

CHARTER

THE CHARTER

**ARTICLE I
INCORPORATION; CITY AND WARD BOUNDARIES**

- C1-1. Incorporation
- C1-2. Establishment of Wards
- C1-3. Boundaries of Wards

**ARTICLE II
ELECTIONS**

- C2-1. Conduct of Elections
- C2-2. Ward Officers
- C2-3. (Reserved)
- C2-4. Composition of Board of Supervisors of Elections
- C2-5. Duties of Board
- C2-6. Sessions of Board
- C2-7. Qualifications of Voters
- C2-8. Filing of Declaration of Candidacy
- C2-9. Preparation of Ballots
- C2-10. Absentee Ballots
- C2-11. Contested Elections/Recounts
- C2-12. Preservation of Ballots
- C2-13. Display of Campaign Materials at Polling Place Restricted

**ARTICLE III
CITY COUNCIL**

- C3-1. Membership; Term of Office
- C3-2. Organizational Meeting
- C3-3. Selection of Mayor and Deputy Mayor
- C3-4. Qualifications of Council Members
- C3-5. Vacancies
- C3-6. Salaries and Compensation
- C3-7. Meetings
- C3-8. Ordinances
- C3-9. Emergency Ordinances
- C3-10. Codification of Ordinances
- C3-11. Powers and Duties

CHARTER

ARTICLE IV SCHOOLS

- C4-1. District Established
- C4-2. School Board
- C4-3. Meetings; Regulations; Officers
- C4-4. Qualifications of Members
- C4-5. Vacancies
- C4-6. Compensation

ARTICLE V ADMINISTRATION OF GOVERNMENT

- C5-1. City Manager
- C5-2. Qualifications
- C5-3. Removal from Office
- C5-4. Acting City Manager
- C5-5. Powers and Duties of Manager
- C5-6. Appointment of Department Heads; Suspension; Appeal
- C5-7. Appointive Officers
- C5-8. Role of Council
- C5-9. Departments
- C5-10. Legal Officer

ARTICLE VI FINANCE

- C6-1. Fiscal Year
- C6-2. Finance Director
- C6-3. Budget Procedure
- C6-3.1 Limitation on Property Tax Levy Increase
- C6-4. Budget Hearing
- C6-5. Final Date for Budget Adoption
- C6-6. Appropriation After Adoption of Budget
- C6-7. Quarterly Budget Reports; Reductions
- C6-8. Transfers
- C6-9. Capital Improvements Program
- C6-10. Lapse of Appropriations
- C6-11. Depository
- C6-12. Independent Audit
- C6-13. Bonding of Officials
- C6-14. Borrowing Procedure
- C6-15. Debt Limit
- C6-16. Purchasing Procedure
- C6-17. Special Assessments
- C6-18. Trust Funds

CHARTER

ARTICLE VII PERSONNEL POLICIES

- C7-1. Appointments
- C7-2. Merit Plan
- C7-3. Compensation
- C7-4. Certification of Payroll
- C7-5. Employee Insurance
- C7-6. Personnel Advisory Board
- C7-7. Public Safety Employees

ARTICLE VIII WATERWORKS

- C8-1. Construction
- C8-2. Contracts for Water; Establishment of Charges
- C8-3. Authorization of Taxation and Borrowing
- C8-4. Assistance to Other Municipality

ARTICLE IX (Reserved)

ARTICLE X CONDUCT OF OFFICIALS

- C10-1. Eligibility for Elective Office
- C10-2. Conflicts of Interest
- C10-3. Disqualification from Decision-Making Process
- C10-4. Private Use of City Property and Personnel
- C10-5. Acceptance of Gifts and Gratuities
- C10-6. Disposition of Fees
- C10-7. Misuse of Information
- C10-8. Applicability
- C10-9. Civil Penalty
- C10-10. Future Employment

CHARTER

ARTICLE XI GENERAL PROVISIONS

| | |
|---------|--|
| C11-1. | Oath of Office |
| C11-2. | Notice of Election or Appointment |
| C11-3. | Vacancies |
| C11-4. | Ethics Commission |
| C11-5. | Removal from Office |
| C11-6. | Public Records and Meetings |
| C11-7. | Agreements with Other Municipalities |
| C11-8. | Specific Provisions to Prevail |
| C11-9. | Severability |
| C11-10. | Authentication of Charter; Copies to be Kept on File |
| C11-11. | Charter Amendments |
| C11-12. | (Reserved) |
| C11-13. | Violations and Penalties |
| C11-14. | When Effective |

[HISTORY: Adopted by the City Council of the City of Dover 03-09-77 by resolution. Amendments noted where applicable. All references to gender amended to gender neutral references 09-05-90, approved at 11-06-90 Election; 2005 Charter Revision Committee items approved at 11-05-2005 Municipal Election where noted]

**ARTICLE I
INCORPORATION; CITY AND WARD BOUNDARIES**

C1-1. Incorporation.

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

C1-2. Establishment of Wards.

A. The city shall be divided into six wards as presently constituted. The general laws of the state relative to wards of cities, officers thereof and voters, checklists, elections and jurors shall be applicable to such wards.

B. Ward boundaries shall divide the City of Dover into six wards of as equal population as is practicable. To achieve that goal, starting upon the issuance of the results of the 2010 census, and every ten years thereafter, the City Council shall promptly initiate review of the ward boundaries to determine if redistricting is necessary and the City Council shall propose changes to the ward lines, through a Charter amendment pursuant to RSA Chapter 49-B, that will as near as is practicable ensure the wards have equal population. [Added 11-05-2005 by Municipal Election]

C1-3. Boundaries of Wards. [Amended 02-18-92 by Municipal Election; Amended 08-23-2001, approved 11-06-2001 by Municipal Election; Amended 06-22-2011, approved 11-08-2011 by Municipal Election.]

Ward One begins at the Dover/Rollinsford boundary line at Hall Street; thence following southeasterly along the Dover/Rollinsford boundary to Broadway; thence southwesterly along the center line of Broadway to the intersection with the Boston and Maine Railroad; thence southeasterly along the railroad to Central Avenue; thence southerly along the center line of Central Avenue to Washington Street; thence westerly along the center line of Washington Street to Chestnut Street; thence northerly along the center line of Chestnut Street to the Cochecho River; thence northerly along the centerline of the Cochecho River to Spaulding Turnpike; thence following the centerline of the Spaulding Turnpike northerly to its intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue in a northeasterly direction to Central Avenue; thence crossing Central Avenue to a block line established by the 2010 Census and following said block line in an easterly direction to the Dover/Rollinsford boundary line; thence following the Dover/Rollinsford boundary line a southeasterly direction to the point of beginning.

