

REVISED CHARTER OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE

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ARTICLE I - GENERAL PROVISIONS

SECTION 1.1 - REVISED CHARTER

This Revised Charter of the City of Portsmouth, New Hampshire replaces and supersedes all previous Charter provisions relating to the City. It is a complete and integrated Charter of the City of Portsmouth.

SECTION 1.2 - RIGHTS AND OBLIGATIONS CONTINUED

All rights, powers, duties, responsibilities and obligations of the City of Portsmouth shall continue in effect.

SECTION 1.3 - GENERAL STRUCTURE

All departments, officers, and individuals referred to in this Charter shall operate as one municipal corporation. The governing body of the municipality shall be the City Council. The City Council shall be the policy-making entity of the City except where this Charter expressly otherwise allocates policy-making authority. The Chief Administrative Officer of the City shall be the City Manager, who shall have decision-making authority to carry out the policies of the City Council, except where this Charter expressly states otherwise.

SECTION 1.4 - SAVINGS CLAUSE FOR MUNICIPAL LEGISLATION AND CONTRACTS

All ordinances, by-laws, and regulations of the City of Portsmouth or any of its departments shall continue in force and effect under this Charter revision.

SECTION 1.5 - REFERENDUM

This Charter shall not take effect unless and until it is adopted by a majority of all voters voting in the City of Portsmouth at a municipal election to be held on November 3, 1987.

SECTION 1.6 - SEPARABILITY

The sections of this Revised Charter are separable. If any portion of this Charter is held to be invalid or inapplicable to any individual for any reason, such invalidation or inapplicability shall not effect the remaining portions of the Charter.

SECTION 1.7 - EFFECTIVE DATE

If adopted by referendum vote, this Revised Charter shall become effective on January 1, 1988 at 12:01 A.M., except as otherwise expressly contained herein.

SECTION 1.8 - FUTURE CHARTER COMMISSION QUESTIONS

Commencing in the year 2000, the City Council shall vote at its first meeting of each decade on the following question, "Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Portsmouth?" If a majority of the Council shall vote in the affirmative, then the Council shall take whatever action is required under state law to bring about the formation of a Charter Commission prior to the next municipal election.

ARTICLE II - ELECTIONS

SECTION 2.1 - BIENNIAL ELECTION

On the first Tuesday after the first Monday in November, biennially, in the odd-numbered years hereafter, the voters of the City of Portsmouth shall meet for the choice of City Councilors, members of the School Board, or for any other purpose requiring a vote at a regular municipal election, The officers elected at the biennial election shall take office on the second day of January following that election, unless otherwise specified in this Charter. If any individual elected at a biennial election becomes unable or unwilling to serve for the full term for any reason, the person receiving the next highest number of votes at the election by which that individual was elected shall fill the vacancy for the remainder of the term.

SECTION 2.2 - BOARD OF REGISTRARS

The Board of Registrars of Voters shall continue under this Revised Charter as presently selected and constituted. The Board of Registrars of Voters shall make up and post for every municipal election, a list of the legal voters of the City of Portsmouth in accordance with the applicable provisions of state law.

SECTION 2.3 - PREPARATION OF BALLOTS (FEES, POWERS, DUTIES OF THE CITY CLERK WITH REFERENCE TO ELECTIONS)

The City Clerk shall prepare the ballots to be used in municipal elections. Ballots used in municipal elections shall be as similar in form to the ballots used in state elections as permitted by the requirements of this Charter. The ballots shall contain the names, without party designations, of all individuals who file with the City Clerk as candidates for any municipal office. This filing with the City Clerk must occur not later than 5:00 in the afternoon of the fortieth (40th) day before the municipal election. Candidates shall pay the City Clerk a fee of Five (\$5.00) Dollars, except those on whose behalf a petition is filed containing the signatures of at least fifty (50) qualified voters of the City. No name shall be printed on the ballot by reason of such a petition unless the petition also contains the signature of the candidate for municipal office indicating a desire to be placed on the ballot. The City Clerk shall then have the names of all qualified candidates for all municipal office printed on the ballot in alphabetical order under the office for which that person is a candidate. For every municipal office, the Clerk shall leave as many blank spaces underneath the list of names as there are positions to be filled by the election. The City Clerk shall have the same powers and duties with reference to municipal elections as the Secretary of State has with reference to general state biennial elections so far as such powers are not inconsistent with this Charter.

SECTION 2.4 - PROCEDURE

Except as otherwise expressly stated in this Charter, the procedure used in municipal elections for the casting of votes and the counting and recording of the same shall follow those provisions established by state law for state biennial elections.

SECTION 2.5 - PRESERVATION OF BALLOTS

All the ballots cast at a municipal election shall be kept by the City Clerk, sealed, for two months. These ballots may be opened during this two-month period upon the request of any defeated candidate with respect to the office for which that individual was a candidate.

