials; Conduct of Elections.....</b>	<b>2</b>
Sec. 2.1.	Moderator.....	2
Sec. 2.2.	Supervisors of the Checklist.....	2
Sec. 2.3.	Duties and Sessions of the Supervisors of the Checklist.....	3
Sec. 2.4.	Duties of the Town Clerk.....	3
Sec. 2.5.	Composition of Board of Election Officers.....	3
Sec. 2.6.	Conduct of Elections.....	3
<b>ARTICLE 3</b>	<b>Town Council.....</b>	<b>3</b>
Sec. 3.1.	Membership; Term of Office.....	3
Sec. 3.2.	Qualifications of Councilors.....	4
Sec. 3.3.	Vacancies.....	4
Sec. 3.4.	Compensation.....	4
Sec. 3.5.	Exercise of Powers; Meetings; Rules of Procedure; Appropriations.....	5
Sec. 3.6.	Ordinances.....	5
Sec. 3.7.	Emergency Ordinances.....	6
Sec. 3.8.	Emergency Appropriations.....	7
Sec. 3.9.	Codification of Ordinances.....	7
Sec. 3.10.	Existing Ordinances.....	7

Sec. 3.11. Powers and Duties.....	7
Sec. 3.12. Delegation of Powers.....	7
Sec. 3.13. Inquiries and Investigations.....	8
Sec. 3.14. Board Procedures.....	8
<b>ARTICLE 4                    Administration of Government.....</b>	<b>8</b>
Sec. 4.1. Town Administrator.....	8
Sec. 4.2. Qualifications.....	8
Sec. 4.3. Reprimand or Removal from Office.....	8
Sec. 4.4. Acting Administrator.....	8
Sec. 4.5. Powers and Duties of Administrator.....	9
Sec. 4.6. Appointment of Department Heads.....	10
Sec. 4.6.A. Disciplinary Action.....	10
Sec. 4.7. Non-Interference with Town Administration.....	10
Sec. 4.8. Departments.....	11
Sec. 4.9. Treasurer.....	11
Sec. 4.10. Tax Collector.....	11
Sec. 4.11. Overseer of the Public Welfare.....	11
Sec. 4.12. Trustees of the Library.....	11
Sec. 4.13. Town Attorney.....	12
<b>ARTICLE 5                    Finance.....</b>	<b>12</b>
Sec. 5.1. Fiscal Year.....	12
Sec. 5.2. Budget Procedure.....	12
Sec. 5.3. Budget Hearings.....	12
Sec. 5.4. Use of the Official Ballot.....	13
Sec. 5.5. Budget Reports; Reductions.....	15
Sec. 5.6. Transfers.....	15

Sec. 5.7. Capital Improvement Plan.....	15
Sec. 5.8. Lapse of Appropriations.....	16
Sec. 5.9. Independent Audit.....	16
Sec. 5.10. Bonding of Officials.....	16
Sec. 5.11. Borrowing Procedure.....	17
Sec. 5.12. Purchasing Procedure.....	17
Sec. 5.13. Trust Funds.....	17
Sec. 5.14. Gifts.....	17
<b>ARTICLE 6        Personnel Policies.....</b>	<b>18</b>
Sec. 6.1. Appointments.....	18
Sec. 6.2. Personnel Plan.....	18
Sec. 6.3. Compensation.....	18
Sec. 6.4. Certification of Payroll.....	18
<b>ARTICLE 7        Conduct of Officials.....</b>	<b>19</b>
Sec. 7.1. Conditions for Holding Office.....	19
Sec. 7.2. Conflicts of Interest.....	19
Sec. 7.3. Private Use of Town Property and Personnel.....	20
Sec. 7.4. Acceptance of Gifts and Gratuities.....	20
Sec. 7.5. Disposition of Fees.....	20
Sec. 7.6. Misuse of Information.....	20
<b>ARTICLE 8        Citizen Concerns; Initiative Petition; Referendum; Recall.....</b>	<b>20</b>
Sec. 8.1. Citizen Concerns.....	20
Sec. 8.2. Initiative Petitions.....	21
Sec. 8.3. Referendum Petitions.....	22
Sec. 8.4. Submission of Proposed Measure to Voters.....	22
Sec. 8.5. Measure with Conflicting Provisions.....	22

<b>ARTICLE 9</b>	<b>Town Report; Town Meeting.....</b>	<b>23</b>
Sec. 9.1.	Town Report.....	23
Sec. 9.2.	Annual Town Meeting.....	23
<b>ARTICLE 10</b>	<b>General Provisions.....</b>	<b>23</b>
Sec. 10.1.	Certificate of Election and Appointment.....	23
Sec. 10.2.	Term Commencement; Notice of Election or Appointment.....	23
Sec. 10.3.	Vacancies.....	24
Sec. 10.4.	Public Records and Meetings.....	24
Sec. 10.5.	Agreements with Other Municipalities.....	24
Sec. 10.6.	Specific Provisions to Prevail.....	24
Sec. 10.7.	Severability.....	24
Sec. 10.8.	Charter Amendments.....	25
Sec. 10.9.	Violations and Penalties.....	25
Sec. 10.10.	Rules and Regulations.....	25
Sec. 10.11.	Reorganization Plans.....	25
Sec. 10.12.	Proposed Reorganization Plans by the Administrator.....	25
Sec. 10.13.	Indemnification of Town Officers, Board Members, and Employees.....	25
Sec. 10.14.	Prohibition.....	26
Sec. 10.15.	Procedures.....	26
Sec. 10.16.	Succession.....	27
<b>ARTICLE 11</b>	<b>Administrative and Judicial Boards.....</b>	<b>27</b>
Sec. 11.1.	Administrative Committees.....	27
Sec. 11.2.	Judicial Board.....	28
Sec. 11.3.	Terms of Office.....	28
Sec. 11.4.	Vacancies in Elected Office.....	28
Sec. 11.5.	Board Membership Restriction.....	28

Sec. 11.6. Cemetery Commissioners.....	29
<b>ARTICLE 12                   Transitional Provisions.....</b>	<b>29</b>
Sec. 12.1. Continuation of Government.....	29
Sec. 12.2. Continuation and Compensation of Personnel.....	29
Sec. 12.3. Transfer of Records and Property.....	29
Sec. 12.4. Effect on Obligations, Taxes and other Legal Acts.....	29
Sec. 12.5. Effective Date.....	30
Sec. 12.6. Abolition of Boards and Officers.....	30
Sec. 12.7. Council.....	30
Sec. 12.8. First Election.....	30
<b>AMENDMENTS .....</b>	<b>31</b>

**ARTICLE 1**  
**Incorporation; Town Form of Government; Power**

**Sec. 1.1.                   Incorporation.**

The legal residents of the Town of Hooksett shall continue to be a body politic and corporate under the name of the "Town of Hooksett" and as such to enjoy all the rights, immunities, powers and privileges and be subject to all duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this chapter.