Ward Two begins at Broadway and the Rollinsford/Dover boundary; thence following the Dover/Rollinsford boundary in a southeasterly direction to the confluence of the Cochecho/Piscataqua River; thence following the center line of the confluence in a northwesterly direction to a block line established by the 2010 census; thence turning southwesterly to the intersection of Henry Law Avenue and Tennyson Avenue; thence following the center line of Tennyson Avenue in a southwesterly direction to Court Street; thence following the center line of Court Street in a northwesterly direction to Central Avenue; thence following center line of Central Avenue Street in a southwesterly direction to Silver Street; thence following the center line of Silver Street westerly to Elm Street; thence following the center line of Elm Street in a Southerly direction to Fisher Street; thence following the center line of Fisher Street in a easterly direction to Locust Street; thence following the center line of Locust Street southerly to Central Avenue; thence following the center line of Central Avenue westerly to the Spaulding Turnpike; thence following the center line of Spaulding Turnpike in a northwesterly direction to the intersection with the Boston and Maine Railroad; thence northeasterly along the railroad to centerline of the Washington Street; thence following the center line of Washington Street in an easterly direction to the Community Trail; thence following the center line of Community Trail northerly to the centerline of the Cochecho River; thence following the center line of the Cochecho River in an easterly direction to Chestnut Street; thence following along the center line of Chestnut Street northerly to Washington Street; thence following the center line of Washington Street easterly to Central Avenue; thence following the center line of Central Avenue northerly to the Boston and Maine Railroad line; thence following the Boston and Maine railroad line northeasterly to the intersection of Broadway; thence following the center line of Broadway in a northeasterly direction to the point of beginning.

Ward Three begins at the intersection of Spaulding Turnpike and Central Avenue; thence following the center line of Central Avenue in a northeasterly direction to Locust Street; thence following the center line of Locust Street northerly to Fisher Street; thence following the center line of Fisher Street in an westerly direction to Elm Street; thence following the centerline of Elm Street northerly to the intersection with Silver Street; thence following the centerline of Silver Street easterly to the intersection of Central Avenue; thence following the centerline of Central Avenue in a northeasterly direction to Court Street; thence following the center line of Court Street southeasterly to Tennyson Avenue; thence following the center line of Tennyson Avenue in a northeasterly direction to Henry Law Avenue; thence following a block line established by the 2000 census in a northeasterly direction to the Cochecho River; thence following the Cochecho River southeasterly to its confluence with the Piscataqua River and the exterior block line established by the 2000 census located in the center of said Piscataqua River; thence following the exterior block line established by the 2000 census located in the center of the Little Bay channel where it intersects the Spaulding Turnpike at the Little Bay Bridge; thence following the exterior block line established by the 2000 census located in the center of Little Bay in a northwesterly direction to a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge; thence following the center line of the Bellamy River in a northwesterly direction to Spur Road Extension; thence following the center line of the Spur Road Extension southerly to the intersection Spur Road; thence following the center line of Spur Road northwesterly to the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a northwesterly direction to the point of beginning.

Ward Four begins at the intersection of the Bellamy River and Central Avenue; thence following the center line of Central Avenue northeasterly to the intersection with the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southeasterly direction to Spur Road; thence following the center line of Spur Road southwesterly to Spur Road Extension; thence following the center line of Spur Road Extension in a northwesterly direction to a block line established by the 2000 Census and following said block line in a southwesterly direction to the Bellamy River; thence following the center line of the Bellamy River in a southwesterly direction to a point of intersection at the common boundary corner between Dover and Madbury near the Scammel Bridge thence following the common boundary line between Dover and Madbury in a northwesterly direction to the centerline of the Bellamy River; thence following the center line of the Bellamy River easterly to the point of beginning.

Ward Five begins at the Rochester/Dover line at the Cochecho River; thence following the Cochecho River southeasterly to the abandoned Railroad Bridge over the Cochecho River; thence following the abandoned railroad line southerly to Washington Street; thence following the center line of Washington Street westerly to the intersection with the Boston and Maine Railroad; thence following the center line of intersection with the Boston and Maine Railroad southerly to the Spaulding Turnpike; thence following the Spaulding Turnpike in a southerly direction to Central Avenue; thence following the center line of Central Avenue southerly to the Bellamy River Bridge; then following along the center line of the Bellamy River in a westerly direction to the Madbury/Dover/Barrington boundary; thence following the Madbury/Dover/Barrington boundary in a northwesterly direction to the point of beginning.

Ward Six begins at the point where the Dover-Somersworth-Rochester boundaries intersect with a block line established by the 2010 Census; thence proceeds westerly along the block line to the intersection with Glenwood Avenue; thence following the center line of Glenwood Avenue westerly to the Spaulding Turnpike; thence following the center line of the Spaulding Turnpike in a southerly direction to the Cochecho River; thence following the Cochecho River in a northerly direction to the Dover/Rochester boundary line; thence following the boundary line in a northeasterly direction to the point of beginning.

ARTICLE II ELECTIONS

C2-1. Conduct of Elections. [Amended 11-05-2005 by Municipal Election]

- A. The election officers in each ward, whose duty it is to conduct regular biennial elections, shall conduct a nonpartisan municipal election, at the expense of the city, in the same manner as regular biennial state election, on the first Tuesday after the first Monday in November of each odd numbered year to choose Ward Councilors, Councilors at Large, Mayor and School Board Members. **[Amended 08-30-95, approved at 11-07-95 Municipal Election; Amended 08-09-2000, approved at 11-07-2000 Municipal Election; amended 07-10-2002, approved at 11-05-2002 General Election; Amended 10-03-2007, approved at 11-06-2007 Municipal Election.]**
- B. At all municipal elections, the polls shall be open as determined by the City Council in accordance with the provisions of the State RSA and specified in Chapter 100, Elections, of the Municipal Code.
- C. The polling place of the ward shall be fixed in accordance with the provisions of State RSA and specified in Chapter 100, Elections, of the Municipal Code.

C2-2. Ward Officers.