SECTION 2.6 - CANVASS

On the Thursday next following any election, the report of the City Clerk shall be considered concerning the number of votes given in each ward for all candidates for municipal office. The Council at that time shall declare the persons having the largest number of votes to be elected to the municipal office for which they were a candidate in accordance with the provisions of this Charter.

SECTION 2.7 - CONTEST

Upon the request of any defeated candidate within seven days of the canvass of the vote in a municipal election, the City Council shall order a recount of the vote affecting that individual. Further, the City Council shall have the authority to hear and determine the contest of any vote on the grounds of fraud or misconduct. In exercise of this power the City Council shall have the power to subpoena persons and documents and may adjourn from time to time, not later than the time appointed for the installation of the new City Council following the contested municipal election. All decisions of the City Council with respect to contested municipal elections shall be final.

SECTION 2.8 - ABSENTEE VOTERS

Any legal voter of the City of Portsmouth shall be entitled to vote absentee at any municipal election under the same terms and circumstances as would enable that individual to be able to cast an absentee ballot at a state biennial election.

ARTICLE III - OFFICERS AND EMPLOYEES

SECTION 3.1 - TENURE OF OFFICE

The incumbents who were in office when this Revised Charter takes effect, whether elected or appointed, shall remain in office until the expiration of their respective terms where a term of years exists, or until they are replaced in their position in accordance with the provisions of this Charter.

SECTION 3.2 - QUALIFICATIONS FOR ELECTION TO CITY COUNCIL

No person shall be a candidate for election as a City Councilor or as a School Board member who is not a duly qualified voter in the City and who has not been a resident of the City for at least two years immediately preceding the municipal election at which that person would be a candidate.

SECTION 3.3 - POLITICS

- A. No person receiving any compensation as an officer or employee of the City of Portsmouth:
 - 1. Shall continue in such position after the canvass of the vote following being elected to office as a School Board member or City Councilor of the City of Portsmouth;
 - 2. Shall engage in any political campaigns and activities during his/her hours of City employment.
- B. No City Councilor or School Board member shall hold any other municipal office.
- C. No member of the City Council, School Board, Fire Commission or Police Commission shall apply for or become an employee of the City until the expiration of the term for which that person was elected to office. (AMENDED BY REFERENDUM VOTE NOVEMBER 8, 2011. TO BECOME EFFECTIVE JANUARY 1, 2012.)

SECTION 3.4 - NOTICE OF ELECTION OR APPOINTMENT

Written notice of election or appointment of any City officer shall be mailed to him/her at his/her address by the City Clerk within forty-eight (48) hours after the appointment is made or the vote canvassed. If, within thirty (30) days of the date of the notice, any officer shall not take, subscribe to, and file with the City Clerk an oath of office, this neglect shall be deemed to be a refusal to serve. The office, at this time, shall be deemed vacant, unless the Council shall extend the time for filing the oath of office. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

SECTION 3.5 - OATH OF OFFICE

Every person elected or appointed to any City office before entering upon the duties of this office, shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the City Clerk.

SECTION 3.6 - OFFICIAL BONDS

All municipal officers and officials receiving or disbursing City funds shall be bonded for the faithful performance of this responsibility. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Such bonds shall be filed with the City Clerk.

SECTION 3.7 - VACANCY DEFINED

In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, or is judicially declared to be mentally incompetent.

SECTION 3.8 - PECUNIARY INTEREST

No elective or appointive officer or employee of the City of Portsmouth shall take part in any decision concerning the business of the City in which that person has a direct pecuniary interest which is greater than any other citizen or taxpayer, aside from that officer or employee's salary.

SECTION 3.9 - MUNICIPAL ADMINISTRATIVE PLAN

Except for the Charter Departments established in this Charter, the administrative plan of the City of Portsmouth shall be established by means of an Administrative Code, which shall be an ordinance passed by the City Council creating such municipal departments, divisions, bureaus, and agencies as the Council deems appropriate. This Administration Code shall define the duties, functions, and responsibilities of every department, division, and agency, which it creates.

SECTION 3.10 - MERIT SYSTEM

The Merit System of the City of Portsmouth existing on the date of adoption of this Revised Charter shall continue in force and effect. This Merit System may be amended from time to time by the City Manager to provide the framework of terms and conditions of municipal employment. The Manager shall submit any proposals for amendment or revision of the Merit System to the City Council. Any amendments or revisions so submitted shall become effective one month after submission unless vetoed by the City Council within that period.

SECTION 3.11 - COMPENSATION

The compensation of all officers and employees not fixed by this Charter shall be fixed according to a classification system to be established by ordinance which shall include the minimum and maximum and such intermediate rates as may be desirable for each class of positions which may be provided for in said ordinance.

SECTION 3.12 - CERTIFICATION OF COMPENSATION

No compensation shall be paid without certification by the City Manager, or such officer as the Manager may direct, that the recipients are employed by the City and their rates of compensation comply with the pay schedule established under the compensation ordinance. If such officer approves payments not in conformity with the compensation ordinance that officer shall be liable to the City for the amount of such payment.