**Sec. 1.2.                   Town Form of Government.**

The administration of the fiscal, prudential, municipal and other affairs of the Town, with the governance thereof, shall be vested in an executive branch to consist of a Town Administrator and the various departments of the Town as established by this Charter and from time to time by the Town Council. Legislative powers, not otherwise vested in another body as provided by this Charter, shall be vested in the Town Council and the Budgetary Town Meeting. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

**Sec. 1.3.                   Construction.**

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit any way the general powers of the municipality as stated in Sec. 1.1.

**Sec. 1.4.                   Intergovernmental Relations.**

Subject only to express limitations in the provisions of the New Hampshire Statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

**Sec. 1.5.                   Initial Districting.**

Upon adoption of this Charter, the Board of Selectmen of Hooksett shall on or before 07/15/88 prepare preliminary district boundaries. After public hearings held thereon, the selectmen shall finalize district boundaries by 10/15/88 and publish and disseminate district maps.

The Town shall be divided into six (6) voting districts; each established to consist of as nearly as possible an equal number of residents. The largest district shall be no

more than 10% greater than the smallest district. Each district shall have well defined boundaries.

Sec. 1.6. **Changes in Districting.**

- A. No later than two years after the official publication of the decennial United States of America census, the Supervisors of the Checklist (defined in 2.2 hereof) shall establish new district boundaries so as to establish six (6) equal (population-based) districts. The Supervisors of the Checklist may establish their own rules and procedures to conduct redistricting; however, they shall have at least one public hearing on its proposed new district boundaries.
- B. Upon the written petition signed by at least ten percent (10%) of the registered voters in the Town, the Town election officers shall include on the ballot at the next Town annual election the following question: "Shall the Supervisors of the Checklist be directed to establish new district boundaries for the Town no later than one (1) year from the passage of this question? Yes or No". However, no petition for redistricting shall be accepted within three (3) years of any previous action to redistrict. If a majority at that March election vote "Yes", then the Supervisors of the Checklist shall establish new equal districts for the Town pursuant to its redistricting rules and procedures and based on such population and census data as the Supervisors of the Checklist finds fair and reliable; however they shall have at least one public hearing on their proposed new district boundaries.

**ARTICLE 2**  
**Elections: Election Officials; Conduct of Elections**

Sec. 2.1. **Moderator.**

There shall be a Moderator of the Town who shall have all the powers and duties granted to him/her by this Charter and state law. He/She shall be elected on an at large basis to a term of two (2) years at the first Town election following adoption of this Charter. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those, which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one or more locations.

Sec. 2.2. **Supervisors of the Checklist.**

- A. There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and qualified) on a staggered basis so that one Supervisor is elected every two years at the Town election.

- B. Vacancies in the Supervisors of the Checklist shall be filled pursuant to RSA 669:64. The person so appointed shall hold office until the vacancy for the unexpired term is filled at the next Town election.
- C. The Supervisors shall elect a chair for a term of two (2) years. He/She may not succeed himself/herself.

Sec. 2.3. Duties and Sessions of the Supervisors of the Checklist.

The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law and in this Charter.

Sec. 2.4. Duties of the Town Clerk

The Town Clerk shall have such powers and duties as are specified by this charter and state law. The Town Clerk may assign duties to his/her designee. To the extent there is any conflict between the powers and duties of the Town Clerk as are specified by this charter and state law, state law shall control.

Sec. 2.5. Composition of Board of Election Officers

The Supervisors of the Checklist, the Moderator and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be Chair. The Town Clerk shall serve as the Clerk of the Board.

Sec. 2.6. Conduct of Elections.

- A. The election officers shall conduct regular and special elections as detailed in the election laws of the State of New Hampshire.
- B. Town Council shall establish policy delineating election dates, polling place(s), and balloting hours.

**ARTICLE 3**  
**Town Council**

Sec. 3.1. Membership; Term of Office.

Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereinafter sometimes referred to as "Council") of nine (9) Councilors, as provided in Sec. 1.2. Councilors shall be elected on the second Tuesday in March for three (3) year terms. Three (3) Councilors shall be elected each year - two (2) from districts and one (1) at-large. Councilors shall take office July 1st next following their election and shall hold office until successors are duly elected and qualified.

### Sec. 3.2. Qualifications of Councilors.

Only voters who at all times during their term of office are and remain residents of the Town shall be eligible to hold the office of Councilor. Eligible candidates will be registered voters and will have resided in Hooksett for at least one year immediately before the election. Councilors elected from districts must be legal residents of that district at the time of election. If a Councilor shall move from his/her said district and shall remain a resident of the Town, he/she shall remain the elected district's Councilor until the next election. The Council is the sole judge of qualification for office. A majority of the Council may after investigation and hearing declare a vacancy if a member is ultimately convicted of a violation of the Town Charter. Council may also declare a vacancy if a member has missed three (3) regularly scheduled meetings in sequence, or has missed one quarter (1/4) of all meetings within one (1) calendar year, or has interfered with Administration, or falsified records, misappropriated Town funds or property, or has been ultimately convicted of a Federal or State crime as a felon.

No Councilor shall, during his/her term and for one year thereafter, be eligible to hold a paid office. Notwithstanding the foregoing, a Councilor may be appointed to "acting town administrator" by a vote of at least seven (7) members of the council for one period not to exceed six (6) months.

No two councilors elected at-large or appointed to fill a position at large shall be residents of the same district.

At the time any candidate for councilor files his/her declaration of candidacy for said office, the Town Clerk shall determine if said candidate is qualified for office under Section 3.2 of the Charter. If the candidate is not so qualified, the Town Clerk shall notify the candidate and the Town Moderator within 24 hours of disqualification and said candidate's name shall not appear on the ballot.

### Sec. 3.3. Vacancies.

Vacancies occurring in the office of Councilor at any time shall be filled by a duly qualified member of said District by appointment by affirmative vote of the Council within thirty (30) days of a declared vacancy. If a tie vote is maintained after three (3) calls by the Council Chair, a special election will be held within thirty (30) days to fill such vacancy. Such appointed or elected appointee shall hold office until the next regular election. No appointments for councilor-at-large shall be in contradiction of Section 3.2.

## Sec. 3.4. Compensation.

Councilors shall receive as compensation the sum of one thousand five hundred dollars (\$1,500.00) per year. The Chair shall receive an additional five hundred dollars (\$500.00) per year. Councilors shall receive reimbursement for reasonable mileage and

expenses incurred in the performance of Town business outside the Town limits of Hooksett according to rules of the Council.

## Sec. 3.5. Exercise of Powers; Meetings; Rules of Procedure: Appropriations.

- A. Exercise of Powers. Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.
- B. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. However a smaller number may adjourn the meeting to another time or date.
- C. Meetings. All meetings of the Council shall be public as required by the State "Right to Know Law" (RSA Ch. 91-A). Regular meetings (minimum one per month) shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct. Agendas shall be prepared and posted one week in advance of each regular meeting. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Town Administrator or at least six (6) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said special meeting shall be delivered to each Councilor at least twenty-four (24) hours prior to the call of the special meeting. The method of delivery of notice for special meetings shall be established by Council rule.
- D. Rules of Procedure. The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.

