



**LEBANON CITY COUNCIL
NOVEMBER 16, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code 372 165 450#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The November 16, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the November 16, 2022 agenda packet.

7. Appointments

- A. Library Board of Trustees, Jeffrey Damren (Alternate Member)

8. Public Hearing Items

- A. CITY CHARTER AMENDMENT – A public hearing for the purpose of receiving public input and taking action to amend City Charter relative to changing gender-based pronouns to gender-neutral pronouns
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business

- A. Action to adopt amendments to Council Rules, §A191-15, as presented on November 2, 2022.

10. New Business

- A. Presentation of First Reading & Set Public Hearing for December 14, 2022: Amendments to Ordinance #18, Salary Plan, to include implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to the existing salary plan.
- B. Presentation of Urban3 Phase 2 cost-of-services analysis for Lebanon.
- C. Discussion & Set Public Hearing for December 7, 2022: Ordinance #2022-05 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in Ambulance Fees.
- D. Discussion & Set Public Hearing for December 7, 2022: Ordinance #2022-06 to amend City Code Chapter 72, Fire Prevention, by updating the current fee schedule.
- E. Discussion & Set Public Hearing for December 7, 2022: Ordinance #2022-07 to amend City Code Chapter 97, Landfill, by updating the current fee schedule.
- F. Discussion & Set Public Hearing for December 7, 2022: Proposed City Charter Amendment relative to making the term “City Manager” capitalized throughout the charter.
- G. Discussion & Set Public Hearing for December 7, 2022: Ordinance #2022-08 – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2022-08 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees to authorize an 8% increase to the Water Service Rate and a 7.2% increase to the Sewer Service Rate.

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City’s virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Board of Cemetery Trustees
Position: Regular Member
Applicant: T. Palazzo
Re-Assigned Councilor: K. Zook
Re-Assigned Date: 09/28/2022

Board/Committee: Diversity, Equity & Inclusion Commission
Position: Regular Member
Applicant: K. Montas
Assigned Councilor: E. Heistad

**Lebanon City Council Agenda
November 16, 2022**

Assigned Date: 10/24/2022

Board/Committee: Conservation Commission
Position: Regular Member
Applicant: B. James
Assigned Councilor: K. Hill
Assigned Date: 08/09/2022

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.

NOVEMBER 28, 2022 – BUDGET WORK SESSION

A. Revenues, Interfund Transfers, Debt Service

NOVEMBER 29, 2022 – BUDGET WORK SESSION

A. General Q & A from all previous sessions

DECEMBER 7, 2022

PUBLIC HEARING ITEMS:

A. **ORDINANCE #2022-05** – A public hearing for the purpose of receiving public input and taking action to amend to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in Ambulance Fees

B. **ORDINANCE #2022-06** – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 72, Fire Prevention, by updating the current fee schedule

C. **ORDINANCE #2022-07** - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill, by updating the current fee schedule

OLD BUSINESS:

A. Presentation of Second Reading: Amendments to Ordinance #18, Salary Plan, to include implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to the existing salary plan.

NEW BUSINESS:

A. Discussion & Set Public Hearing for January 4, 2023: Amend provisions of Chapter 152 relative to political signs on public highways

B. Public Input on Proposed 2023 Municipal Budget

DECEMBER 14, 2022 – BUDGET HEARING

PUBLIC HEARING ITEMS:

A. **ADOPTION OF 2023 CITY BUDGET** – Public Hearing for the purpose of receiving public input and taking action to adopt the 2023 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2023 capital improvements; authorizing the City Manager to apply for NH Drinking Water and/or Clean Water State Revolving Fund Loan(s), ARPA Funds, and any other available funds and designating the City Manager as authorized representative of the City; rescinding prior authorizations for the issuance of bonds or notes; rescinding prior authorizations to expend funds from the Municipal Airport Capital Project Fund; and authorizing the disbursement of Fire Department Impact Fees.

B. **AMEND ORDINANCE NO. 18, SALARY PLAN** – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, to include implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to the existing salary plan.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- November 1, 2022 (Budget Work Session)
- November 2, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the November 16, 2022 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
MINUTES, BUDGET REVIEW**

Tuesday, November 1, 2022, 5:30 PM

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook (Remote)

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, City Clerk Kristin Kenniston, City Manager Executive Assistant Beth Beraldi, Director of Planning & Development Nathan Reichert, Senior Planner Tim Corwin, LPD Chief of Police Phillip Roberts, LPD Deputy Police Chief Matthew Isham, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Airport Director Carl Gross, HR Director Gloria Leskiewicz, Lebanon Libraries Director Sean Fleming, DPW Administrative Services Manager Kelly Crate, Chief Innovation Officer Melanie McDonough, Cyber Services Director Perry Eaton

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 5:30 p.m.