At each municipal election, the inhabitants of each ward shall choose three Selectpersons, a Clerk, a Moderator and a Supervisor of the Checklist, who, being duly sworn, shall perform and discharge respectfully the duties, in accordance with the provisions of State RSA and specified in Chapter 100, Elections, of the Municipal Code, of said officers for said wards and shall hold office until their successors are duly elected and qualified. In case of any vacancy in said offices, in any ward, the City Council shall fill such vacancy at its first regular meeting after such vacancy shall occur. Appointees shall be from the same ward in which the vacancy exists and shall hold office for the unexpired term. The term of office shall be for a two year term.* **[Amended 08-09-2000, approved at 11-07-2000 Municipal Election; Amended 08-23-2001, approved at 11-06-2001 Municipal Election; Amended 07-10-2002, approved at 11-05-2002 General Election; Amended 11-05-2005 by Municipal Election]**

C2-3. Reserved. [Repealed 11-02-2005 by Municipal Election]**

* **Editor's Note: See RSA 44:11, as amended by Ch. 435, Laws of 1977, for changes affecting this section of the Charter.**

** **Editor's Note: Formerly Supervisor of Checklist section.**

C2-4. Composition of Board of Supervisors of Elections.

The Supervisors of the Checklist shall constitute a Board of Supervisors of Elections of all the wards in the City. The Board shall choose a Chairperson from its own membership. [Amended 11-05-2005 by Municipal Election]

C2-5. Duties of Board.

The Board of Supervisors of Elections shall perform the duties as outlined in accordance with the provisions of State RSA and specified in Chapter 100, Elections, of the Municipal Code and Section C2-11. [Amended 11-05-2005 by Municipal Election]

C2-6. Sessions of Board.

The Board of Supervisors of Elections shall be in session in accordance with the provisions of State RSA and as specified in Chapter 100, Elections, of the Municipal Code and Section C2-11. [Amended 09-05-90, approved at 11-06-90 Election; Amended 11-05-2005 by Municipal Election]

C2-7. Qualifications of Voters.

Persons who would be qualified to vote in a biennial state election, if held on the day of such municipal election, shall be qualified voters therein. Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this Charter.

C2-8. Filing of Declaration of Candidacy. [Amended 09-25-85, approved at 11-05-85 Municipal Election; Amended 09-05-90, approved at 11-06-90 Election; Amended 08-09-95, approved at 11-07-95 Municipal Election]

All persons qualified to vote in municipal elections wishing to become candidates for any municipal office to be voted on at the next election shall file, in writing with the City Clerk, their declaration of candidacy, indicating the office for which they are filing. The filing of a declaration of candidacy shall be no earlier than sixty (60) days before the election and shall be not later than 4:00 p.m. of the forty-fifth (45th) day before the election.

C2-9. Preparation of Ballots.

The City Clerk shall prepare separate ballots to be used at all elections at which municipal officers are chosen. The ballot shall contain in appropriate sections the names of all candidates, listed in the order of their filing for office in accordance with C2-8 of this Charter, without party designation. Below the list of names of the candidates for each office there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional or otherwise, shall accompany the name of any candidate on the ballot.

C2-10. Absentee Ballots. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

Any legal voter of said city who is absent from said city on the day of the election of municipal officers or who, by reason of physical disability, is unable to vote in person may vote at said election by a so-called absentee ballot. The provisions of RSA 657, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in said city.

C2-11. Contested Elections/Recounts. [Amended 02-12-2003, approved at 11-04-2003 Municipal Election]

A. Within seven days after an election, the Board of Supervisors of Elections shall canvass the votes cast, and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected, and the Board shall forthwith certify the results of the election to the City Council.

B. Within seven days of Election Day, a candidate may request in writing that a recount be conducted. Within 14 days of Election Day the Board shall conduct a recount of the contested offices. The recount shall be conducted in accordance with the same rules and procedures utilized by the Secretary of State of New Hampshire. No person shall be entitled to a recount unless the difference between the vote cast for that person and the vote cast for the candidate declared elected shall be 5 percent or less of the total vote so cast of such office. The person requesting the recount shall be charged the following fees: where difference is 1 percent or less -- no fee; where difference is 3 percent or less -- \$20.00; where difference is 5 percent or less -- \$100.00. Said fee shall be paid to the City Clerk. Any person who has requested a recount, if declared elected by reason of said recount, shall be entitled to a full refund of the said fee. A tie vote shall be resolved by lot.

C. Challenges of Fraud and/or Misconduct: A candidate may petition the Board challenging an election based upon fraud and/or misconduct. The petition shall set forth the grounds and law relied on. A person shall have 10 days to request a hearing for fraud. The Board shall schedule a hearing no later than 30 days from the Election Day. Hearings shall be conducted in accordance with the Rules of the New Hampshire Ballot Law Commission, Adjudication Proceedings 206.01 through 206.14 and RSA 665:11 (eff. 01/01/2004). The candidate filing the petition shall have the burden of proof by a preponderance of the evidence. The Board may void an election if a finding is made that misconduct could have affected the outcome of the election.

C2-12. Preservation of Ballots.

All the ballots cast at each election in the several wards shall be preserved, and, after they shall have been counted, the Moderator shall deliver all the ballots given in to the Clerk of the ward, and the Clerk shall seal up said ballots, direct and deliver the same, together with the checklist used at such election, within one hour after the adjournment of such meeting to the City Clerk. Such ballots shall be preserved by the City Clerk for thirty days with the seals unbroken, except that they shall be subject during that time to the examination by the Board of Supervisors of Elections for the purposes of recount or contested election on the ground of fraud or misconduct.

C2-13. Display of Campaign Materials at Polling Place Restricted. [Amended 09-25-85, approved at 11-05-85 Municipal Election; amended 02-12-2003, approved at 11-04-2003 Municipal Election]

In addition to the provisions of RSA 659:43, persons as candidates for elective office or representing or working for a candidate for office may display or exhibit any campaign materials or paraphernalia next to any building where an election is being held, but may not under any circumstances distribute any campaign materials within the established ten foot wide corridor. The Moderator of each polling place used for the conduct of an election shall be responsible for maintaining the polling place free of campaign materials of any kind at all times. No person working in any capacity at or present within a polling place used for the conduct of an election shall wear or display in any manner any campaign material or paraphernalia on behalf of any candidate for office. No person shall affix to public property or display in any permanent form thereon any campaign material or paraphernalia on behalf of any candidate for office.

ARTICLE III CITY COUNCIL

C3-1. Membership; Term of Office. [Amended 08-30-95, approved at 11-07-95 Municipal Election; Amended 08-09-2000, approved at 11-07-2000 Municipal Election; Amended 07-10-2002, approved at 11-05-2002 General Election]

Except as otherwise provided in the Charter, all of the powers of the city shall be vested in a Council of nine Councilors, one Councilor from each ward, two Councilors at Large, and one Councilor to serve as Mayor, to be elected as provided in C2-1 and C3-3. All Councilors shall be elected for terms of two years and shall take office on the first Monday in January following the election and shall hold office until their successors are duly elected and qualified.