## Sec. 3.6. Ordinances.

A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk or designee shall distribute a copy to each Councilor and to the Town Administrator, file a reasonable number of copies in the office of the Town Clerk, post a copy in such other public places as the Council may designate, and provide for publication in a local newspaper or newspapers of their choice seven (7) days prior to the public hearing on said ordinance. The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. Final action on said ordinance shall not be taken by the Town Council until at least seven (7) days after said public hearing.

- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Hooksett ordains ...". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.
- C. Every ordinance, including zoning ordinances and building codes, shall take effect upon passage and publication as ordinances required by law or at a later date as specified by the ordinance. No ordinance shall be introduced and adopted during the same meeting, except emergency ordinances.
- D. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Town Clerk and the Town Seal, and kept on file in the office of the Town Clerk. The Town Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of any or all ordinances shall be available to the public, and the Town Clerk may charge a reasonable fee to defray the printing costs.
- E. Upon passage, the ordinance shall be published in a newspaper of general circulation in the Town and posted on the official Town website.
- F. Creation of, or amendments to, Zoning ordinances, historic district ordinances or building codes may be petitioned for by no less than two percent (2%) of the voters of the town and shall be established or amended in accordance with the procedures outlined under RSA 675:4. Any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

### Sec. 3.7. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except as provided in Sec. 3.8 of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at

which it is introduced, but the two-thirds (2/3) affirmative vote of those present and voting shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Sec. 3.8 of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

### Sec. 3.8. Emergency Appropriations.

The raising of emergency appropriations is to be governed by RSA 31:5 & 5a and RSA 32:4.

### Sec. 3.9. Codification of Ordinances.

The Town Council, not later than eighteen (18) months after taking office under this Chapter and at least every fifth year thereafter, shall direct the Town Clerk to prepare and publish a revision or codification of the ordinances of the Town.

### Sec. 3.10. Existing Ordinances.

All by-laws, ordinances, rules, restrictions and regulations of the Town of Hooksett which are in effect as of the date of adoption of this Charter, and not inconsistent with this Charter, shall remain in effect after the adoption of this Charter until they expire by their terms or are repealed, modified or amended by the Council.

### Sec. 3.11. Powers and Duties.

Except as herein otherwise provided, the Town Council shall have all the powers and discharge all the duties conferred or imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law. Except as otherwise provided in this Charter, all members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among town residents.

### Sec. 3.12. Delegation of Powers.

The Council may delegate to one or more Town agencies or officials the powers vested in the Council by this Charter and State and Federal Law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such Town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Sec. 3.13.                    **Inquiries and Investigations.**

The Council by majority vote may require of any appointed Town official, department head or employee, official appointed or confirmed by the Council, or member of an appointed Town board or commission to appear before it, and give such information as it may require in relation to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The Council may make investigation into the affairs of the Town and into the conduct of any Town agency or department, and for this purpose may administer oaths and require the production of evidence.

Sec. 3.14.                    **Board Procedures.**

Except as expressly prohibited by state statute the Council shall establish rules of attendance and forfeiture of office for all Town appointed boards and commissions.

**ARTICLE 4**  
**Administration of Government**

Sec. 4.1.                    **Town Administrator.**

The chief administrative officer of the Town shall be the Town Administrator (hereinafter called the "Administrator"). Council shall appoint as Administrator, a person who receives the votes of at least five (5) members of the Council. The Administrator shall serve at the pleasure of the Council for a fixed term of employment not to exceed three years. The seated Administrator may be reappointed for subsequent terms by a favorable vote of at least five councilors. Council shall fix Administrator's salary and other terms of employment.

Sec. 4.2.                    **Qualifications.**

The Administrator shall be chosen solely on the basis of executive and administrative qualifications and experience and need not be a resident of the Town or the state at the time of appointment.

Sec. 4.3.                    **Reprimand or Removal from Office.**

The Administrator may be reprimanded or removed for cause by the affirmative vote of at least five (5) members of the Council.

Sec. 4.4.                    **Acting Administrator.**

If the Administrator is unable to act for any cause, Council may declare the office temporarily vacant and may appoint an Acting Administrator. The Acting Administrator

shall serve for not more than ninety (90) days or such lesser time as Council determines. If the position is still vacant after ninety (90) days, Council shall evaluate the temporary vacancy. If it appears that the vacancy shall continue for more than another ninety (90) days, then the Council shall initiate a search for a permanent replacement.

The Acting Administrator shall have all the powers and perform all the duties of the Administrator except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Administrator shall be paid such salary for his/her services hereunder as may be prescribed by the Town Council. The Acting Administrator may be reappointed for one additional term of ninety (90) days.

## Sec. 4.5. Powers and Duties of Administrator.

The Administrator shall be the chief administrative officer of the Town and supervise and be responsible for the administrative and financial affairs of the Town and shall carry out the policies enacted by the council. He/She shall be charged with the preservation of the health, safety and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, this Charter and the laws of the State of New Hampshire. He/She shall supervise and direct the administration of all of the Town departments and personnel therein. He/She shall be responsible for:

- (a) maintaining accounting control over the finances of the Town;
- (b) making financial reports and performing such other related duties as may be required by the Administrative Code;
- (c) assuring the audit and approval of authorized claims against the Town before paying the same;
- (d) keeping the Council informed of the condition of the needs of the Town and making such reports and recommendations as he/she may deem advisable or may be requiring of him/her;
- (e) the rental and use of all Town facilities under his/her control;
- (f) the maintenance and repair of all Town property under his/her control;
- (g) a full and complete inventory of all property of the Town, both real and personal;
- (h) the collection, accounting, deposit and periodic reporting of all town revenues and expenditures in a secure and business-like manner in accordance with generally accepted accounting practices;

(i) to appoint upon merit and fitness alone, and to remove, all subordinate officers and employees under his/her control, and to fix all subordinate officers and employees compensation other than department heads.

He/she shall perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the Council, not inconsistent with this Charter. He/She shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred by municipal ordinance or conferred upon mayors of cities and selectmen of towns by general laws. He/She shall have the right to take part in the discussion of all matters coming before the Council, but not the right to vote.

## Sec. 4.6. Appointment of Department Heads.

The Administrator shall have the power to appoint and remove, subject to the provisions of this Charter, all town department heads. Such appointments shall be on merit and fitness alone and with the advice and consent of the council.

#### Sec. 4.6.A. Disciplinary Action.

The Administrator, for just cause, may suspend or dismiss department heads or take other appropriate disciplinary action. Said suspension, dismissal or other disciplinary action shall be effected only upon the Administrator's presentation to the department head of written specification of the reasons therefore. The said department head involved may within five (5) business days in writing request to schedule a hearing before the Council. Further, the Council must schedule a hearing within two (2) regular Council meeting days and render a decision within thirty (30) days of the hearing. The Administrator may suspend said department head from duty during said period with or without pay. Such hearing shall be either private or public, allowed under RSA 91-A, at the aggrieved party's request. The Council, by a vote of two-thirds (2/3) of the full Council, may override the Administrator's decision.