- City Manager Shaun Mulholland announced the meeting criteria for the public, noting this is a City Council Work Session, the Council will not be taking any action on the budget items listed below, and public comments will not be taken. There will be time for public comments on December 14, 2022 @ 6 PM, which is the Public Hearing on the 2023 Budget. All the Budget Workshops are listed on the City's Website.
- Councilor Zook noted her reason for attending this meeting remotely was due to a family health situation.

2. PRESENTATION BY CITY MANAGER & FINANCE DIRECTOR

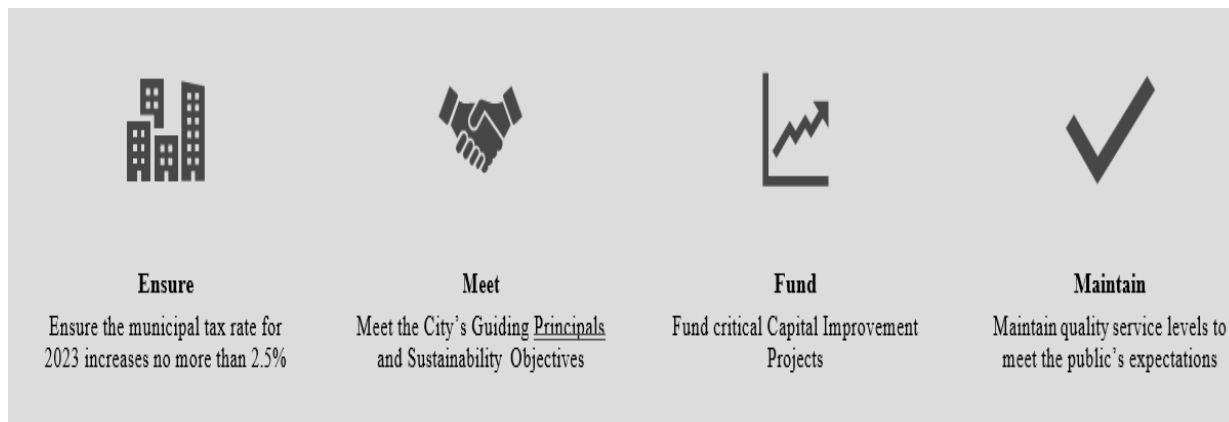
A. Overview of Proposed 2023 Annual Budget- Presented by City Manager Shaun Mulholland and Finance Director Vicki Lee

City Manager Mulholland explained that the budget is a public policy document about resource allocation. We use several other documents to lead us in the directions to develop those policies, which are listed below.

Public Policy and Resource Allocation:



Budget Objectives:



City Manager Mulholland explained and reviewed the budget objective as listed above. To ensure the municipal tax rates do not increase more than 2.5%, we have embarked on a long-term budget and debt management strategy that predates his arrival in the City. This was part of the CSO era. We are beyond those projects, but we are not beyond paying for them. We have a backlog of Capital Projects because of the CSO work. The goal is to make sure we do not have spikes in the tax rate and that they have a level increase as we move forward. At present, the City is using its cash reserves to hedge the tax rate to pay for the debt service that has already occurred. We need to sustain our operating costs and also deal with the debt management.

2022 Initiatives:

The object is to continue the following:

Continue	Continue paperless and transparency initiatives; electronic payment process for landfill
Develop	Continue development of the various West Lebanon improvement projects/plans.
Create	Create wastewater capital needs assessment similar to the water assessment plan.
Continue	Continue implementation of the Fixed Asset Management System.
Enhance	Enhance energy efficiency and reduce energy usage: Streetlight Project, Solar Projects, LFGTE Project, Building upgrades, etc...

City Manager Mulholland extended kudos to LEAC (Lebanon Energy Advisory Committee) for the work they did to enhance the City's energy efficiency.

Enhance

Emergency Management capability and response

This has been a priority because of climate change, and we see this across the entire planet due to the natural disasters that are occurring and are increasing in severity and frequency. We are not going to be immune from these events and need to get ourselves in a position where we can respond to these to get the city back on its feet when these things happen.

Review

Options for Public Safety software (2023 purchase)

We were looking at a 2023 purchase for the Police Department's Record Management System (which is outdated), but this has been delayed. A lot of police departments have already switched to a particular program, which has not worked out well state-wide, so we are in a holding pattern. This will be an expensive switchover to give us the data we need.