C3-2. Organization Meeting. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

The Councilors so chosen shall meet in their capacity as the City Council on the first Monday of January next following their election for the purpose of taking their respective oaths of office, adopting rules for the transaction of business required by law or ordinance to be transacted at such meeting. The City Clerk shall act as the Clerk of the Council. In the event that the first Monday of January is a holiday, the organization meeting shall take place on the Tuesday immediately following the first Monday of January.

The City Council shall establish by ordinance an orientation program for the newly elected City Council. The orientation program shall inform members on their role, appropriate ethics and the responsibilities of the City Council. The program shall provide an understanding of the budgetary process as well as the City Charter, city ordinances, and relevant state law. The program shall be conducted prior to the organizational meeting. [Added 11-05-2005 by Municipal Election]

C3-3. Selection of Mayor and Deputy Mayor. [Amended 09-25-85, approved at 11-05-85 Municipal election; Amended 08-30-95, approved at 11-07-95 Municipal Election; Amended 02-12-2003, approved at 11-04-2003 Municipal Election; Amended 11-05-2005 by Municipal Election]

The Mayor shall be elected by popular vote at each municipal election. The Mayor shall serve in the capacity of a Councilor at Large and shall have all of the powers and discharge of all the duties of the office of City Councilor. In addition, the Mayor shall be the official head of the city for all ceremonial purposes. Notwithstanding RSA 49-C:12-1, which only permits a directly elected mayor to vote for the purposes of breaking a tie, it is the voters intent to allow the Mayor to vote as authorized by Section II of that law. The Mayor shall preside at all meetings of the Council and may speak and vote in such meetings. All other duties of the Mayor prescribed by law shall be exercised by the Manager provided for in this Charter. The Council shall choose one of its members as Deputy Mayor, who shall act in the absence or disability of the Mayor.

C3-4. Qualifications of Council Members. [Amended 08-26-92, approved at 11-03-92 Election; Amended 08-09-95, approved at 11-07-95 Municipal Election; Amended 08-23-2001, approved at 11-06-2001 Municipal election; Amended per N.H. Supreme Court 12-2002; Amended 11-05-2005 by Municipal Election]

In order to be qualified to be a candidate for election as Councilor at Large, a person must be a duly qualified voter in the city and must have been a resident of the city for at least one year immediately preceding the election. In order to be a candidate for election as a Ward Councilor, in addition to the aforementioned qualifications, a person must be a resident of the ward from which he or she is seeking election. A Councilor shall not be eligible to hold any other municipal office except Mayor or Deputy Mayor.

C3-5. Vacancies. [Amended 09-05-90, approved at 11-06-90 Election; Amended 08-09-95, approved at 11-07-95 Municipal Election]

Vacancies occurring in the office of Councilor at any time shall be filled at a special election to be called by the City Council. Said election shall be held no later than 60 days following the creation of the vacancy (with a filing period to be established by the City Clerk) except, however, in cases where such vacancies shall occur less than one year prior to the expiration of the term of office. In such case, the vacancy shall be filled by the election of a qualified person, as set forth in C3-4 above, by a majority vote of the Council at the second regular meeting of the Council following the creation of the vacancy. Vacancies in the office of the Ward Councilor shall be filled from the same ward as the prior incumbent. The Council shall declare the existence of vacancies among its membership or any other elective municipal office under this section or C11-3 of this Charter, except as otherwise provided in this Charter.

C3-6. Salaries and Compensation.

Unless otherwise fixed by ordinance, Councilors shall receive as salary the sum of one thousand dollars (\$1000) per year; plus reimbursement for reasonable expenses incurred in the performance of their work as approved by affirmative vote of the Council. The Mayor shall receive an additional \$200 per year and the Deputy Mayor shall receive an additional \$50 per year. [Amended 11-05-2005 by Municipal Election]

Editor's Note: Consecutive term limitations language was removed due to a N.H. Supreme Court decision in Hooksett v. Baines (December, 2002).

C3-7. Meetings.

All meetings of the Council shall be public. Regular meetings shall be held on such day of each month at such time as the Council shall, from time to time, by ordinance or resolution direct. The Council shall establish its own rules and a majority shall constitute a quorum for the transaction of the business of the Council. Special meetings may be called at the written request of the City Manager at the discretion of the Mayor or at least five Councilors and upon such request from at least five Councilors the Mayor shall call such special meeting. Written notice of said meeting shall be delivered to each Councilor at least 24 hours prior to the call of the meeting. The method of delivery of notice for special meetings shall be by established Council rule. **[Amended 11-05-2005 by Municipal Election]**

C3-8. Ordinances.

- A. **Form.** Every proposed ordinance 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 City of Dover 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.
- B. **Procedure.** An ordinance may be introduced by any member at any regular special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the Manager, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate. As soon as practicable after adoption of any ordinance, the Clerk shall have it published, together with a notice of its adoption.
- C. **Effective date.** Every ordinance shall take effect upon passage and publication as required by law or at a later date if specified therein.
- D. **Recording.** All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the City Clerk, and each ordinance so recorded shall be approved to form by the City Attorney, authenticated by affixing the signatures of the Mayor, City Clerk, City Attorney and City Seal and kept on file in the office of the City Clerk. The City Clerk, under the direction of the City Manager, shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the city. Copies of any or all ordinances shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. **[Amended 09-05-90, approved at 11-06-90 Election]**

C3-9. 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 any public utility for its services or authorize the borrowing of money except as provided in Subsection A. 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 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 Subsection A, 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.

A. Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations as part of an emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals thereof occurring in any fiscal year shall be paid not later than the last day of the fiscal year next succeeding the year in which the emergency appropriation was made.

B. Recording. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the City Clerk, and each ordinance so recorded shall be approved to form by the City Attorney, authenticated by affixing the signatures of the Mayor, City Clerk, City Attorney and City Seal and kept on file in the office of the City Clerk. The City Clerk, under the direction of the City Manager, shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the city. Copies of any or all ordinances shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. **[Amended 09-05-90, approved at 11-06-90 Election]**

* Editor's Note: For provisions concerning appropriations, see Art. VI.

C3-10. Codification of Ordinances.

The City Council, not later than 45 days after the adoption of this Charter and at least every tenth year thereafter, shall have prepared a revision or codification of the ordinances of the city which are appropriate for continuation as local laws of the city. The City Council, not later than six months after the adoption of this Charter and at least every tenth year thereafter, shall have prepared a printed and hardbound volume containing all of the existing official ordinances of the City of over. Each bound volume shall be duly authenticated by affixing the signatures of all members of the City Council, the City Clerk and the City Seal. Such revision or codification shall be prepared under the supervision of the City Attorney, but the City Council may authorize the City Attorney to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes. Copies of the ordinances shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. Bids for the printing and binding of the ordinances shall be in accordance with the provisions of C6-16 of the Charter.