SECTION 3.13 - BASIS FOR APPOINTMENTS AND PROMOTIONS

Appointments and promotions to all positions in the service of the City shall be made solely on the basis of merit and only after examination of the applicant's fitness. So far as practicable, examinations shall be competitive.

SECTION 3.14 - CODE OF ETHICS

The City Council shall have the power to remove, censure, suspend or reprimand any member of the Council or any Council appointee who has been found by it to have violated any provisions of a municipal Code of Ethics which shall be adopted by the Council in the form of an ordinance.

SECTION 3.15 - PERSONNEL APPEALS BOARD

- A. There is hereby established a Personnel Appeals Board of five (5) citizens selected to be representative of the voting population of Portsmouth. At all times at least two (2) members of the Board shall hold no other political office while serving their respective terms on this Board. Appointments to the Board shall be made by the Mayor and confirmed by the City Council. The terms for the initial members of the Board, appointed after the effective date of this Charter Revision shall be staggered as follows: One member to serve for one (1) year; two members to serve for two (2) years, and two members to serve for three (3) years. All appointments to the Board hereafter shall be for three (3) year terms per member and no member shall serve for more than two (2) consecutive terms. The Board members shall elect a Chairperson who shall have the power to administer oath. The Board shall adopt procedural rules, which shall not be effective until approved by the City Council.
- B. The Personnel Appeals Board shall have the jurisdiction to hear appeals filed by any permanent municipal employee who is dismissed from his/her position, demoted to a lower paying position within City government, or suspended from employment for more than thirty (30) cumulative days in any one (1) calendar year. Appeals to the Board must be filed with the City Clerk within thirty (30) days after the action has been taken which gives rise to the appeal. Employees of municipal departments designated as Charter Departments under Article VIII of this Charter shall not have a right of appeal to the Personnel Appeals Board.
- C. Upon the filing of an appeal within the jurisdictional scope of the Personnel Appeals Board, the Board shall conduct a full review of the action upon which the appeal is based. A full hearing shall be held at which both the appealing employee and the City administration shall have a right to be heard publicly and to present evidentiary facts. At this hearing, the technical rules of evidence shall not apply. Pending completion of deliberation by the Personnel Appeals Board, the final action taken by City administration with respect to the appealing employee shall stand. Upon completion of its review of matters within its jurisdiction the Personnel Appeals Board shall either uphold the final action of the City administration, or shall grant such relief to the appealing employee, as the Board deems appropriate. Decisions of the Personnel Appeals Board in matters within its jurisdiction shall be final.
- D. This section of the Municipal Charter shall not be deemed to overrule, eliminate, or supersede the rights of any party under a collective bargaining agreement.

ARTICLE IV - CITY COUNCIL

SECTION 4.1 - ADMINISTRATION OF CITY

The entire administration of all fiscal, prudential, and municipal affairs of the City of Portsmouth and each of its departments shall be vested in the City Council except as expressly otherwise provided by this Charter. The City Council shall consist of nine (9) councilors elected at large for terms of two (2) years. The City Clerk shall act as Clerk of the Council.

SECTION 4.2 - GENERAL POWERS OF THE CITY COUNCIL

The City Council shall be the governing body of the City of Portsmouth and may exercise all the powers and duties by law vested in boards of aldermen and city councils under state law and this Charter.

SECTION 4.3 - THE MAYOR

A candidate for City Councilor who shall receive the largest number of votes at any election shall become the Mayor. The City Councilor who shall receive the next largest amount of votes shall be the Assistant Mayor. In the event two or more persons shall receive an equal number of votes, and that number of votes is the largest number received by any City Councilor, the person having the longest period of service as a City Councilor shall be the Mayor and the person having the next longest period of service shall be the Assistant Mayor. In the event one person shall receive the largest number of votes and two or more persons shall receive an equal number of votes, and that number shall be next to the largest number of votes received by any Councilor, the person receiving the equal number of votes who has the longest period of service shall be the Assistant Mayor. Where periods of service are equal, ties shall be decided by vote of the Council.

SECTION 4.4 - MEETINGS OF THE CITY COUNCIL

Regular meetings shall be held at some time between 7:00 and 8:30 o'clock in the evening, the precise time to be set by the City Council. Meetings of the City Council shall be held on the first and third Mondays of each month, except that the Council may hold meetings at such other times and dates as established and voted upon by motion of the Council. Emergency meetings may be held whenever necessary at the call of the Mayor. Meetings may be rescheduled or cancelled on a per meeting basis by vote of the Council.

SECTION 4.5 - ORDINANCES

Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The City of Portsmouth ordains" and the effective date of each ordinance shall be specified in it. Each ordinance shall be introduced in writing in substantially the form it is to be finally passed and after passage of its first reading, shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least the time required by any statute relating to such subject, but in no case, less than one week.