## Sec. 4.7. Non-Interference with Town Administration.

Except as expressly provided elsewhere in this Charter, no councilor shall direct or request the appointment of any person to office or employment; removal; suspension; discipline; or adjustment in pay, benefits, or working condition; by the Administrator of any of the town department heads. However, nothing in this Charter shall be construed to prohibit the Council, as a body, from exercising any powers granted to it by statute or charter. Furthermore the Council may, by majority vote, overrule any action or lack of action normally under the control of the Administrator. Councilors may act as liaison with the Administrator on behalf of their constituents.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately except that the council chairman may direct any employee who is charged with assisting in the

conduct of council business. Nothing contained in this section shall prohibit the Council from meeting with the Administrator to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Administrator of any complaint nor shall anything in this section be deemed to prohibit any councilor and/or any employee from discussing the operations of the town government. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Sec. 3.2.

Sec. 4.8.                    Departments.

The administrative service of the Town shall by ordinance, be divided into such other departments or other agencies as are necessary for the proper and efficient management of the affairs of the Town. Said ordinance shall define the function and duties of each Town department or agency and shall be known as the "Administrative Code". The Town Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments or agencies within their control and define or alter their functions and duties.

Sec. 4.9.                    Treasurer.

The Town Administrator shall appoint, based on merit and fitness with the advice and consent of the Council, a Treasurer who shall have the powers and duties prescribed by this Charter and state law, provided however that in making investments of Town funds he/she shall follow the written investment policy as adopted or modified by the Town Council.

Sec. 4.10.                  Tax Collector.

The Town Administrator shall appoint, based on merit and fitness with the advice and consent of the Council, a Tax Collector who shall have the powers and duties prescribed by this Charter and state law.

Sec. 4.11.                  Overseer of the Public Welfare.

The functions, duties and responsibilities of the office of Overseer of the Public Welfare shall be carried out by a Town employee designated by the Town Administrator.

Sec. 4.12.                  Trustees of the Library.

There shall be five (5) Library Trustees elected on an at-large basis, who shall serve for a three (3) year term and be responsible for carrying out all duties prescribed by the law for said Trustees.

The Council shall engage as needed such attorneys as are deemed in the best interest of the Town to provide legal advice to the Council, Town Administrator, Town departments, and other agencies and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall, either, on Council direction or through direction of the Town Administrator, perform any other duties prescribed by this Charter or by ordinance.

## ARTICLE 5

### Finance

The fiscal and budget year of the Town shall begin on the first day of July and end on the thirtieth day of June.

## Sec. 5.2. Budget Procedure.

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/her control to the Administrator. The Administrator shall, based on these estimates and other data, prepare a recommended budget, which he/she shall, together with these department estimates, submit, to the Council. The Library Trustees shall submit their budgets directly to the Town Council. The Council shall then present their budget to the Budget Committee and subsequent actions shall follow the Municipal Budget Act, RSA Chapter 32.

### Sec. 5.3. Budget Hearings.

- A. The Budget Committee shall hold hearings as specified in RSA 32:5 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January.
- B. The final date for posting notice of budget hearings under RSA 32:5 and hearings under RSA 33:8-a shall be the second Tuesday in January.

C. The “budget submission date” as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

Sec. 5.4.                    Use of the Official Ballot.

- A. Notwithstanding RSA 39: 3-d, RSA 40: 4-e, the Town of Hooksett shall utilize the official ballot for voting on all budgetary issues before the voters.
- B. The warrant under RSA 39:5 and budgets for any annual meeting shall be posted and copies available to the general public on or before the last Monday in January and shall prescribe the place, date and hour for each of two separate session of the meeting.
- C. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and the second Saturdays following the last Monday in January, inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in March shall be deemed the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all budgetary warrant articles from the first session on official ballot.
- D. The first session of the meeting, governed by the provisions of RSA 40: 4, 40: 4a, 40: 4-b, 40: 4-f and 40: 6-10, shall consist of explanation, discussion, and debate of each warrant article. Warrant articles may be amended, subject to the following limitations:
  - (1) Warrant articles whose wording is prescribed by law shall not be amended.
  - (2) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.
- E. All budgetary warrant articles shall be placed on the official ballot for a final vote.
- F. The second session of the annual meeting, to elect officers of the Town by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March.
- G. The Town Clerk shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the

first session, with only such minor textual changes as may be required to cast the motion in the form of a question to voters.

- H. Operating budget as used in this section means “budget” as defined in RSA 32:3, III, exclusive of “special warrant articles”, as defined in RSA 32:3,V and exclusive of other appropriations voted separately.
- I. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the Town Council may hold a special meeting to take up the issue of a revised operating budget only; provided that RSA 31:5 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.
- J. The wording of the article on the operating budget shall be as follows: “Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, and other appropriations voted separately totaling
- A. \$\_\_\_\_\_. Should this article be defeated, the operating budget shall be \$\_\_\_\_\_, which is the same as last year, with certain adjustments required by previous action of the Town meeting, or by law or the Town Council may hold one special meeting, to take up the issue of a revised operating budget only.”
- K. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, including all requirements pertaining to absentee voting, polling place and polling hours.
- L. Approval of all warrant articles shall be by simple majority except for questions, which require a 3/5<sup>th</sup>'s (60%) majority vote by law, contract, or written agreement.
- M. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40: 4-c.
- N. Votes taken at the second session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.
- O. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provision of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3 provided that no more than one special

meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to this section shall not be subject to RSA 31:5 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

Sec. 5.5.                    Budget Reports; Reductions.

At the beginning of each month during the fiscal year, and more often if required by the Council, the Administrator or his/her designee shall submit to the Council financial reports (format of reports agreed to by Council and Administrator) showing the relation between the budgeted and actual income and expenses to date, together with estimated future expenses to year end and outstanding indebtedness; and if it shall appear that the income is less than anticipated, the Administrator, with Council approval, may reduce the appropriation for any item or items in the budget, except amounts required for debt, interest charges and other fixed costs, to such a degree as may be necessary to keep expenditures within the cash income. At any time, the Administrator may provide for monthly allotments of appropriations to departments, funds or agencies under such rules, as he/she shall prescribe.

Sec. 5.6.                    Transfer.

After the budget has been adopted, no money shall be drawn from the treasury of the Town nor shall any obligation for the expenditure of money be incurred except pursuant to a budget appropriation. The Administrator, with the approval of the Council, may transfer any unexpended balance or any portion thereof from any appropriation within one department to any appropriation within any other department. The transfer of appropriations shall comply with RSA 32:10.

Sec. 5.7.                    Capital Improvement Plan.

A. The Town Administrator, after consultation with the Planning Board, shall prepare and submit to the Council a capital improvement plan at least one (1) month prior to the final date for submission of the budget. All town departments and agencies (including school district and water precincts) shall participate in preparing input for the capital improvement plan. The capital improvement program shall include:

(1) A clear summary of its contents.