C3-11. Powers and Duties.

The City Council shall be the governing body of the City of Dover, shall set policies for city government and shall bear full responsibility for the implementation of said policies through the hiring and supervision of the City Manager. **[Added 11-05-2005 by Municipal Election]**

Except as herein otherwise provided, the City Council shall have all the powers and discharge all the duties conferred or imposed upon city councils, boards of mayor and aldermen and selectmen of towns by law. Except as otherwise provided in this Charter, all boards, commissions and committees shall be appointed by the Council.

**ARTICLE IV
SCHOOLS**

C4-1. District Established.

The City of Dover shall constitute a single municipal corporation with powers for municipal and school purposes, including all the powers of a school district conferred by law.

C4-2. School Board. [Amended 09-05-90, approved at 11-06-90 Election; Amended 08-09-2000, approved at 11-07-2000 Municipal Election; Amended 07-10-2002, approved at 11-05-2002 General Election; Amended 10-03-2007, approved at 11-06-2007 Municipal Election]

There shall be a School Board consisting of seven members, elected at large. The term of office shall begin upon the member's election and qualification and end upon the election and qualification of the member's successor.

C4-3. Meetings; Regulations; Officers. [Amended 10-03-2007, approved at 11-06-2007 Municipal Election]

- A. The members of the School Board shall meet on the first Monday of January following their election for the purpose of newly elected members taking their oaths, organizing for the ensuing year and adopting rules and regulations for the transaction of business.
- B. A copy of such rules and regulations and any amendments thereto shall be filed in the office of the City Clerk and the office of the School Superintendent.
- C. The School Board shall elect by ballot from their own number a Chair, a Vice Chair, and a Secretary. The Treasurer of the City of Dover shall be the Treasurer of the School Board, and all checks authorized by the School Board shall be issued by the Treasurer upon warrant certified by the School Board and countersigned by such member of the School Board as may be officially designated.

· Editor's Note: All previous references to the "School Committee" shall now be referred to as the "School Board".

C4-4. Qualifications of Members. [Amended 08-26-92, approved at 11-03-92 Election; Amended 08-09-95, approved at 11-07-95 Municipal Election; Amended 08-23-2001, approved at 11-06-2001 Municipal Election; Amended per N.H. Supreme Court 12-2002; Amended 10-03-2007, approved at 11-06-2007 Municipal Election]

In order to be qualified to be a candidate for election as School Board Member, a person must be a duly qualified voter in the city and a resident of the city.

C4-5. Vacancies.** [Amended 09-05-90, approved at 11-06-90 Election; Amended 08-09-95, approved at 11-07-95 Municipal Election; Amended 10-03-2007, approved at 11-08-2007 Municipal Election]

If a vacancy occurs on the School Board, the vacancy shall be filled by the School Board pursuant to RSA 671:33.

C4-6. Compensation.

School Board members shall receive a salary in the same amounts as city councilors, plus reasonable expenses incurred in the performance of their work. The School Board Chair shall receive an additional sum in the same amount as the additional sum paid the Mayor. [Amended 11-05-2005 by Municipal Election]

* **Editor's Note: Consecutive term limitations language was removed due to a N.H. Supreme Court decision in Hooksett v. Baines (December, 2002).**

** **Editor's Note: For additional provisions concerning vacancies in office, see C11-3.**

**ARTICLE V
ADMINISTRATION OF GOVERNMENT**

C5-1. City Manager. [Amended 09-05-90, approved at 11-06-90 Election; Amended 11-05-2005 by Municipal Election]

The chief administrative officer of the city shall be the City Manager. The Council shall appoint a person especially qualified by experience and training, who received the votes of at least six members of the Council, to be the City Manager. The Council shall fix the Manager's salary and such other conditions of employment not inconsistent with this Charter. The City Manager shall serve for an indefinite term of office.

C5-2. Qualifications.

The Manager shall be chosen solely on the basis of their executive and administrative qualifications, and they need not be a resident of the city or the state at the time of their appointment, but if they are not a resident, they shall become a bona fide resident of the city within 90 days of their appointment.

C5-3. Removal from Office. [Amended 09-25-85, approved at 11-05-85 Municipal Election; Amended 11-05-2005 by Municipal Election]

The Manager may be removed by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed removal of the Manager, the Council shall adopt a resolution stating its intention to remove him/her and the reasons therefore, a copy of which shall be served forthwith on the Manager, who may, within ten (10) days, demand a public hearing, in which event, the Manager shall not be removed until such public hearing has been held. Upon or after passage of such a resolution, the Council may suspend the Manager from duty, but his/her pay shall continue until removal. In case of such suspension, the Council may appoint an Acting Manager to serve at the pleasure of the Council.

C5-4. Acting City Manager. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

If the City Manager is determined by a vote of at least six (6) members of the full Council to be temporarily incapacitated or unable to act for any cause or the Council determines that the office has become vacant, an Acting City Manager shall be appointed by a majority vote of the Council and shall serve until such time as the Council shall appoint a new City Manager. The Acting Manager shall have all the powers and perform all the duties of the City Manager except to the extent that said powers and duties have been specifically restricted by Council resolution. Said Acting Manager shall be paid such salary for his/her services hereunder as may be prescribed by the City Council.

C5-5. Powers and Duties of Manager.

The Manager shall supervise and be responsible for the administrative affairs of the city and shall carry out the policies enacted by the Council. He/she shall be charged with the preservation of the public peace and health and safety of persons and property and shall see to the enforcement of the ordinances of the city, this Charter and the laws of the state. He/she shall keep the Council informed of the condition and needs of the city and shall make such reports and recommendations as he/she may deem advisable or may be requested by the Council and 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 by general law, except for the appointment of all Boards and Commissions, which will be exercised by the City Council, unless otherwise provided by General Law. 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. [Amended 11-05-2005 by Municipal Election]

C5-6. Appointment of Department Heads; Suspension; Appeal.

The Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all department heads and officers in the classified service. The Manager, for just cause, may suspend or dismiss said officers or other department heads or take other appropriate disciplinary action. Said suspension, dismissal or other disciplinary action shall be effected only upon the Manager's presentation to the said officer or department head of a written specification of the reasons therefor at least thirty (30) days before said action is taken. The said department head or officer involved may, within ten (10) days, demand a public hearing, in which event the department head or officer shall not be removed until such public hearing has been held. The Manager may, however, suspend said officer or department head from duty during said period, but his pay shall continue. The City Manager shall conduct said public hearing. Nothing herein shall be construed to prohibit an aggrieved individual from seeking recourse to the courts.