All ordinances shall be recorded in full, uniformly and permanently by the City Clerk, and each ordinance so recorded shall be authenticated by the signature of the Mayor and City Clerk. Ordinances shall be published within thirty (30) days after their passage; and shall be further published, compiled and revised in such manner and at such time as the Council shall determine. Notwithstanding any other provisions of law, publication for the purposes of this section shall mean the publication of a notice in any daily newspaper published in the City of Portsmouth, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any citizen of Portsmouth concerned may obtain a copy of the complete ordinance, and if the full text is not published in the newspapers, the City Manager shall make reasonable provisions so that a copy of the complete ordinance shall be obtainable without charge, at least four (4) days prior to the time set for the public hearing by any citizen who may request the same.

SECTION 4.6 - COMPENSATION OF CITY COUNCILORS

Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each Council meeting in which that person is in actual attendance. However, no City Councilor except the Mayor shall receive more than Fifteen Hundred (\$1,500) Dollars during any calendar year.

SECTION 4.7 - VACANCIES ON THE CITY COUNCIL

In the event that any Councilor shall fail to actually attend any six consecutive regular meetings of the City Council, the position of that Councilor shall be deemed to be vacant without the requirement of any vote or action by the Council. If a vacancy occurs on the City Council, for the foregoing reason or for any other reason, the person receiving the next larger number of votes at the immediately prior municipal election shall assume the office vacated and such procedure shall be followed in succession until a candidate is found to fill the vacancy.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 4, 1997)

SECTION 4.8 - HOLDING OF OTHER OFFICES

No Councilor shall, during his/her term as Councilor, be eligible to hold any other municipal office except Mayor or Assistant Mayor. This section shall not be construed to prevent any City Councilor from serving as a call member of the Fire Department.

SECTION 4.9 - AUTHORITY TO DETERMINE SALARIES

Except as otherwise expressly provided by this Charter, the City Council is hereby empowered to fix a scale of salaries to be paid to all officials, agents, and employees of the City of Portsmouth.

SECTION 4.10 - PROCEDURE TO FIX SALARIES

All salaries to be paid by the City of Portsmouth shall be established by Resolution. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

SECTION 4.11 - COMPENSATION (MAYOR)

In addition to any compensation due as a City Councilor, the Mayor shall also receive an additional sum of Five Hundred (\$500) Dollars per calendar year to be paid at the commencement of the year.

ARTICLE V - CITY MANAGER

SECTION 5.1 - CITY MANAGER (APPOINTMENT AND TERM)

The City Council shall appoint an officer of the City of Portsmouth who shall have the title of City Manager and who shall have the powers and duties provided for by this Charter. The Manager shall be appointed by the votes of two-thirds (2/3) of the members of the City Council in accordance with such working terms and conditions as the Council may establish not inconsistent with this Charter.

SECTION 5.2 - QUALIFICATIONS (MANAGER)

The City Manager shall be chosen solely on the basis of executive and administrative merit. The Manager need not be a resident of the City at the time of appointment; however, within one (1) year of being appointed as City Manager, any individual so appointed shall reside within the City of Portsmouth.

SECTION 5.3 - POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be the Chief Executive and Administrative Officer of the City of Portsmouth. Except as expressly indicated otherwise by this Charter, the City Manager shall be responsible for the proper administration of all the departments of the City government. It shall be the responsibility of the City Manager to carry out policy decisions made by the City Council. The City Manager shall be responsible to oversee all property, real and personal, owned by the City of Portsmouth. The City Manager shall keep the City Council informed of the conditions and needs of the City and shall make such reports as may be required by law, requested by the Council, or deemed advisable by the City Manager. The City Manager shall have the right to take part in discussion of all matters coming before the City Council, but the City Manager shall not be a voting member of the Council.

SECTION 5.4 - MANAGER TO APPOINT AND REMOVE OFFICERS AND EMPLOYEES

The City Manager shall be responsible to appoint and remove, subject to the provisions of this Charter, all officers and employees in the administrative service of the City. The City Manager may delegate this responsibility in accordance with such terms and conditions, as the Manager deems appropriate.

SECTION 5.5 - NON-INTERFERENCE BY THE COUNCIL

Neither the City Council nor any of its members shall direct or request the appointment or removal of any person to office or employment by the City Manager or any of the administrative officers. Neither the Council nor any member shall give orders to any of the administrative officers, either publicly or privately. This section shall not be construed; however, to prohibit the City Council or Council members from conducting inquiries of the City Attorney or the principal financial officer of the City as to legal or financial matters, respectively, involving the City.

SECTION 5.6 - VACANCY IN OFFICE (CITY MANAGER)

If the office of the City Manager shall be vacant for any cause, the City Council may appoint an Acting Manager to serve at the pleasure of the Council for not more than one hundred and eighty (180) days and shall appoint a permanent Manager in accordance with the provisions of this Charter within one hundred and eighty-one (181) days of the creation of the vacancy.