(2) A list of all capital improvements which are proposed to be undertaken during at least the next six (6) fiscal years, including, but not limited to equipment, sewer, roads, sidewalks, bicycle paths or lanes, public open spaces and recreation facilities, new police and/or fire stations, and other new public facilities and major items of equipment, with appropriate supporting information as to the necessity for such improvements.

(3) Cost estimates, methods of financing and recommended time schedule for each such improvement.

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

- B. The capital improvement plan shall be based on a period of not less than six (6) years and shall include reference to or be influenced by, where appropriate, the Town Master/Comprehensive Plan.
- C. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- D. The Town Council and Town Planning Board shall meet annually in preparation for and review of the capital improvement plan in a manner determined from time to time by the Town Council.
- E. A summary of the updated capital improvement plan with estimated costs shall be included in the town report and such portions of the year's costs, as the Council deems appropriate, included in the town budget.

Sec. 5.8.                   Lapse of Appropriations.

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, with exceptions allowed by RSA 32.7.

Sec. 5.9.                   Independent Audit.

Independent compliance and financial audits shall be made of all accounts of the Town at least annually and more frequently if deemed necessary by the Council. Such audits shall be conducted in accordance with auditing standards generally accepted in the United States and other such procedures which may be necessary under the circumstances by certified public accountants experienced in municipal accounting. The results of such audits shall be made public. Council shall request a new auditing firm perform an Independent Audit of the Town every five (5) years. An annual report of the Town's audit for the preceding year shall be made available to the public not later than sixty days after the close of the fiscal year.

Sec. 5.10.                  Bonding of Officials.

Any Town officer elected or appointed by authority of this Charter shall be bonded in an amount as required by state law or dictated by prudent fiscal practice for the faithful performance of the duties of his/her office. The Administrator and all officers receiving or disbursing Town funds shall be so bonded, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk.

Sec. 5.11.                    Borrowing Procedure.

- A.        All borrowing procedures shall be in accordance with State law.
- B.        Council may borrow in anticipation of taxes.

Sec. 5.12.                    Purchasing Procedure.

The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchasing to the Administrator or his/her designee, and the combination purchasing of similar articles by different departments. The Council shall establish dollar limits for purchases and contracts, which must be by competitive bid and shall establish the bidding procedures. No competitive bids shall be required when purchasing through the State of New Hampshire or at State of New Hampshire bid prices. Requirements for bids may be waived in specific instances by a two-thirds (2/3) vote of the Council. The Council shall establish dollar amounts for purchases and contracts, over which no purchases shall be made or contracts entered into without the affirmative vote of a majority of the Council. If the Council has voted to make a purchase or enter into a contract, the Administrator shall carry out the vote of the Council and enter into such transaction on behalf of the Town.

Sec. 5.13.                    Trust Funds.

- A.        Trustees of the Trust Funds. There shall be three (3) Trustees of the Trust Funds who shall hold office for three (3) years and until their successors are elected and qualified on a staggered basis so that one Trustee is elected at each Town election. They shall have all the powers and duties granted to trustees of trust funds by this Charter, state law, and the Administrative Code.
- B.        Investments. Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate and apart from all other funds and shall be invested by the Trustees in legal investments.
- C.        Vacancy. In the event of a vacancy in office, the Council shall fill such vacancy by appointment, such appointment to be effective until a successor to fill the unexpired term is elected at the next Town election and is then qualified to serve.

Sec. 5.14.                    Gifts and Grants

The Council may, in accordance with the provisions of State law, apply for, accept and expend, without further action by the town meeting, money or gifts of personal property, which may be offered for any public purpose, from the state, federal or other governmental unit or a private source, which becomes available during the fiscal year.

## **ARTICLE 6** **Personnel Policies**

### **Sec. 6.1. Appointments.**

Appointments and promotions to all positions in the service of the Town, other than those covered by an employee representative contract, shall be made solely on the basis of merit and only after consideration of the applicant's ability in accordance with procedures set forth in the Personnel Plan.

### **Sec. 6.2. Personnel Plan.**

There shall be a set of rules and regulations providing for the establishment of a system of personnel administration known as the "Personnel Plan". The Plan shall include provisions with regard to classification, compensation, selection, training, promotion, grievances, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and proper working conditions. The Personnel Plan shall continue in force, subject to amendments submitted from time to time by the Administrator, which shall become effective upon Town Council's approval. The Personnel Plan shall not apply to any elected officials, board and commission members. Each employee shall be provided with a written job description prepared by the Administrator.

### **Sec. 6.3. Compensation.**

- A. The compensation of all elected and appointed officials and department heads shall be established and modified by express resolution of the Council.
- B. The rate of compensation of Council members may be changed by an ordinance approved by a majority of the Council subject to an assenting vote of the Town at the next election. Compensation paid any member of the Council may not be initiated until the assenting vote is received.
- C. The compensation of all Town employees not fixed by other provisions of this Charter or collective bargaining shall be fixed in the Personnel 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 plan.
- D. In recommending the Town budget, the Council shall not increase or decrease any individual compensation item but shall act solely with respect to total salaries in the various departments of the Town.

### **Sec. 6.4. Certification of Payroll.**

No compensation shall be paid without certification by the Administrator, or such others as he/she may direct, that the recipients are employed by the Town and that their rates of compensation comply with approved pay schedules.

## **ARTICLE 7** **Conduct of Officials**

### **Sec. 7.1. Conditions for Holding Office.**

- A. The Council shall declare a vacancy in the event that a member is finally convicted of committing a federal or state crime punishable by imprisonment.
- B. No compensated employee of the Town shall be eligible to serve as a councilor.
- C. Any person elected moderator or councilor shall not simultaneously hold another Town office, board membership, commission membership or trusteeship unless otherwise required by law or this Charter.
- D. Except as otherwise provided by this Charter, no department head nor regular employee of the Town shall be appointed to a Town office, board membership, commission membership or trusteeship. They may, however, serve as advisors to such boards, committees and commissions.
- E. The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board or Conservation Commission.

### **Sec. 7.2. Conflicts of Interest.**

- A. Any elected or appointed officer or employee of the Town who has a direct or indirect interest, or whose family members have a direct or indirect interest, in any planned or existing contract, job, work or sale of goods, real estate or services or who has an interest in any permit, application or matter pending before a board shall not sit, advise, vote or otherwise participate in consideration of said matter or transaction.
- B. For the purpose of this section, the word "family" shall mean an individual's spouse or domestic partner, his/her lineal ascendants and lineal descendants, and his or her spouse or domestic partner's siblings and their offspring.
- C. For the purpose of this section, "Direct or indirect interest" shall exist where a potential exists for a public officer or employee of the town to influence the outcome of a matter in which he/she has a personal or pecuniary interest in the matter under consideration which is greater than that of any other citizen or taxpayer. Such personal or pecuniary interest must however be immediate, definite and capable of demonstration, and not so remote, uncertain, contingent

and speculative that people of ordinary capacity and intelligence would not be influenced by it. Further, a conflict of interest shall not arise where an officer or employee is acting in his/her legislative capacity.