C5-7. Appointive Officers. [Amended 09-05-90, approved at 11-06-90 Election]

There shall be appointed by the Manager, such officers as are necessary to administer all departments which the Council shall establish and who shall be qualified by experience and training for appointment to said offices. The powers and duties of these officers and head of departments so appointed shall be those prescribed by state law, by this Charter or by ordinance.

C5-8. Role of Council. [Amended 09-05-90 at 11-06-90 Election]

Neither the Council nor any of its members shall direct or request the appointment of any person to office or employment or his removal, suspension or discipline by the Manager or any of the administrative officers. Neither the Council nor any member thereof shall give orders to nor interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately. Nothing contained in this section shall prohibit the Council from meeting with the City Manager to discuss the operation or conduct of any administrative department or officer and to recommend any investigation of any complaint by the City Manager. Any violation of the provisions of this section by a Councilor shall be a violation, conviction of which shall constitute immediate forfeiture of his/her office.

C5-9. Departments.

The administrative service of the city shall, by ordinance, be divided into such departments, divisions, bureaus or other agencies as are necessary for the proper and efficient management of the affairs of the city. Said ordinance shall define the function and duties of each city department or agency and shall be known as the "Administrative Code". The City Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments, divisions, bureaus or agencies and define or alter their functions and duties. The head of each department or agency established by the Administrative Code shall have and exercise supervision and control of his/her department or agency and the employees therein and shall have the power to prescribe rules and regulations not inconsistent with general law, this Charter, the Administrative Code and the rules and regulations of the Merit Plan. A copy of all departmental rules and regulations promulgated under this section shall be on file in the office of the City Clerk. Unless otherwise provided in this Charter, each officer, department head, board or other agency shall appoint, dismiss, suspend or demote their deputies, clerks, assistants and subordinates serving under their supervision or control, subject to appeal to the Personnel Board as herein provided.

C5-10. Legal Officer. [Repealed 09-05-90, approved at 11-06-90 Election]

**ARTICLE VI
FINANCE****C6-1. Fiscal Year. [Amended 09-25-85, approved at 11-05-85 Municipal Election]**

The fiscal and budget year of the city shall begin on the first day of July and end on the 30th day of June unless another date shall be fixed by ordinance.

C6-2. Finance Director.

The Manager shall appoint a Finance Director who shall maintain accounting control over the finances of the city, make financial reports and perform such other related duties as may be required by the Administrative Code. He/she shall audit and approve all authorized claims against the city before paying the same.

C6-3. Budget Procedure.

At such time as may be requested by the Manager or specified by the Administrative Code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his/her control to the Manager, who shall submit them with his/her recommended budget to the Council on or before February fifteenth of the fiscal year, which shall be the budget submitted to the public hearing, unless another date shall be fixed by ordinance. The City Council may examine and amend the recommended budget on a line for line basis. [Amended 11-05-2005 by Municipal Election]

C6-3.1 Limitation on Property Tax Levy Increase. [Amended 09-05-2007, approved at 11-06-2007 Municipal Election; Amended 06-22-2011, approved at 11-08-2011 Municipal Election]

The City Council shall adopt the annual municipal budget for city and school purposes to limit the property tax levy on taxpayers to the property tax levy from the previous tax year increased by the amount of inflation calculated from the Consumer Price Index-Boston and the net increase in new construction. Enterprise funds, dedicated funds, capital reserve funds, grants, county tax, state property tax, and revenues from sources other than local taxes shall be excluded from the limitation on the property tax levy. Appropriations in the annual municipal budget shall not exceed the property tax levy increased by other revenues generated by the municipality.

- A. The "amount of inflation" means the average of the thirty-six (36) month changes for the calendar years immediately preceding the budget year as stated in the Consumer Price Index-Boston published by the United States Department of Labor.
- B. "Net increase in new construction" means the total value of building permits minus the total value of demolition permits for the previous calendar year based on information provided from city departments.
- C. The "property tax levy" means the amount sought to be collected from property taxes.
- D. The budget limit provisions on the total property tax levy may be overridden by a two-thirds (2/3) majority vote of all elected members of the City Council.
- E. If any provision of this section is invalidated in proceedings before a court of law, the remaining provisions consistent with the general law and constitution shall remain in full force and effect.

C6-4. Budget Hearing.

A public hearing on the budget shall be held at least seven days before its final adoption by the Council at such time and place, convenient to the public, as the Council shall direct and notice of such public hearing, together with a copy of the budget as submitted, shall be posted in two public places and published once at least one week in advance by the City Clerk; provided, however, that there shall be a separate hearing held on the portion of the budget submitted by the School Board and a separate hearing on the portion of the budget submitted by the Manager, and there shall be at least a twenty-four hour period between the hour at which one hearing is begun and the hour at which the other hearing is begun.

C6-5. Final Date for Budget Adoption.

The budget shall be adopted not later than April fifteenth of the fiscal year and not earlier than seven days after the public hearing on the budget unless another date shall be fixed by ordinance.

C6-6. Appropriations After Adoption of Budget.

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds 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. This provision shall not apply, however, to emergency appropriations adopted pursuant to C3-9 of this Charter.

C6-7. Quarterly Budget Reports; Reductions.

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, together with outstanding indebtedness and estimated future expenses; and if it shall appear that the income is less than anticipated, the Manager, with Council approval, may reduce the appropriation for any item or items in the non-school portion of the budget, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. At any time, the Manager may provide for monthly or quarterly allotments of appropriations to non-school departments, funds or agencies under such rules as he/she shall prescribe.

C6-8. Transfers.

After the budget has been adopted, no money shall be drawn from the treasury 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. The head of any non-school department, with the approval of the Manager, may transfer any unspent balance or any portion thereof from one fund or agency within his/her department to another fund or agency within his/her department. The head of the school department may transfer any unspent balance or any portion thereof from one fund within his/her department to another fund within his/her department. The Manager, with the approval of the Council, may transfer any unspent balance or any portion thereof from one non-school department to another non-school department.

C6-9. Capital Improvements Program. [Amended 09-05-90, approved at 11-06-90 Election]

- A. The Manager shall prepare and submit to the Council a six-year capital improvements program at least three months prior to the final date for submission of the budget. The capital improvements program shall be based upon the recommendations of the Planning Board and 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 fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - 3) Cost estimates, method of financing and recommended time schedule for each such improvement; and
 - 4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- B. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

C6-10. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure or dedicated funds, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

C6-11. Depository.