SECTION 5.7 - REMOVAL OF THE CITY MANAGER

The City Manager may be removed by a majority vote of the members of the City Council as provided in this section. At least thirty (30) days before the proposed removal of the City Manager, the Council shall adopt a resolution stating its intention to remove the Manager and the reasons for this removal. A copy of the resolution shall be served forthwith on the Manager who may, within ten (10) days, demand a public hearing. In the event of a demand for a public hearing, the Manager shall not be removed until after such public hearing has been held. Subsequent to such a public hearing, the City Council may, by a vote on a motion, remove the City Manager from office. On or after passage of the initial resolution, the City Council may suspend the Manager from duty, but the Manager's compensation shall continue until his removal. In case of such suspension, the Council may appoint an Acting Manager to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Manager shall be final.

SECTION 5.8 - ACTING CITY MANAGER

If the City Manager is temporarily unable to perform the functions of office for any cause, the Council may appoint an acting Manager to serve at the pleasure of the Council. The Acting Manager shall have all the powers and duties of the City Manager during the term of the Manager's inability to act. The Acting City Manager shall be paid such salary as may be prescribed by the City Council.

ARTICLE VI - CHARTER DEPARTMENTS

SECTION 6.1 - GENERALLY

Notwithstanding any other provisions of this Revised Charter, the following departments of City government shall be separately identified as Charter Departments. Charter Departments shall be administered in accordance with the provisions of this Article notwithstanding any provisions of the Administrative Code, Merit System, or ordinance to the contrary. In the absence of an applicable Charter provision in this Article, the ordinary rules, regulations, and procedures, which govern department administration under this Charter, shall apply to Charter Departments.

SECTION 6.2 - POLICE DEPARTMENT (POLICE COMMISSION)

Deleted and Replaced with Amendment E by Referendum Vote November 5, 1991

SECTION 6.3 - SCHOOL DEPARTMENT (SCHOOL BOARD)

The policy-making body for the School Department of the City of Portsmouth shall be a School Board. The School Board shall consist of nine (9) members elected at large who shall have the powers and the duties vested by statute in Boards of Education and School Boards, subject to the remaining provisions of this Charter.

SECTION 6.3.A - SCHOOL BOARD ELECTIONS

At the first municipal election subsequent to the adoption of this Revised Charter, there shall be five (5) individuals elected to serve on the School Board to replace those members whose terms expire at that time. At the next subsequent regular municipal election, there shall be four (4) members elected to the School Board to replace those members whose terms would expire at that time. Thereafter, five (5) School Board members shall be elected for four (4) year terms at every other regular municipal election. Four (4) members shall be elected to the School Board for four (4) year terms at the alternate municipal election.

SECTION 6.3.B - CONTROL OF SCHOOLS

The School Board shall have the control and supervision of the public schools in the City of Portsmouth and may exercise such control by means of sub-committees or otherwise.

SECTION 6.3.C - SCHOOL DEPARTMENT PERSONNEL

The School Board shall have the authority to retain such professional and non-professional officers and employees, as the Board deems necessary for the proper operation of the school system. The School Board shall establish the terms and conditions of employment of such individuals, subject to the remaining provisions of this Charter.

SECTION 6.3.D - CONTROL OF EXPENDITURES

All money appropriated in the annual budget for the support of public schools shall be subject to the control of the School Board, which shall have line item control over its own budget.

SECTION 6.3.E - SUPERINTENDENT OF SCHOOLS

The School Board shall choose an individual to be the Superintendent of Schools, who shall serve under such terms and conditions as may be established by the School Board. The Superintendent of Schools shall be the chief operating officer and chief administrator of the School Department.

SECTION 6.3.F - BUDGET PUBLIC HEARING

The School Board shall hold a public hearing on its annual budget prior to submission of the budget to the City Council.

SECTION 6.3.G - SCHOOL BOARD MEETINGS

The School Board shall hold its regular meetings at such times, dates, and places as the Board may designate, except that the School Board shall not hold its regular meetings on Monday.

SECTION 6.3.H - STUDENT MEMBER OF SCHOOL BOARD

In every year during the month of May an election shall be held in which a senior high school student shall be elected to serve a one (1) year term on the School Board. The term shall commence at the next regular School Board meeting after the election date. The high school student so elected shall have all the rights of a regular School Board member regarding School Board business except the student member may not vote on School Board business and may not attend executive sessions of the School Board. The Student Government of the high school shall establish the procedures for nomination and election of the student member of the School Board and for replacement of that member in the event of vacancy.

SECTION 6.3.I - COMPENSATION OF SCHOOL BOARD MEMBERS

All members of the School Board, except the student member, shall be compensated in the amount of Seventy-Five (\$75) Dollars per meeting actually attended. However, no member of the School Board except the Chairperson shall receive more than Fifteen Hundred (\$1,500) Dollars compensation for any calendar year.

SECTION 6.3.J - ADDITIONAL COMPENSATION, CHAIRMAN

In addition to any compensation due as a School Board member, the Chairperson of the School Board shall also receive an additional sum of Five Hundred (\$500) Dollars per calendar year to be paid at the commencement of the year. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

ARTICLE VII - FINANCE AND REVENUE

SECTION 7.1 - FISCAL AND BUDGET YEAR

The fiscal and budget year of the City of Portsmouth shall begin on the first day of July and end on the last day of June, unless other dates shall be fixed by ordinance.