D. When uncertainty arises as to the application of this section to an elected or appointed officer or employee of the Town in particular circumstances, upon the request of any member, the committee, commission or board shall vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public meeting, or in the event that the uncertainty arises during a meeting, as soon as possible thereafter.

**Sec. 7.3. Private Use of Town Property and Personnel.**

No elected or appointed officer or employee shall devote any Town property or labor to private use except as may be provided by authority of the Council.

**Sec. 7.4. Acceptance of Gifts and Gratuities.**

No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

**Sec. 7.5. Disposition of Fees.**

No elected or appointed officer or employee of the Town shall collect any fees, salaries or other payments in connection with his official duties for his own use, except as provided for by ordinance or state law.

**Sec. 7.6. Misuse of Information.**

No elected or appointed officer or employee of the Town shall utilize or dispense information gained through said office or employment for his or another's personal profit.

**ARTICLE 8**  
**Citizen Concerns; Initiative Petition; Referendum; Recall**

**Sec. 8.1. Citizen Concerns.**

A. Individual citizen concerns shall be directed to the Administrator to be relayed to the appropriate department(s) or individual(s) for consideration.

Acknowledgment of the concern(s) may be made to the citizen directly or in writing.

B. Any citizen wishing to appear before a regularly scheduled Council meeting may request to be placed on the agenda of a regular Council meeting. The citizen shall be notified of the date, time and place of the meeting in which he/she will be heard. Otherwise, the Administrator shall notify the citizen if the Council is not empowered to act on his/her request.

Sec. 8.2. Initiative Petitions.

A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two percent (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The Supervisors of the Checklist shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) business days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) business days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

B. The Council shall hold a public hearing within 30 days of the date of certification of any measure proposed in any petition signed by two percent (2%) of the registered voters. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with an explanation.

The Town Clerk shall mail notice of the hearing to the (10) petitioners whose names appear first on each petition at least seven (7) business days prior to the hearing. Notice by publication in two (2) widely circulated newspapers, posting in each of the six (6) districts at a public location and the official Town website of a summary of contents of the petitions at least seven (7) business days prior to all such hearings shall also be made, and shall be at public expense.

Hearings on two or more petitions filed under this section and addressing different substantive issues may be held at the same place and time. No hearing

shall be held upon more than one petition containing the same subject matter in any given twelve (12) month period.

- C. Following the public hearing, the Council may: (1) pass said measure without alteration or with amendment, or (2) deny said measure with stated reasons.

**Sec. 8.3. Referendum Petitions.**

- A. Referendum petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least twenty percent (20%) of the registered voters Town. The procedures of Sec. 8.2. A. shall apply to referendum petitions.
- B. When a referendum petition is filed with the Town Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when: (1) there is a final determination of insufficiency of the petition, or (2) the filers of the petition withdraw it.
- C. When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or part thereof protested to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held not less than thirty (30) nor more than ninety (90) days after the date of certificate heretofore mentioned; provided that if any election is to occur within one hundred twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election.

The ballot used when voting upon a proposed measure under this section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

**Sec. 8.4. Submission of Proposed Measure to Voters.**

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

**Sec. 8.5. Measure with Conflicting Provisions.**

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

## **ARTICLE 9** **Town Report; Town Meeting**

### **Sec. 9.1. Town Report.**

Each year the Town Administrator shall prepare a town report which shall include: (1) a statement of the past year's financial activities and a comparative statement of the previous and present budget, and (2) a review of all major Council actions, including a summary of ordinances enacted; (3) Town vital statistics and (4) annual reports of Town boards and departments; (5) the prior year's audited financial statements; (6) a summary of the updated capital improvement plan with estimated costs; and (7) the warrant from the annual meeting. There shall be a section, which presents any actions, which are in progress or pending before Town boards, or departments and the Town Council. The effective date of the report shall be at the end of the fiscal year and the report shall be made available to the voters of the town no later than (60) days after the close of the fiscal year.

### **Sec. 9.2. Annual Town Meeting.**

- A. At the first session of the Annual Town Meeting the Town Moderator shall summon the voters of the Town to discuss and amend the budget and other warrant articles.
- B. At the second session of the Annual Town Meeting to be held on the second Tuesday in March, all elected town officials shall be chosen; the voters shall vote whether to raise and appropriate the total sum of money for the town budget and other warrant articles as may have been amended and placed on the official ballot by the voters at the first session of the annual or special town meeting.

## **ARTICLE 10** **General Provisions**

### **Sec. 10.1. Certificate of Election and Appointment.**

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him/her to enter upon the duties of office. A record of the taking of such oath shall be made by the Town Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths.

### **Sec. 10.2. Term Commencement; Notice of Election or Appointment.**

- A. Written notice of the election or appointment to any Town office or board shall be mailed to the individual involved by the Town Clerk, within forty-eight (48) hours

after the appointment is made or the results of any vote are certified by the Moderator to the Council.

B. Unless otherwise set forth in this Charter all elected officials in the Town shall take or continue in office on the first day in July next following their election and shall hold office until their successors are elected and qualified.

Sec. 10.3. Vacancies.

In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any department, office or board whenever an officer, member or employee dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree that he/she is unable to perform his duties, is judicially declared to be mentally incompetent, or for board members where residence in the town is required, he/she moves from the town. Unless otherwise provided in this Charter, vacancies occurring under this section shall be declared to exist by the Council for board members, the Administrator for department heads, and by the department heads for departmental personnel.

Sec. 10.4. Public Records and Meetings.

All records of the Town and all meetings of the Council, boards, committees, commissions, authorities or other municipal bodies shall be open to the public, and their minutes and other records shall be available to the public in accordance with the provisions of The Right to Know Law, RSA 91-A.

Sec. 10.5. Agreements with Other Municipalities.

The Council is authorized, as provided by New Hampshire law, to enter into agreements and regional compacts with neighboring cities and towns, state agencies, or private nonprofit corporations for the purpose of resolving their common problems for the mutual advantage and benefits of the town and its neighboring cities and towns.

Sec. 10.6. Specific Provisions to Prevail.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms the specific provision shall prevail.

Sec. 10.7. Severability.

The sections of this Charter and the parts thereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the Charter shall not be affected thereby. If a clause, portion of or section of this Charter is so held invalid, then the applicable provisions of state law, if any, shall govern.

Sec. 10.8.                    Charter Amendments.

Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to New Hampshire RSA 49-B:5.

Sec. 10.9.                    Violations and Penalties.

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be misdemeanors, and all such violations and all violations of town ordinances for which no other punishment is provided shall be punishable by a fine in accord with state statutes.

Sec. 10.10.                   Rules and Regulations.

A copy of all rules and regulations adopted by any Town agency, board, commission shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.

Sec. 10.11.                   Reorganization Plans.