2023 Initiatives:

Transparency,
engagement and
paperless initiatives

Continue
development of
various West
Lebanon
improvements

Enhance Emergency
Management
Capability and
Response

Continue Energy
and Sustainability
Projects

Continue
development of the
Strategic Plan

Opportunities:

Federal funding for infrastructure,
energy and sustainability projects

City's economy is strong

Destination location for many
reasons

Top rated school system

Rapidly Rising Threats:

City Manager Mulholland also spoke about other factors that influence the tax rate as listed below:

- Rapidly rising salary rates-highest in the state
- Interest rate increase = direct impact on interest rates for new debt incurred
- Shortage of workers and products (supply chain)
- Rapidly rising consumer costs-fuel, electricity, food, and most other items
- Lack of Childcare-capacity and cost
- Housing costs continue to rise, limited inventory
- Climate change-public safety and infrastructure impacts

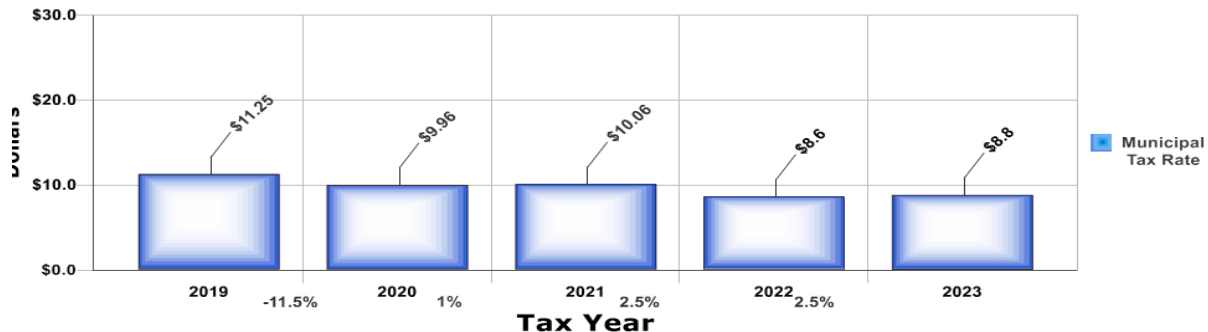
Tax Rate Factors

- Expenditures
 - Revenues (Other than Property Taxes)
 - Fund Balance Used to Reduce Tax Rate
 - Assessed Valuation
 - Overlay (Offsets Tax Abatements)
 - War Service Tax Credits
- = TAX RATE

Consumer Price Index and Tax Rate Changes

City Manager Mulholland reviewed/explained the Consumer Price Index and Tax Rate Changes for our region from 2017-2022 and how it would impact the City, noting finance strategies the City could take to manage cash flow. *(Page 11, City Council agenda packet)*

Change in Municipal Tax Rate



Unassigned Fund Balance Policy



MAINTAIN A RANGE
BETWEEN 19% TO 24% OF
CURRENT GENERAL FUND
EXPENDITURE BUDGET



STANDARD DEVELOPED BY
THE GOVERNMENTAL
ACCOUNTING STANDARDS
BOARD (GASB)



ALLOWS FOR ADEQUATE
CASH FLOW BETWEEN TAX
BILLINGS



SERVES AS A CASH RESERVE
FOR EMERGENCIES

In Summary:



The 2023 Total budget is **37.8%** higher than the 2022 Budget.



The 2023 operating budget w/o Cap Improvements increased by **7.1%**.



The 2023 General Fund Budget is up by **4%**.



2.5% projected increase in the 2023 tax rate.



8% increase in Water rates and **7.2%** increase in Sewer rates.

Budget Overview All Funds

2022 Budget

- 2.5% increase in Tax Rate
- 8% increase in Water Rates
- 7.2% increase in Sewer Rates
- Total Budget **\$70,758,950**
- Without capital \$54,393,610

2023 Budget

- 2.5% increase in Tax Rate
- 8% increase in Water Rates
- 7.2% increase in Sewer Rates
- Total Budget **\$97,527,640**
- Without capital \$58,272,100
(**7.1%**)

City Manager Mulholland noted this is where property taxes come into play:

General Fund Budget Change

\$36,891,120

2022

2023

\$38,372,240
4% Increase

2023 General Fund Budgetary Impacts

- The 2023 General Fund Budget represents a cost increase of **4%** equal to **\$1,481,120**.
- The total impact of cost increase drivers as listed on subsequent slides is equal to **\$1,394,593**.

SPENDING VARIANCE = \$86,527

Cost Increase Drivers:

Cost Increase Drivers

Wages
**\$705,430 (3%
GWI & 3%
Merit/Step)**

Health Insurance
cost increase
7.9% \$221,000

Retirement Rate
Increases
\$85,920

Winter Road
Maint. - **\$85,700**

Gasoline
\$37,950

Diesel
\$42,670

Bottled Gas
\$23,470

Heating Oil
\$11,450

Electricity
\$181,160

For Winter Road Maintenance, City Manager Mulholland noted that for the first time we have a contract to plow the back parking lots and the Police Station parking lot. Our crews have been unable to keep up with the snowstorms due to staff shortages (COVID and turnover in personnel). We have had some serious injuries where people have tripped, slipped or have fallen. For the costs of maintaining these parking lots appropriately, this makes sense to him to avoid injuries.