The Council shall designate the depository or depositories for city funds and shall provide for the daily deposit of all city moneys. The Council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

C6-12. 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 Council. Such audit shall be made by certified public accountants experienced in municipal accounting or by the State of New Hampshire Department of Revenue Administration or its representatives. An abstract of the result of such audit shall be made public. At least once every five years, the Council shall request that such audit be made by the State of New Hampshire Department of Revenue Administration or by auditors selected by said Department if authorized by law to make such audit. An annual report of the city's business for the preceding year shall be made available not later than June 30th.

C6-13. Bonding of Officials.

Any city officer elected or appointed by authority of this Charter may be required by the Manager to give a bond to be approved by the City Attorney for the faithful performance of the duties of his/her office, but the Manager and all officers receiving or disbursing city funds shall be so bonded. The Manager shall be responsible to see that such bonds are of sufficient amount. 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.

C6-14. Borrowing Procedure.

Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the Administrative Code, the Council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of 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, and final action shall be deferred until at least three days after said hearing.

C6-15. Debt Limit.

The City of Dover may at any time have and incur debt for all purposes, subject in all respects, to the limits set forth in the Municipal Finance Act, RSA 33 subsequent amendments thereto.

C6-16. Purchase Procedure. [Amended 09-25-85, approved at 11-05-85 Municipal Election; Amended 09-05-90, approved at 11-06-90 Election]

The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchase to the purchasing agent, and the combination purchasing of similar articles by different departments.

C6-17. Special Assessments.

The Council shall have the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid and shall designate the districts or land and premises upon which a special assessment shall be levied. If expenditures are to exceed \$1,000, a public hearing shall be held with action by the Council to be taken not earlier than seven days after said hearing. If expenditures exceed \$1,000, competitive public bids shall be required for such project. If the City of Dover is desirous of furnishing the materials and/or providing the labor for such project, the city, subject to the same terms, conditions and provisions as are applicable to other bidders, may submit bids on same. The Council shall prescribe, by general ordinance, complete special assessment procedures concerning plans and specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments and any other matters concerning the making of improvements by the special-assessment method.

C6-18. Trust Funds. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

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 Board of Trustees in investments, from time to time, legal for mutual savings banks in the state.

**ARTICLE VII
PERSONNEL POLICIES**

C7-1. Appointments.

Appointments and promotions to all positions in the service of the city 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 Merit Plan.

C7-2. Merit Plan.

There shall be a set of rules and regulations providing for the establishment of a merit system of personnel administration known as the "Merit Plan". The Merit Plan shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and proper working conditions. The Merit Plan and the classification plan adopted pursuant thereto shall continue in force, subject to amendments submitted from time to time by the Manager. The Manager shall submit any proposed amendments to the Council as an item on a regular Council meeting agenda. The Council shall within sixty days after having received the proposed amendments take action to approve or disapprove them at a regular Council meeting. **[Amended 11-05-2005 by Municipal Election]**

C7-3. Compensation.

The compensation of all officers and employees not fixed by this Charter shall be fixed in the Merit 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. In adopting the city budget, the Council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

C7-4. Certification of Payroll. [Amended 09-25-90, approved at 11-06-90 Election]

Except as hereinafter provided, no compensation shall be paid without certification by the Manager that the recipients are employed by the City, that their rates of compensation comply with pay schedules provided for in C7-3, and that they worked the hours for which they are to receive compensation. Said certification may also be made by the head of the department within which each employee is employed. If such officer approves payments not in conformity therewith, they and their surety shall be liable for the amount of such payments.

C7-5. Employee Insurance.

The City shall provide such insurance as authorized by RSA 412:3, in sufficient amounts as determined by the City Manager, to protect its officials and employees from liability arising from any action brought against them while in the performance of their official duties.

C7-6. Personnel Advisory Board.

There is hereby established a Personnel Advisory Board of three (3) citizens holding no other political office, who shall be appointed as follows: One (1) member by the Manager, one (1) by the council and the third by these two (2) appointees. The terms of all members shall be for three (3) years. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the Council concerning the personnel policies of the city and to advise the Manager regarding administration of the Merit Plan and to hear appeals from any employee aggrieved as to the status or condition of his employment or retirement. The Board shall promptly issue written reports containing findings of facts and recommendations to the Manager upon such appeals, but the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee without just cause. The term "employee" as used in this section shall not include department heads and officers of the city. Nothing herein shall be construed as prohibiting an appeal by an aggrieved employee to the court.

C7-7. Public Safety Employees. [Added at 11-08-83 Municipal Election, effective 11-16-83; Amended at 11-06-84 Election]

All public safety employees shall be appointed and promoted consistent with the provisions of C7-1 and shall at all times be employees of the city. "Public safety employees" shall be construed to mean those employees that provide police and fire protection.

ARTICLE VIII WATERWORKS

C8-1. Construction.

The City of Dover shall construct, manage and own suitable waterworks for the purpose of preservation of an adequate supply of water for extinguishing fires, for that use of its citizens and for such other purposes as may be required in said city; and for that purpose the City of Dover may take, purchase and hold real estate or easements therein and rights of water for said works, in the City of Dover or elsewhere. The City of Dover may erect, construct and maintain such dams, reservoirs and buildings as may be necessary for such waterworks and dig ditches, break up ground and place and maintain pipes for conducting water wherever it may be necessary, including the highways and streets, and relay and change said pipes from time to time, due regard being paid to the safety of the citizens and the security of public travel.

C8-2. Contracts for Water; Establishment of Charges.

The City of Dover is authorized to contract with individuals and corporations for supplying said corporations and individuals with water and to make such contracts, establish such tolls and charge such rate for use of water as shall be deemed reasonable and, for the more convenient management of said work, may place the same, either before or after they are constructed, under the direction of a superintendent or a board of water commissioners, or both, and the duties of such officer or officers shall be defined by vote of the City Council.

C8-3. Authorization of Taxation and Borrowing.

The City of Dover is authorized to levy taxes and defray the expenses of said waterworks and to borrow money and to issue the notes, bonds or other obligations of the city therefor, payable at such time or times and on such interest as the City Council shall determine, and such bonds or notes or other obligations shall be legal and binding upon said city.

C8-4. Assistance to Other Municipality.

The City of Dover may furnish to the Town of Rollinsford such assistance for the protection against and the extinguishment of fires by the extension of its hydrant system and through the services of its Fire Department and fire-fighting apparatus, as may be agreed upon by said city and town.