Except for those agencies established by this Charter or as otherwise prohibited by state law, the Council may reorganize consolidate, or abolish any existing Town agency in whole or in part; establish new Town agencies and prescribe the functions of any Town agencies; provided that such action shall not eliminate the statutory duties of Town officials.

Sec. 10.12.                   Proposed Reorganization Plans by the Administrator.

The Administrator may prepare and submit to the Council proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate or abolish any Town agency in whole or in part, or establish new Town agencies as he/she deems necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.

Sec. 10.13.                   Indemnification of Town Officers, Board Members, and Employees.

The Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions, and employees from personal loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligent acts or omissions if the indemnified person was acting in the scope of his/her office or employment and in good faith in accord with the provisions of state law. In addition, the Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions and employees from personal loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting violation of the civil rights of any person if such act or omission

was not committed with malice, and if indemnified person at the time of such act or omission was acting in the scope of his office or employment. If state statutes provide further indemnification in the future, this paragraph shall expand in definition to be consistent with that statute.

Sec. 10.14.                   Prohibition.

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any Town position or appointed Town administrative office because of age, race, sex, political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment.
- C. No person who seeks appointment or promotion with respect to any Town position or appointed Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- D. No person who runs for Town office shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointed Town position.
- E. No member of the executive or legislative branch shall appear as counsel, agent or advisor before any agency of the Town of Hooksett.

Sec. 10.15.                   Procedures.

- A. Meetings. All properly constituted authorities, boards, commissions, committees or other municipal bodies (hereafter called committees) of the Town whether elected or appointed or otherwise constituted, shall meet regularly at such times and public places within the town as they may prescribe except when meeting with representatives in other towns or cities on mutually beneficial agreements. Except in emergencies, special meetings of these committees shall be held on the call of the respective chair or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set or by any other method determined by that municipal body. A copy of the said notice shall also be posted on the Town bulletin board(s). Except in cases of emergency otherwise authorized by the general laws, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by the Right to Know Law.

- B. Committee Organization. Each committee shall determine its own rules of procedures and order of business unless otherwise provided by the Charter or by law. The agenda and minutes shall be kept as required by the Right to Know Law. A chair and secretary shall be elected annually in accord with the committee's rules of procedure.
- C. Quorum. A majority of the members of a committee shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum is achieved. No other action taken by a number of members smaller than the quorum shall be valid or binding.
- D. Council. The provisions of Sec. 10.16 shall not apply to the Council to the extent that they are inconsistent with other provisions of this Charter.

Sec. 10.16. Succession.

## **ARTICLE 11** **Administrative and Judicial Boards**

Sec. 11.1. Administrative Committees.

- A. Planning Board. There shall be a Planning Board consisting of seven (7) members and three (3) alternates as provided by state statute. Six (6) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered. A member of the Town Council appointed annually by the Town Council at their first meeting shall be an ex-officio member. The Council shall fill any vacancy for the period of the unexpired term. The Planning Board shall have all the powers granted to planning boards by state law.
- B. Conservation Commission. There shall be a Conservation Commission consisting of seven (7) members. The five (5) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered. The Planning Board and Town Council shall each appoint a representative to the Conservation Commission annually at their first meetings. These representatives shall have all the rights of membership except the right to hold office on the Conservation Commission. The Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by state law.
- C. Budget Committee. The Budget Committee shall consist of nine (9) members, elected at-large for three (3) year terms (terms to be staggered so that three (3) members are elected each year); one (1) member chosen by the school board of each school district; one (1) member chosen by the Town Council; one (1) member chosen by the commissioners of each water precinct. Refer to RSA Chapter 32.

- D. Other Administrative Committees. Other administrative boards and committees may be established as necessary by the Town Council.
- E. At least annually, and more often if Town affairs warrant, the Town Council shall meet with the chairs of all standing town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.
- F. Alternates of any committee, board or commission shall be considered first when a vacancy of a regular member occurs.
- G. Board of Assessors. There shall be a Board of Assessors consisting of three (3) members and one (1) alternate who shall be appointed by the Council annually at the Council's first meeting. Each member of the Board shall be a sitting Town Councilor. The Board of Assessors is empowered by the Town Charter and guided by State Statute, Department of Revenue and local legislation.

Sec. 11.2.                   Judicial Board.

Zoning Board of Adjustments. There shall be a Zoning Board of Adjustment appointed by the Council, consisting of five (5) members each serving a three (3) year term and three (3) alternates each serving a three (3) year term. Such terms shall be staggered. The Council shall fill any vacancy for the period of the unexpired term. The Zoning Board of Adjustment shall have all the powers granted to such boards under state law.

Sec. 11.3.                   Terms of Office.

The terms of office of all members of appointed boards shall begin on July 1 and end on June 30. If an appointee receives an appointment subsequent to July 1 of the year in which the term of office originally commenced, the term to which the person was appointed will end June 30 in the year that it was scheduled to end.

Sec. 11.4.                   Vacancies in Elected Office.

Unless otherwise specified in this Charter, in the event of a vacancy in an elected office, board or commission of the Town, the Council shall fill that vacancy by appointment, such appointment to continue until the next Town election.

Sec. 11.5.                   Board Membership Restriction.

Unless otherwise provided by law, no member or alternate member of an administrative or judicial board of the Town shall serve on any other administrative or judicial board of the Town.

Sec. 11.6.                    Cemetery Commissioners.

Cemetery commissioners shall continue to perform their duties as prescribed by law.

**ARTICLE 12**  
**Transitional Provisions**

Sec. 12.1.                    Continuation of Government.

All members of Town agencies, except for those abolished by this Charter, shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred. The Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

Sec. 12.2.                    Continuation and Compensation of Personnel.

- A.    Until expressly changed after the effective date of this Charter, the compensation of all officers, department heads and employees of the Town shall be the same as that in effect on June 30, 1988.
- B.    Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his/her duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

Sec. 12.3.                    Transfer of Records and Property.

All records, property, and equipment of any Town agency, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to the Town agency to which such powers and duties are assigned.

Sec. 12.4.                    Effect on Obligations. Taxes and Other Legal Acts.

All official bonds, recognizance's, obligations, contracts and other instruments entered into or executed by or to the Town before its adoption of the Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement

and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

Sec. 12.5.                   Effective Date.

- A.     This Charter shall take effect on July 1, 1989 except as otherwise herein provided. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.
- B.     The provisions of Sec. 5.4 establishing a final date for budget adoption shall be suspended only for the 1989 budget and the Town shall adopt an eighteen month budget at the March, 1989 town meeting for the period January 1, 1989 to June 30, 1990.

Sec. 12.6.                   Abolition of Boards and Officers.

- A.     The Board of Selectmen shall be abolished effective midnight June 30, 1989.
- B.     The Road Agent shall be abolished effective midnight June 30, 1989.
- C.     The Overseer of the Public Welfare is abolished effective midnight June 30, 1989.

Sec. 12.7.                   Council.