Chart of Health Insurance increases from 2006 – 2023 *(Page 20, City Council agenda packet)*

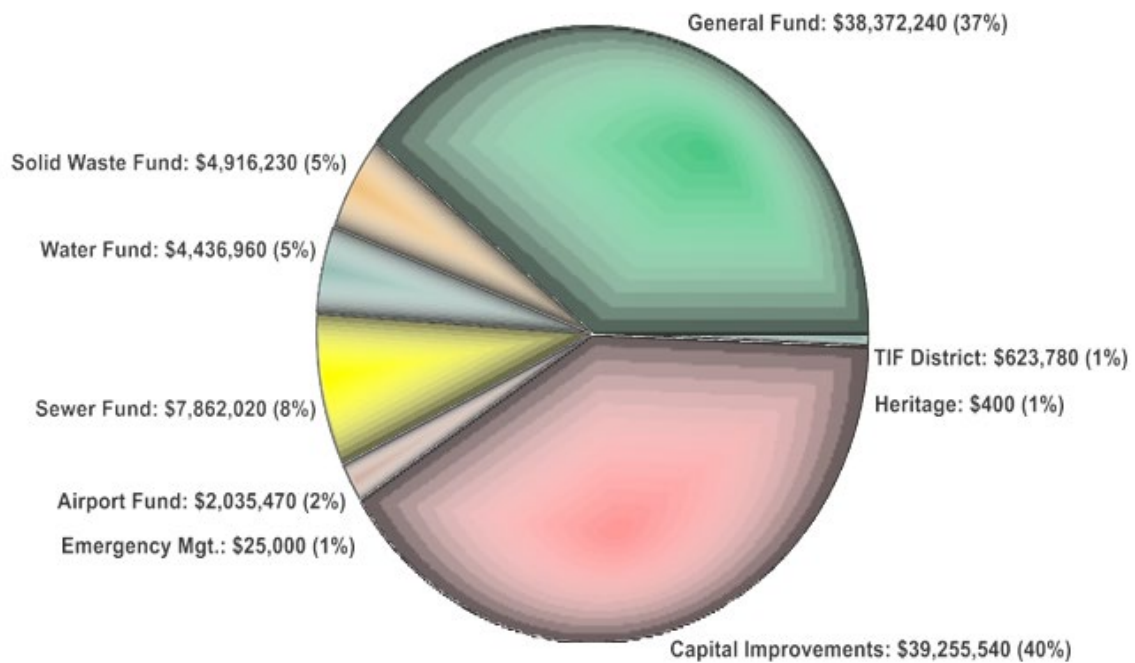
Wage Increases

3% General Wage Increase (COLA)

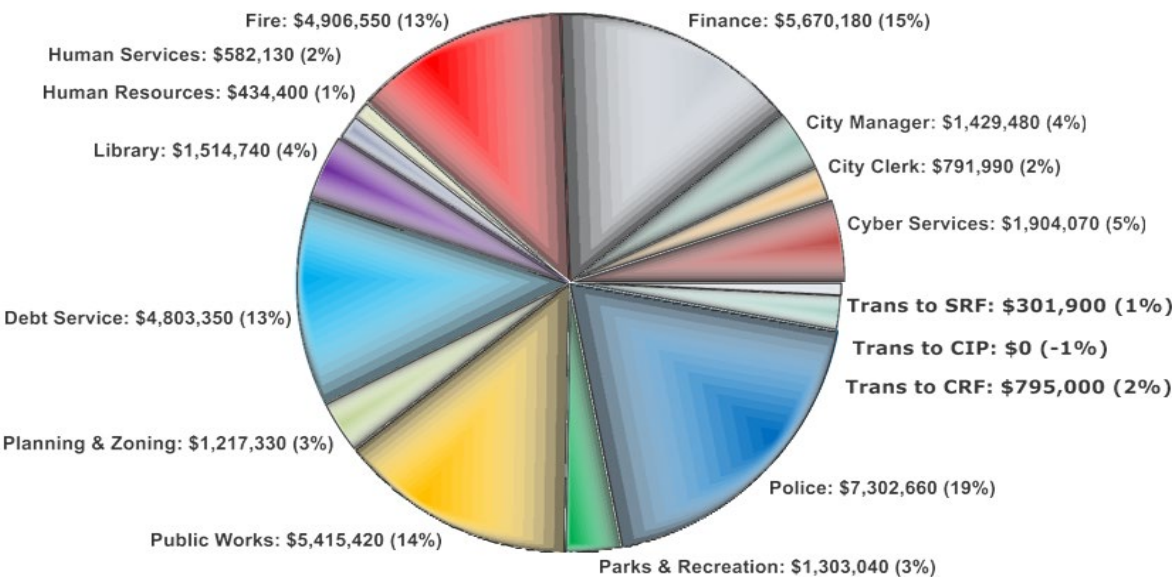
3% Merit or Step Increase

Consumer Price Index for New England is 7.9%

2023 Budget By Fund



2023 Expenditures by Department General Fund



General Fund Revenue Projections:

General Fund Revenue Projections

Taxes- 3% increase in revenues projected.

