



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: July 29, 2019

Date of Meeting: August 15, 2019

Submitted by: Town Councilor Peter Albert

Department:

Time Required: 20 minutes

Speakers:

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Town Council Charter Review Discussion

DESCRIPTION OF ITEM

Town Council to discuss the process for establishing a Charter Commission.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other:	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name: Peter Albert Address _____

Phone Number _____ Email Address palbert@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

Hold for Meeting Date: _____

<p>TO: Town Council; Eileen Cabanel</p> <p>FROM: Keriann Roman</p> <p>DATE: August 8, 2019</p> <p>RE: Formation of a Charter Commission</p>

The following is the process for forming a Charter Commission, in order to revise the Charter to go from a “Budgetary Town Meeting” to a purely “Town Council” form of government. RSA 49-D:3; RSA 49-B:4-d, -f (defining “revision” of Charter versus “amendment” of Charter).

1. After discussion, the Council votes that “a revision to the Merrimack Town Charter may be necessary and to submit the question of establishment of a commission to revise the charter to the voters.” RSA 49-B:4-e, I.
2. This must be done by written “order” from the Council. So after an affirmative vote, a written document should be signed by the Council that says: “By vote dated _____, the Merrimack Town Council orders that the question of establishment of a Commission, for purposes of revising the Charter to go from a Budgetary Town Meeting to a purely Town Council form of government, shall be submitted to the voters at the next municipal election.” RSA 49-B:4-e, I; RSA 49-B:3, I.
3. The question on the ballot shall read: "Shall a charter commission be established for the purpose of revising the municipal charter to establish a Town Council form of government under RSA 49-D:3, I where a Budgetary Town Meeting currently exists?" RSA 49-B:4-e, III.
4. Special Election: If the question passes, the Council must meet within 5 days after the deadline for requesting a recount on the vote. At this meeting, the Council shall vote to order and schedule a Special Election to be held on a Tuesday that is between 35 and 60 days after the Council’s meeting. The purpose of this Special Election is to elect nine (9) Charter Commission members. RSA 49-B:4, I.
 - a. The candidacy filing period runs the 4th Wednesday before the Special Election to the Friday of the following week.
 - b. The Commission members must be registered voters in Merrimack.
 - c. The Commission members are elected at large, without any party designation.
 - d. The order of the names on the ballot are determine by lot, publicly selected by the town clerk.
5. After the Special Election. Within 5 days after the deadline to request a recount on the election vote, the town clerk must send notice to the elected commissioners of the date, time and place of the first organizational meeting of the Charter Commission. The town

clerk determines the date, time and place of this initial meeting but it must be between 7 and 14 days after the date of the notice. RSA 49-B:4, II.

6. The Commission meets.¹ Commission must vote on a Chair, Vice Chair and Clerk. Commission must hold at a minimum 2 public hearings. One hearing must be held within 14 days of the organizational meeting for the purpose of receiving information, views, comments, and other pertinent material relative to its functions. The second must be at the end for the purpose of explaining, in general terms, the Commission's proposed preliminary report and receiving comments on its proposal. The Commission may, but does not have to, provide the public with a draft preliminary report at this 2nd public hearing. RSA 49-B:4, V.
 - a. Notice of the hearings must be in at least 2 public places in town and published in a local newspaper, all at least 7 days before the date of the hearings.
7. Preliminary Report: The Commission shall prepare and file with the Town Clerk a preliminary report that includes the text of the charter revision for the voters to consider and any explanatory information the Commission wants to include. The Commission must provide to the clerk sufficient copies so that any voters requesting it may obtain a paper copy. The preliminary report must also be submitted by the Commission to the SOS, the AG and the Commissioner of DRA. RSA 49-B:4, VI(c)
 - a. The preliminary report must contain a written opinion by the town attorney concerning the legality of the proposed charter revision
 - b. It must contain the name and address of the Commission Chair
 - c. The preliminary report must be completed by November 15 of the same year the Commission was created
 - d. The Town clerk must also file a certified copy of the preliminary report with SOS, the AG and the Commissioner of DRA.
8. The Commission may recommend, in either its preliminary or its final report, that the Charter not be revised. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report. RSA 49-B:4, VII.
9. Town Vote. If the Commission recommends a Charter revision, the question shall be submitted to the voters at the next municipal election. It must be placed on the ballot before any other question except the election of officers. RSA 49-B:6
 - a. The question on the ballot shall include a summary prepared by the Charter Commission which explains both the current form of government used by the

¹ There are accounting guidelines the Commission must follow for any expenditures. Guidance on this will be provided upon favorable vote establishing the Commission at the Town election.

municipality and the changes in that form of government which will occur if the charter revision is approved by the voters.

- b. The question to be submitted to the voters shall be in substance as follows: "Shall the municipality approve the following charter revision recommended by the charter commission?" together with the summary of the revision.
- c. At least 2 weeks prior to the date of the election, the Town Council shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.
- d. To pass, the charter revision must receive 3/5 vote in favor. The Charter revision becomes effective on the first day of the next succeeding municipal year.