SECTION 7.2 - PURCHASING PROCEDURE

The City Council, by ordinance, shall establish a purchasing and contract procedure which shall include the assignment of all responsibility of purchases to a single individual, for the combination of purchasing of similar articles for different departments and purchasing by competitive bids, whenever practical.

SECTION 7.3 - EXCESSIVE EXPENDITURES

If any officer, board, or commission or member thereof of the City of Portsmouth, having the authority to make contracts or expend money on behalf of the City shall, by making any contract, purchasing any goods, or commission or member thereof of the City of Portsmouth having authority to make contracts or expend money on behalf of the City shall, by making any contract, purchasing any goods, or employing any labor or otherwise undertake to make the City liable in any amount in excess of the funds available therefor from income or appropriation, said officer, board, or commission or member thereof shall be removed from office by the City Council after due hearing.

SECTION 7.4 - INDEPENDENT AUDIT

An independent audit shall be made of all accounts of the City government, at least annually, and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants selected by and reporting to the City Council, based upon the accountant's experience in municipal accounting. The results of this audit shall be made public and an annual report of the City's business shall be made available.

SECTION 7.5 - BORROWING PROCEDURE

Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the Administrative Code, the Council may by resolution, authorize the borrowing of money for any purpose within the scope of the powers vested in the City or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the Council only after a duly advertised public hearing, provided, however, that the Council shall not borrow for a time longer than the certified life of any improvement or equipment for which said money is borrowed, and said certification of life of said equipment or improvement shall be made by the Council by vote and incorporated in and be part of the statement of the purpose of such a loan. In no event, shall the term of such bonds exceed the limitation imposed by state law.

SECTION 7.6 - CAPITAL PROGRAM (PREPARATION, SUBMISSION TO COUNCIL, CONTENTS)

- A. Submission to Council. The Manager shall prepare and submit to the Council a six (6) year capital program at least three (3) months prior to the final date for submission of the budget.

- B. Contents. The capital program shall include:
1. A clear general summary of its contents;
 2. A list of all capital improvements which are proposed to be undertaken during the six (6) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 3. Cost estimates, method of financing and recommended time schedules for each such improvement; and
 4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 7.7 - CAPITAL PROGRAM HEARING (NOTICE THEREOF)

A public hearing on the capital program shall be held before its final adoption by the Council at such time and place as the Council shall direct. Notice of such public hearing, together with a summary of the capital program as submitted shall be published at least one week in advance by the City Clerk. The notice shall also indicate the times and places where copies of the program are available for inspection by the public before the hearing.

SECTION 7.8 - ADOPTION OF CAPITAL PROGRAM

The Council shall adopt the capital program after the public hearing and on or before the date for the submission of the budget. Copies of the capital program as adopted shall be available to the public in the office of the City Clerk and any other such places as the Council may designate.

SECTION 7.9 - BUDGET PROCEDURE

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of every municipal department, including the Charter Departments, shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under that individual's control. Each such estimate shall include a report of sufficient facts to permit the City Manager to prepare the budget message required by this Charter. The Manager shall submit the proposed budget to the Council at least forty-five (45) days before the start of the fiscal year of the budget.

SECTION 7.10 - PREPARATION OF BUDGET

- A. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, and except as required by law of this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose, or activity and object.
- B. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
 1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs and methods of financing such expenditures;

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure;
3. Anticipated net surplus or deficit for the ensuing fiscal year of such utility owned or operated by the City and the proposed method of its disposition, subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

C. The total of proposed expenditures shall not exceed the total of estimated income.

SECTION 7.11 - BUDGET MESSAGE: (CONTENTS)

The Manager's message shall explain the budget both in fiscal terms and in terms of the work program. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policy expenditures and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the Manager deems desirable.

SECTION 7.12 - BUDGET HEARING

A public hearing on the budget shall be held before its final adoption by the Council, at such time and place, as the Council shall direct. Notice of the public hearing together with a summary of the budget, including that portion relating to the police and school departments, as submitted, shall be published at least one (1) week in advance by the City Clerk. The notice shall also include the times and places when copies of the message and budget are available for inspection by the public before hearing.

SECTION 7.13 - DATE OF FINAL ADOPTION OF BUDGET

The budget shall be finally adopted not later than the last day of the fiscal year currently ending. Should the Council take no further action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the Council.

SECTION 7.14 - AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

SECTION 7.15 - BUDGET CONTROL

- A. At the beginning of each quarterly period during the fiscal year and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date for all municipal departments, including Charter Departments.
- B. If it should appear that income is less than anticipated, the Council or Manager may reduce the appropriation for any item or items except amounts required for debt and interest charges to such a degree as may be necessary to keep expenditures within the cash income.
- C. If it appears that income is greater than anticipated, the Council by ordinance may make supplemental appropriations for the year up to the amount of the excess except as limited by this Charter.
- D. The Manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules as the Manager may prescribe.