Licenses & Permits- 11.3% increase in revenues projected.

Intergovernmental Revenues- .24% increase.

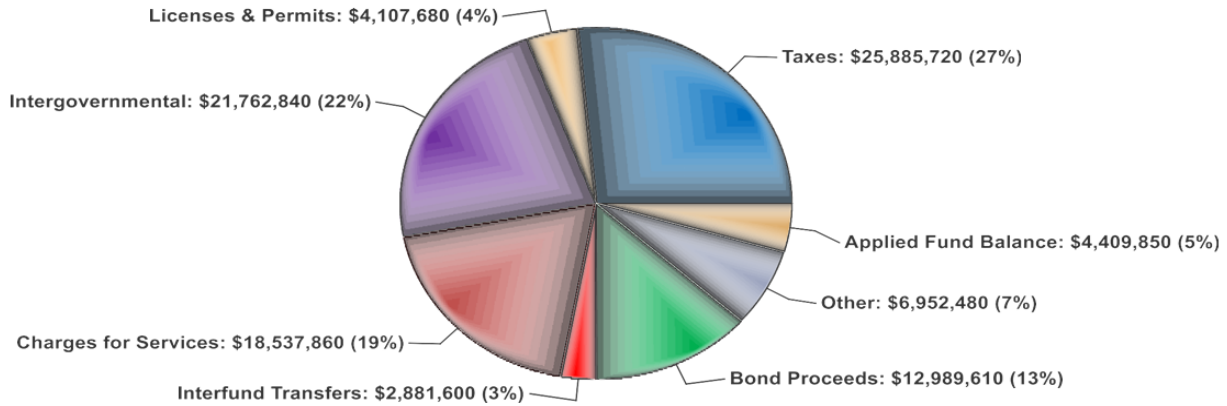
Charges for Services- 35.7% increase

Interfund Transfers – 4.6% increase

Bond Proceeds- 36.8% increase*

** Bond proceeds are treated as revenue in that they provide funds for the payment of projects. Bonds are actually loans that must be paid back with interest over the period of the loan.*

2023 Projected Revenues



3. REVIEW OF 2023 CITY BUDGET - QUESTION & ANSWER SESSION WITH CITY DEPARTMENTS

A. City Manager (Includes City Manager & City Council Operations; Legal; and Advance Transit) General Fund Line-Item Budget items for City Manager can be found on [pages 2-29, agenda packet](#).

Deputy City Manager David Brooks noted there are some information graphics tools that are scattered throughout this document. They will help both the Councilors and the residents to visually see at a glance, what each department does, and the value they bring to the community. They will help provide some additional context to the individual line items.

Total Requested Appropriation for 2023: \$1,429,480 (> of 11.9% over 2022)

Mr. Brooks reviewed and explained the five (5) sections of the City Manager's budget line items, which included Public Communications, City Manager, City Manager Other (purchased services), Legal Services, and Advance Transit. He noted that 90% +/- of the City Manager's Section of the budget is for wages/benefits.



Council Discussions:

In response to Councilor Whittlesey's question regarding subscription costs, Melanie McDonough stated these subscriptions were just a repeat of what we already have minus some software that we are looking at.

B. Finance / Assessing Departments Finance Budget line items can be found on [pages 30-33, agenda packet](#). Ms. Vicki Lee, Finance Department, presented and reviewed the Finance/Assessing Departments budget line items.

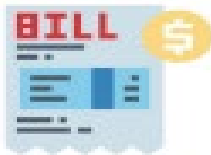
Total Requested Financing Appropriation for 2023: \$5,325,130 (> of 7.27% over 2022)

The Finance office provides finance assistance to all City departments ensuring all financial transactions are conducted legally and ethically.



Finance Department

The Finance budget consists of accounting and reporting, treasury, debt and risk management, utility billing and collection, payroll, accounts payable budget preparation and administration; management of capital projects, bond proceeds, grant management, and assessing



Water/Sewer quarterly billing and collections (coverage 3,000 each quarter), Transfer Station billing and collection (coverage 300 each month)



Weekly payroll processing, including 941's, W2's (330), year end balancing

City's Financial Audit

Lebanon has always received an unqualified opinion. When an unqualified audit report is issued it represents the auditors believe that all changes, accounting policies, and their application and effects, have accurately been disclosed.



Accounts payable, account reconciliations and analysis, prepares financial data, fixed assets

City's Annual Budget



The Finance office is responsible for preparation of the City's Annual Budget-



Assessing- 2021 Tax Rate
City \$10.06
County \$1.70
Local Ed \$13.20
State Ed \$2.02
Total \$26.98

- Assessing Department (Assessing Budget line items can be found on [page 34, agenda packet](#).)

Total Assessing Department Requested Appropriation for 2023: \$31,950 (< of 8.47% over 2022)

C. Planning & Development Department (Planning & Development Budget information and line items can be found on [pages 35-38, agenda packet](#).) Presented by Nathan Reichert, Director of Planning & Development presented and reviewed the budget line items.