**ARTICLE IX
(Reserved)**

C9-1. (Reserved)

**ARTICLE X
CONDUCT OF OFFICIALS**

C10-1. Eligibility for Elective Office. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

Except as provided by state law, no employee of this city shall hold an elective or appointive office in this city government while they are in the employ of this city or any of its agencies.

C10-2. Conflicts of Interest. [Amended 09-05-90, approved at 11-06-90 Election; Amended 02-12-2003, approved at 11-04-2003 Municipal Election]

No elective or appointive officer or employee of this city shall take part in a decision concerning the business of this city in which he/she or a member of their family directly has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer. Any elective or appointive officer or employee of the city who has such financial interest in any such decision shall make full, public disclosure of such interest prior to the city's deliberating on such decision.

C10-3. Disqualification from Decision-Making Process.

No elective or appointive officer or employee of this city shall take part in a decision concerning the business of this city in which they or a member of their family, directly or indirectly, has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer.

C10-4. Private Use of City Property and Personnel.

No elective or appointive officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

C10-5. Acceptance of Gifts and Gratuities.

No elective or appointive officer or employee of the city shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his/her official duties.

· Editor's Note: Former Article IX, Hospital, was repealed 09-25-85, approved at 11-05-85 Municipal Election.

C10-6. Disposition of Fees.

No elective or appointive officer or employee of the city shall collect any fees, salaries or other payments in connection with his/her official duties with the exception of court fees, for his/her own use, but all such fees, salaries or other payments shall be paid into the city treasury.

C10-7. Misuse of Information.

No elective or appointive officer or employee of the city shall utilize or dispense information gained through said office or employment for the personal profit of themselves or others, as opposed to the public good of the community.

C10-8. Applicability. [Amended 09-05-90, approved at 11-06-90 Election]

This Article shall apply to all officers and employees of the city, including officers and employees of the school system.

C10-9. Civil Penalty.

Any elective or appointive officer or employee of the city found to have violated any of the provisions of this section shall be personally liable to the city to the extent that the city suffers loss thereby.

C10-10. Future Employment. [Amended 08-26-92, approved at 11-03-92 Election]

No elective or appointive officer or employee of the City shall solicit, negotiate for or promise to accept employment with any person, firm or corporation with which he or his department, body or agency is engaged on behalf of the City in the transaction of business which is or may be affected by his official action. No elective officer may become employed by the City within one (1) year after their term of office ends.

Editor's Note: For further penalties, see C11-13.

**ARTICLE XI
GENERAL PROVISIONS**

C11-1. Oath of Office.

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

C11-2. Notice of Election or Appointment.

Written notice of the election or appointment to any city office or board shall be mailed to the individual involved at their last known address, by the City Clerk, within forty-eight (48) hours after the appointment is made or the results of any vote are certified by the Board of Supervisors of Elections to the City Council. Said notice shall state that within ten (10) days, the individual involved shall file with the City Clerk an acceptance of his/her election or appointment and failure to do so shall be deemed a refusal to serve, and the position shall thereupon be vacant.

C11-3. 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 they are unable to perform their duties, are judicially declared to be mentally incompetent or, in those instances where residence in the city or in one of its several wards is initially required, he/she moves from the city or ward and establishes his/her residence in some other place. Unless otherwise provided in this Charter, vacancies occurring under this section shall be declared to exist by the Manager in the case of department heads and by the department head in the case of departmental personnel.

C11-4. Ethics Commission.

The City Council shall establish by ordinance a five member Ethics Commission. The Commission will investigate complaints filed against members of the City Council, School Board, and members of standing city boards and commissions. If the Commission believes a complaint warrants further action or censure it will forward its recommendation to the City Council for adjudication or the school board for complaints made against school board members. At least one member of the Commission shall be a former Councilor or School Board member. **[Added 11-05-2005 by Municipal Election]**

C11-5. Removal from Office.

In addition to the provisions of C11-3 City Councilors and members of standing city commissions and boards may be removed from office by a vote of the City Council upon such a recommendation having been forwarded to the Council by the Ethics Commission. [Added 11-05-2005 by Municipal Election]

C11-6. Public Records and Meetings.

All records of the city 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 RSA-91A and amendments thereto.

C11-7. Agreements with Other Municipalities.

The City Council is authorized, as provided by RSA C.53-A, to enter into agreements and regional compacts with neighboring cities and towns for the purpose of resolving their common problems for the mutual advantage and benefit of the city and its neighboring cities and towns.

C11-8. 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.

C11-9. Severability.

The sections of this Charter and the parts thereof are separable. If any portion of this Charter or the application thereof to any person or circumstance shall be held invalid, the remainder thereof shall not be affected thereby.

C11-10. Authentication of Charter; Copies to be Kept on File. [Amended 09-05-90; approved at 11-06-90 Election]

Upon adoption, the Official Charter, duly authenticated by affixing the signatures of all members of the City Council, the City Clerk and the City Seal, shall be filed with the City Clerk and remain in the Clerk's office as the Official Charter of the City of Dover. All amendments to this Charter shall be authenticated in a like manner and filed with and remain a part of the Official Charter. The City Clerk shall be responsible for the proper maintenance of the Charter, under the direction of the City Manager, with advice of legal counsel. Copies of the Charter shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. Bids for the printing and binding of the Charter shall be in accordance with the provisions of C6-16 of the Charter.

C11-11. Charter Amendments. [Amended 09-25-85, approved at 11-05-85 Municipal Election]

Any amendments or revisions of this Charter shall be accomplished in accordance with the provisions of RSA 49-B and any subsequent amendments thereto.

- A. **Periodic Review.** Not less than once every ten (10) years, commencing in the year 2011, the City Council shall vote at its first regular meeting of the year 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 Dover?" 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. [Added 11-05-2005 by Municipal Election]

C11-12. (Reserved)

C11-13. Violations and Penalties. [Amended 09-05-90, approved at 11-06-90 by Election]

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be violations, and all such violations and all violations of city ordinances for which no other punishment is provided shall be punishable by a fine of up to one thousand dollars (\$1,000) in the discretion of the court.

C11-14. When Effective.

This Charter and any amendments thereto shall take effect immediately upon the filing by the Board of Supervisors of Elections with the City Council of its certificate of the results of the election, indicating voter approval thereof, unless otherwise provided in the amendment(s). The provisions regarding the city budget shall not take effect, however, until January 1, next following said time. All elective or appointive officers and employees of the city at said time shall continue in the service of the city for the remainder of their terms, except as otherwise provided in this Charter.

Editor's Note: Former C11-10, Amendments to change form of government, was repealed 09-25-85, approved at 11-05-85 Municipal Election.