SECTION 7.16 - TRANSFER OF APPROPRIATIONS

After the budget has been adopted, no money shall be drawn from the accounts of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor.

- A. The head of any department, with the approval of the Manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within the department;
- B. The Manager, with the approval of the Council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

SECTION 7.17 - (ESTABLISHMENT OF) CAPITAL RESERVE FUND

The City Council may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction or the acquisition of a specific item of equipment, or (b) the construction, reconstruction or acquisition of a type of capital improvement or the acquisition of a type of equipment.

SECTION 7.18 - CAPITAL RESERVE FUND HEARING (NOTICE THEREOF)

The authority granted by the preceding section (7.17) shall be exercised by the City Council only after a public hearing on the annual budget as required by state law and by the adoption of a capital improvement budget and program.

The public notice of said hearing shall include a statement distinctly stating the purposes for which such reserve is to be established.

SECTION 7.19 - PAYMENTS INTO (CAPITAL RESERVE) FUND

- A. There may be paid into any such capital reserve fund such amounts as may from time to time be raised and appropriated therefor, within the limits as provided by Section 7.17 of this Revised Charter.
- B. The City Council may also, by a favorable vote of two-thirds (2/3) of its members, transfer to such fund after a public hearing with notice such as provided by Section 7.18 of this Revised Charter, not more than one half (1/2) of its unencumbered surplus funds remaining on hand at the end of the fiscal year within the limits as provided in Section 7.20 of this Revised Charter.

SECTION 7.20 - LIMITATIONS ON APPROPRIATIONS

The City Council shall not raise and appropriate and or transfer from any of its unencumbered surplus funds in any one year for such reserves, a total amount in excess of one-quarter of one percent (1/4 of 1%) of the last assessed valuation of the City.

SECTION 7.21 - TRUST FUND (GENERALLY)

Trust funds of the City of Portsmouth shall continue to be separate and apart from all other funds and shall remain in the hands of three Trustees of Trust Funds, one of whom shall be appointed by the Mayor each year for a term of three (3) years. The appointment of a trustee hereunder shall not be effective until it has been confirmed by a vote of at least two-thirds (2/3) of the membership of the Council. The trustees shall invest such funds in securities legal for investment by mutual savings banks in this state.

SECTION 7.22 - AUDIT OF ACCOUNTS

The accounts of the Trustees of Trust Funds shall be audited annually during the independent audit of all City accounts as provided elsewhere in this Revised Charter. All securities held shall be exhibited to the auditors and said auditors shall certify the facts shown by the audit and list all securities held. The

Trustees holding said funds shall keep a record of all such capital reserve funds in a record book, which shall be open to public inspection.

SECTION 7.23 – INFORMATION MANAGEMENT TECHNOLOGY

The Administrative Code shall provide that a single municipal department shall direct acquisition, maintenance and coordination of Information Management Technology for all elements of City government including the Charter Departments. (ADOPTED THIS SECTION BY REFERENDUM VOTE NOVEMBER 7, 2000)

ARTICLE VIII - INITIATIVE PETITIONS

SECTION 8.1 - MERITS OF INITIATIVE PETITIONS

The City 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 City Council would otherwise have authority to act. The petition shall be addressed to the City Council and 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 ten percent (10%) of the number of voters who voted at the last regular municipal election prior to the submission of the petition.

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

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

SECTION 8.2 - COUNCIL ACTION

The City Council shall hold a public hearing within thirty (30) days of any measure proposed in any petition signed by the requisite number of registered voters, unless a question of the lawful authority of the Council to pass the measure is raised by some member of the Council. If such a question is raised by any Councilor, the measure shall be referred to the City Attorney for review. If the measure proposed is within the lawful authority of the City Council to pass, the public hearing shall be scheduled within thirty (30) days of the date of the City Attorney's opinion to that effect. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with a copy of the City Attorney's opinion affixed to the petition.

The City Clerk shall mail notice of the hearing to ten (10) petitioners whose names appear first on each petition. Such notice is to be mailed at least seven (7) days prior to the hearing. Notice by publication of a summary of the contents shall also be made and shall be at the City's 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.

SECTION 8.3

Following the public hearing mandated by this Charter, the City Council must either:

1. Pass said measure without alteration or amendment; or
2. Deny said measure by motion stating the reasons for said denial.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)

APPENDIX

CHARTER AMENDMENTS

AMENDMENT A - FIRE COMMISSION

AMENDMENT B - DEPARTMENT OF NEGOTIATION AND ADMINISTRATION OF ALL
COLLECTIVE BARGAINING AGREEMENTS

AMENDMENT C - CONFLICT OF INTEREST

AMENDMENT D - BINDING INTEREST ARBITRATION

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

AMENDMENT A - FIRE COMMISSION

FIRE COMMISSION - ESTABLISHMENT

The Fire Department of the City of Portsmouth shall be placed under the direct authority of a Board of Fire Commissioners, who shall administer the Fire Department as a Municipal Charter Department.