Total Requested Appropriation for 2023: \$ 584,830 (< 24.01% change over 2022)

PLANNING & DEVELOPMENT DEPARTMENT AT A GLANCE:

DEVELOPMENT REVIEW

- 80: average number of applications reviewed annually by the Planning Board, Zoning Board, Conservation Commission, and Heritage Commission
- 295,000 sq. ft.: non-residential development reviewed and approved in 2020 & 2021
- 693: dwelling units reviewed and approved in 2020 & 2021
- \$129,000: application fee revenue generated in 2020 & 2021

BUILDING PERMITS, INSPECTIONS and CODE ENFORCEMENT

- 1,037 – building permits issued in 2020 & 2021
- \$2,169,000 – building permit fee revenue generated in 2020 & 2021
- 4,460 – number of building permit inspections conducted
- \$282,300,000 – value of approved building development in 2020 & 2021
- Enforcement of Building Code, Zoning Ordinance, approved site plans, and Health Code
 - Respond to complaints including inspections, coordination with other City departments and state agencies, and assist with legal actions

GIS & OPEN SPACE MANAGEMENT

- Manage and operate City's Geographic Information Support System providing support for City Departments and projects and public access via the GIS internet viewer
- Manage the Lebanon Open Space Program, including oversight of 2,000 acres of conservation land and 21 miles of trails

MASTER PLANNING, PROJECT DEVELOPMENT, & PROGRAMMING

- Master Plan updates and implementation
- Downtown West Lebanon and downtown Lebanon visioning implementation
- Annual Capital Improvement Program (CIP) Planning
- Multi-modal transportation planning including NH DOT 10 Year Plan programming and Lebanon Walk Bike Ride
- Grant applications and administration including NH DHS Certified Local Government (CLG) and NH DOT Transportation Alternative Program (TAP)

BOARDS & COMMITTEES

- Planning Board
- Zoning Board of Adjustment
- Conservation Commission
- Pedestrian Bicycle Advisory Committee
- Heritage Commission
- Class VI Roads Advisory Committee
- Minor Site Plan Committee
- Coordination with and assistance to:
 - Lebanon Energy Advisory Committee
 - Upper Valley Lake Sunapee Regional Planning Commission
 - UVLSRPC Transportation Advisory Committee
 - Upper Valley Sub-Committee of Connecticut River Joint Commission
 - Upper Valley Transportation Management Association

Mr. Reichert noted that one of the questions the Planning & Development Department will be focusing on this year will be housing. We all know there is a significant housing issue in the Upper Valley. The housing market needs to be analyzed and we have some studies and grants underway. We also have tasks with updating the housing area within the Upper Valley in the Master Plan. We are thinking about innovative ways to entice more housing into the marketplace, and various types of housing as well, not just apartments/single-family detached residential housing. The Year of Housing is going to be their theme.

Council Discussions:

Mayor McNamara noted that with the interest rates going up for mortgages, hopefully this will bring the cost of building down and help to encourage more builders to build more efficient, smaller houses.

Councilor Liot Hill stated that housing is needed, but it also causes a lot of tension. She was curious about how the plans for this year in housing will incorporate public engagement.

Mr. Tim Corwin, Senior Planner, noted that one of the proposed amendments to the Zoning Ordinance is to allow what is referred to as a Cottage Housing Development. This will require not only approval by the Council, but an approval by the voters in March. This will require some education as it is a relatively new topic and could be controversial. An initial public information session is scheduled for Tuesday, November 15, 2022 at 6:00 PM, at the Lebanon Library. We are anticipating scheduling future events as well. We will get into the details of zoning during this (and future) sessions.

D. Recreation, Arts & Parks (Budget information and line items can be found on [pages 39-43, agenda packet.](#)) Mr. Paul Coats presented and reviewed the Budget line items.

Total Requested Appropriation for 2023: \$1,128,140 (> of 18.59% over 2022)



○ **Outside Recreation Services included in total request are:**

- Total for Recreation, Arts & Parks Department: **\$499,370**
- Department RAP Programs: **\$117,520**
- Day Camp: **\$117,960**: We always try to make camp affordable by maintaining the scholarship program, and working with the LISTEN Center to allow people who cannot afford the rates we to be able to still attend camp.
- Pool: **\$156,860**: We are primarily seeing an increase due to the cost of electricity. This is the one place within our facilities assets that uses a tremendous amount of electricity. We are looking to be in Phase II of the Solar Program to bring solar to the pool and hope this offsets the cost of electricity to some degree
- Farmers Market: **\$20,050**
- RAP Public Parks: **\$326,550**
- Patriotic Purposes: **\$12,000**: Fireworks have gone up significantly and were up by 25% this year. We canceled the show in August and are taking a deep dive into fireworks for 2023.
- Arts & Culture: **\$8,000**
- Lebanon Outing Club: **\$40,000 (< of 11% from 2022)**: **This might be a clerical error on Mr. Coats part.** He will check to see if this should be increased to \$45K.
- Greater Lebanon Youth Hockey: **\$2,730 (same as 2022)**
- Lebanon Youth Baseball: **\$1,500 (same as 2022)**