This subsection applies only to the election of Councilors at the election, which shall be held on the second Tuesday in May 1989. At this election, Councilors shall be elected by lots as follows: two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for terms of three (3) years, two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for terms of two (2) years, and two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for a term of one (1) year.

Sec. 12.8.                   First Election.

All election officers holding office prior to and at the time of the first election held under this Charter shall conduct such election and shall have all the powers granted to them under State law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such first election.

## AMENDMENTS

DATE	SECTION AMENDED
May 9, 1989	Sec. 3.6. Ordinances (paragraph F)
July 1, 1989	Town Charter was adopted.
May 14, 1991	Sec. 11.6. Police Commissioners and Cemetery Commissioners
May 12, 1992	Sec. 7.1. Conditions of Holding Office (paragraph A) Sec. 9.1. Town Report
May 11, 1993	Sec. 3.3. Vacancies Sec. 4.5. Powers and Duties of Administrator (paragraph I) Sec. 4.10. Tax Collector Sec. 4.11. Overseer of the Public Welfare. Original Sec. 4.11 (Deleted) Sec. 10.17. Succession
May 9, 1995	Sec. 3.2 Qualifications of Councilors (add sentence) Sec. 3.2. (add sentence) Sec. 3.2. (2nd paragraph) Sec. 3.2. (4th paragraph) Sec. 3.3. (1st paragraph) Sec. 4.7. Non-Interference with Town Administration (1st paragraph) Sec. 10.17. Succession (amendment)
May 14, 1996	Sec. 5.4. Use of Official Ballot (Adopted RSA 40:13 Ballot Voting)
March 10, 1998	Sec. 2.5. Conduct of Elections (amendment) Sec. 3.1. Membership; Term of Office (amendment) Sec. 3.2. Qualifications of Councilors (amendment) Sec. 3.6.A. Ordinances (amendment) Sec. 4.6. Appointment of Department Heads (amendment) Sec. 4.6.A. Disciplinary Action Sec. 5.3. Budget Hearings (amendment) Sec. 5.4. Use of the Official Ballot (amendment) Sec. 5.8. Lapse of Appropriations (amendment) Sec. 5.9. Independent Audit (amendment) Sec. 5.10. Bonding of Officials (amendment) Sec. 9.2. Annual Town Meeting (amendment)
March 9, 1999	Sec. 2.5 Conduct of Elections (amendment) Sec. 3.1 Membership; Term of Office (amendment) Sec. 5.3 Budget Hearings (amendment) Sec. 5.4 Use of the Official Ballot (entire section replaced) Sec. 9.2 Annual Town Meeting (entire section replaced)
May 8, 2001	Sec. All Pronouns amended to gender neutral Sec. 4.3 Reprimand or Removal from Office (amendment) Sec. 4.13 Administration of Government (new) Sec. 5.4L Budget Procedure (amendment) Sec. 5.14 Gifts and Grants (amendment) Sec. 7.2a Conflicts of Interest (amendment) Sec. 7.2b Conflicts of Interest (amendment)

	Sec. 7.2c Conflicts of Interest (amendment) Sec. 7.2d Conflicts of Interest (new) Sec. 7.3 Disqualification from the Decision-Making Process (entire section deleted) (section combined with 7.2) Sect.10.17 Succession (amendment)
May 13, 2003	Sec. 4.3 Reprimand or Removal from Office (amendment) Sec. 4.6 Disciplinary Action Sec. 4.7 Non-Interference with Town Administration
May 9, 2006	Sec. 4.12 Trustees of the Library
July 1, 2009	Gender neutral amendments.
July 1, 2010	Sec. 3.2 Qualification of Councilors
July 1, 2011	Sec. 2.4 (Added section.) Sec. 2.5 (Renumbered.) Sec. 2.6 (Renumbered.) Sec. 3.6.E Sec. 3.8 Sec. 4.6.A Sec. 4.8 Sec. 4.9 Sec. 4.10 Sec. 4.13 Sec. 5.2 Sec. 5.6 Sec. 5.7.A(2) Sec. 5.9 Sec. 5.13 Sec. 5.14 Sec. 6.2 Sec. 7.2.D Sec. 8.2.A Sec. 8.2.B Sec. 8.7 (Deleted.) Sec. 10.4 Sec. 10.8 (Deleted.) Sec. 10.9 Sec. 10.11 Sec. 10.16.A Sec. 10.16.B Sec. 11.1.D
July 1, 2013	Sections 5.2 & 11.6 – Removed Police Commission per 5/14/13 Town Vote and legislation  Section 5.4.C – added “inclusive of those Saturdays” per 5/14/13 Town Vote  Section 11.1.A – changed to seven (7) members and removed Town Administrator and one other member of the Town Administration appointed by the Town Administrator shall serve as ex-officio members per 5/14/13 Town Vote

July 1, 2016

Section 1.6 - Changed "May" to "March"

Section 3.1 - Changed "May" to "March"

Section 5.3 – **Removed the entire section and replaced with the following:** "A. The Budget Committee shall hold hearings as specified in RSA 32:5 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January.  
B. The final date for posting notice of budget hearings under RSA 32:5 and hearings under RSA 33:8-a shall be the second Tuesday in January.  
C. The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday."

Section 5.4.F - Changed "May" to "March"

Section 5.4.B – **Removed the entire section and replaced with the following:** The warrant under RSA 39:5 and budgets for any annual meeting shall be posted and copies available to the general public on or before the last Monday in January and shall prescribe the place, date and hour for each of two separate session of the meeting."

Section 5.4.C – **Removed the entire section and replaced with the following:** The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and the second Saturdays following the last Monday in January, inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in March shall be deemed the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all budgetary warrant articles from the first session on official ballot."

Section 5.9 – ~~At least once every five (5) years the Council shall request that such audits be made by Certified Public Accountants other than those involved in such audits during any of the previous four years.~~  
**Replaced with the following:** Council shall request a new auditing firm perform an Independent Audit of the Town every five (5) years.

Section 5.4F – **Changed "May" to "March"**

July 1, 2016 Continued

Section 9.1 – **Added the following:** *(5) the prior year's audited financial statements; (6) a summary of the updated capital improvement plan with estimated costs; and (7) the warrant from the annual meeting.*

Section 9.2.B - Changed “May” to “March”

Section 10.2.B – Changed “May” to “March”

July 1<sup>st</sup> 2018

Section 11.1 - **Added the following:** “G. Board of Assessors. There shall be a Board of Assessors consisting of three (3) members and one (1) alternate who shall be appointed by the Council annually at the Council’s first meeting. Each member of the Board shall be a sitting Town Councilor. The Board of Assessors is empowered by the Town Charter and guided by State Statute, Department of Revenue and local legislation.”

July 1<sup>st</sup> 2019

Section 10.2.B – Changed “March” to “July”

July 1<sup>st</sup>, 2022

Section 8.2 –Amended paragraph 2 to change “Town Clerk” to “Supervisors of the Checklist” as the entity to verify the number of registered voters signing the petition.

Section 8.6 – Recall of Officeholders – **Removed the entire section.**