APPOINTMENT/ELECTION TERMS

Should a Fire Commission be approved on November 3, 1987, the Mayor of the City of Portsmouth shall appoint the first Board of three Fire Commissioners who shall assume one two-year term of office commencing on January 1, 1988. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Fire Commissioners shall be elected in November of 1989 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four (4) years. The candidate receiving the third highest number of votes shall assume a term of two (2) years.

Thereinafter, each Commissioner shall be elected for a term of four years. There shall be no term limits. In the event that a vacancy should occur on the Board, then the next runner-up candidate established out of the last, most recent Board election shall assume the balance of the vacated term. Should the balance of the vacated term not exceed two years, and said Commissioner may seek one more elective term of four years, all Fire Commissioners elected from 1989 and on, shall be elected at large without party affiliation. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Fire Commissioners. (AMENDED BY REFERENDUM VOTE NOVEMBER 7, 2000)

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Fire Commissioners.

REMOVAL

Any member of the Fire Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Fire Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

ORGANIZATION

The Fire Commission shall, beginning January 1988, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as Chairperson. The Commission shall choose one of its members to serve as Clerk. No one member may simultaneously serve as Chairperson and Clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Fire Department, as they deem advisable.

COMPENSATION

The Fire Commissioners shall receive such compensation as the City Council may from time to time determine.

ANNUAL BUDGET

The Fire Commission shall, beginning in January of 1988 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Fire Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter.

The salaries and benefits of all officers and employees of the Fire Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided for by this Charter, or in the absence of a Charter provision, by the City Council. The Fire Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The Chairperson Fire Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Fire Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the Fire Chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

QUORUM (VOTES)

All questions put before the Fire Commission shall be decided by a simple majority vote of the Commission. At least two (2) members of the Commission shall be present at any meeting to constitute a quorum. (Amended by Referendum Vote November 7, 1989)

POWERS

The Fire Commission shall appoint such permanent Firefighters, Lieutenants, Captains, Deputy Chiefs, a Fire Chief and any call firefighters as they may deem necessary, subject to the approval of the City Council. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures, as it shall establish. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirement of due process, discipline or remove any Firefighter or Officer against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners with the respective contracts (work agreements) through which such persons were employed.

The Commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this Charter relating to the administration of the Fire Department. Such power to include, but not be limited to, the following:

- A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council;
- B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)

AMENDMENT B - DEPARTMENT OF NEGOTIATION AND ADMINISTRATION OF ALL COLLECTIVE BARGAINING AGREEMENTS

The Administrative Code shall provide for a municipal department which shall be solely responsible for the negotiation and administration of all collective bargaining agreements which are funded by the City of Portsmouth, including those agreements involving personnel of the Police Department, Fire Department, and School Department. Final approval of any contract shall be by vote of the City Council.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)

AMENDMENT C - CONFLICT OF INTEREST

The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

- A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all Portsmouth related capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office. For the purposes of financial disclosure the term "municipal officials" in the provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning board, Zoning Board of Adjustment and Historic District Commission.
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.
- E. A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)

(AMENDMENTS ADOPTED BY REFERENDUM VOTE NOVEMBER 7, 2017)

AMENDMENT D - BINDING INTEREST ARBITRATION

No board, commission, or legislative body, whether elected or appointed, shall delegate its authority to anyone not a member of its body, through the inclusion of binding interest arbitration in collective bargaining agreements, such delegation abrogating the right of the people to control their taxes through their elected officials.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

GENERALLY

Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.

POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of three persons to be elected in accordance with the following.

APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur on the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.¹

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

QUORUM (VOTES)

All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.

¹ By letter dated August 7, 2015 addressed to Secretary of State William Gardner from Assistant Attorney General Stephen G. LaBonte given as a directive to the City by the Secretary it is written, "When a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election. RSA 105-C:3,(I)".

POWERS

The Police Commission shall appoint such permanent patrol officers, sergeants, captains, commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:

- A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council
- B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council

ORGANIZATION

The Police Commission shall, beginning January 1992, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.

COMPENSATION

The Police Commissioners shall receive such compensation as the City Council may from time to time determine.

ANNUAL BUDGET

The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and employees of the Police Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council. The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001). (ADOPTED BY REFERENDUM VOTE NOVEMBER 5, 1991)

AMENDMENT F – HUMAN RESOURCE DEPARTMENT

Subject to the applicable provisions of state law and the relevant provisions of this Charter, the Administrative Code shall provide for a municipal department which shall be responsible for the performance of those human resource functions of the City which are common to all departments. The Human Resource Department shall perform those functions for all City departments, including Charter Departments. Authority for performance of those functions unique to individual departments shall be determined in accordance with state law and the remaining provisions of this Charter.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 7, 2000)