Council Discussions:

Councilor Liot Hill questioned if the salaries are at a rate to hire more people for the pool. Mr. Coats

1 stated we made sure our rates are going to be very competitive, noting colleagues around the State closed
2 their pools and some had to have waterfronts not guarded. There were a lot of tough decisions made
3 around the State and country, but Lebanon does not face this situation.
4

5 **E. City of Lebanon 2023 Proposed Operating Budget Link:**

6 [2023 Proposed City Budget | Lebanon, NH \(lebanonnh.gov\)](https://lebanonnh.gov/2023-proposed-city-budget)
7

8 **Meeting Adjourned at 6:56 P.M.**
9

10 Respectfully submitted,

11 Dona E. Gibson

12 Recording Secretary

DRAFT

LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, November 2, 2022, 6:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, Douglas Whittlesey, Devin Wilkie, and Karen Zook (Remote)

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, City Clerk Kristin Kenniston, Director of Planning & Development Nathan Reichert, Senior Planner Tim Corwin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Retired LFD Chief/Emergency Management Director Chris Christopoulos, LFD Chief/Emergency Management Director Jim Wheatley, Solid Waste Manager Marc Morgan, DPW Administrator Services Manager Kelly Crate, Chief Innovation Officer Melanie McDonough, Recreation, Arts & Parks Director Paul Coats

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE: Councilor Simon led the Council in the Pledge.

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Councilor Zook noted her reason for attending this meeting remotely was due to family health situation.

3. BOARDS AND COMMITTEE REPORTS (3rd Quarter 2022)

Tree Advisory Board: Chair Andrew Garthwaite updated the Council on the following:

- Inventory of trees.
- Plant/Maintain/Education of trees.
- Heat Island Study: There are remote sensors around town and will bring report back to the Council in March/April 2023 to present their preliminary findings.
- Care of Urban Ash Trees.

Conservation Commission: Chair Sarah Riley updated the Council on the following:

- A \$7K grant was approved for the design/build of the bridge over Great Brook. There is a 20% match by the City.

Pedestrian & Bicyclist Advisory Board: Chair Colin Smith updated the Council on the following:

- Disrupted meetings due to staff/members having COVID.
- Focusing on the latter stages of the Pedestrian & Bicyclist Transit Rider Plan.
- Brainstorming Infrastructure Projects for pedestrian, bicyclists and transit riders.
- Collaborating with the Friends of Northern Rail Trail and Friends of Lebanon Recreation on a project to help seniors take rides on the Mascoma Greenway and the Rail Trail.

- Looking at meeting with former LPD Chief Mello on plans to connect pedestrian/bicyclists to Dartmouth Health and Hanover.

Economic Development Commission: Chair William Dunn updated the Council on the following:

- Will be combining their November/December meetings into one meeting and hope to invite the Lebanon Downtown TIF Advisory Committee to be part of their discussion.
- In looking at the proposed zoning changes, the Commission felt it would be a benefit in adopting them.
- Next meeting will be on November 30th.

Arts/Culture Commission: Councilor Wilkie updated the Council on the following:

- Sidewalk Poetry Contest: Four (4) winners were selected. The plan is to have the poems stamped in sidewalks in early 2023.
- Developing a long-term Master Plan for the art that will go in the tunnel to the Rail Trail and various other possibilities for more art in the community.
- In the pipeline, they are looking forward to being involved with an Oral History Project.

Heritage Commission: Councilor Wilkie updated the Council on the following:

- Dana House: Continued use and restoration.
- The City has received an HDHR Grant to update the National Historic Register and provide signage and interpretation for the Colburn Park Historic District.
- Began an audit of existing landmark designations (85+/- properties in Lebanon).
 - Created an Emeritus Status for buildings that no longer exist.
- Involved with an Oral History Project regarding an oral history of precolonial Lebanon. Received a grant to host some workshops.

Class VI Roads: Councilor Heistad updated the Council on the following:

- Have been working on a very challenging road. Met with landowners, walked the roads and will be coming up with recommendations for a right of way that will be presented to the Council.

Diversity, Equity and Inclusion Commission: City Manager Mulholland noted this will discussed later in the meeting.

Planning Board: No Update

Lebanon Energy & Advisory Committee (LEAC): Assistant Mayor Below updated the Council on the following:

- Keeping abreast of development on the EV (Electric Vehicle) front.
- GM will be placing a certain number of level II chargers into communities and have identified sites here in Downtown Lebanon. They will cover the cost of installation and some of the initial operations.
- A letter was prepared from the EV Subcommittee that could go out to developers to alert them about, particular multi-family housing, the opportunity to get EV Charging infrastructure in the ground.
- Working with City Staff on the third phase of solar installations within the City, and a variety of other things (i.e., Community Power Coalition of New Hampshire, selection of major vendors to

1 help support the launch of Community Power Aggregations, and are in the process of refining
2 contracts).

- 3 • Local Energy Solutions Conference was very successful state-wide.

4
5 **Airport TIF Advisory Board: No Report.** Have not met this quarter.

6
7 **Downtown TIF Advisory Board: No Report.**

8
9 **4. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

10
11 **5. OPEN TO PUBLIC: No one came forth.**

12
13 **6. RECOGNITIONS:**

- 14 - **Marc Morgan, Years of Service to the City Resolution, Solid Waste Director**

15
16 **WHEREAS,** Marc Morgan has devoted himself to a career in public service, having faithfully served
17 the City of Lebanon in the Solid Waste Division for 12 years; and,

18
19 **WHEREAS,** Marc has demonstrated his dedication to providing top notch customer service and
20 community relations, continually giving of himself freely and unselfishly; and,

21
22 **WHEREAS,** during his time with the City, Marc faced and overcame many challenging issues and
23 situations. He consistently provided communication to the public, neighboring communities, elected
24 officials, in-house staff, and helped guide the City through each situation in the best way possible;
25 and,

26
27 **WHEREAS,** Marc regularly made improvements to systems and procedures at the Landfill. He built
28 in resources to help educate residents on waste management, recycling, composting, and renewable
29 energy. His ability as a problem solver allowed him to provide support for City staff and the public
30 with many great outcomes; and,

31
32 **WHEREAS,** due to his dedication, tactful mannerism, and friendly personality, Marc has earned the
33 respect, confidence, and friendship of his fellow coworkers, business associates, and all of the landfill
34 “regulars” he has come in contact with; and,

35
36 **WHEREAS,** Marc, having served thousands of patrons during his career with the City, and being a
37 strong advocate for best practices in waste management for years, has become a leading voice in the
38 State and will be missed by everyone who has had the pleasure of working with him.

39
40 **NOW, THEREFORE, BE IT RESOLVED,** that we, the members of the Lebanon City Council,
41 on behalf of the citizenry of Lebanon, Marc’s friends, fellow employees, and associates, express our
42 admiration of and respect for the career of our outstanding and faithful employee, and extend to him
43 our sincere gratitude and wish him well in his next adventure,

44
45 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon
46 City Council meeting and a copy be presented to Marc Morgan.

47
48 Dated this 2nd day of November, 2022.

49 _____
50 TIMOTHY J. MCNAMARA, MAYOR
City of Lebanon

1 The following agenda item(s) were taken out of order from what is listed on the agenda and are
2 presented in the order they were discussed.

3
4 **7. ACCEPTANCE OF MINUTES:** October 19, 2022 (Regular & Budget Work Session Meeting)
5 Amendments: Page 29, agenda packet, Line 28: Change “Portable” to “Potable”
6

7 *Councilor Whittlesey MOVED to approve the October 19, 2022 minutes as amended as presented in*
8 *the October 19, 2022 City Council agenda packet.*
9 *Seconded by Councilor Wilkie.*
10

11 **Roll Call Vote:**

12 All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon,
13 Zook and Mayor McNamara

14 None Voted Nay

15 Absent from vote: Councilors Sykes

16 **The Vote on the Motion was approved by members present (8-0)*
17

18 **8. APPOINTMENTS:**

- 19 - Diversity, Equity & Inclusion Commission, Richard Ford Burley (Reappointment as
20 Regular Member)

21 *Councilor Wilkie put forth the NOMINATION of Richard Ford Burley for reappointment as a regular*
22 *member of the he Diversity, Equity & Inclusion Commission, for a two-year term.*

23 *Term: (10/22-10/24)*
24

25 **Roll Call Vote:**

26 All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon,
27 Zook and Mayor McNamara

28 None Voted Nay

29 Absent from vote: Councilors Sykes

30 **The Vote on the NOMINATION was approved by members present (8-0)*
31

- 32 - Downtown Lebanon TIF Advisory Board, Barry Schuster (Reappointment as property
33 owner/occupant)

34 *Councilor Whittlesey put forth the NOMINATION of Barry Schuster for reappointment (property*
35 *owner/occupant) to the Downtown Lebanon TIF Advisory Board for a three-year term.*

36 *Term: (10/22-10/25)*
37

38 **Roll Call Vote:**

39 All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon,
40 Zook and Mayor McNamara

41 None Voted Nay

42 Absent from vote: Councilors Sykes

43 **The Vote on the NOMINATION was approved by members present (8-0)*
44

- 45 - Board of Cemetery Trustees, David Muzzy (Reappointment as Ward 2 Representative)

46 *Mayor McNamara put forth the NOMINATION of David Muzzy for reappointment as a*
47 *Ward 2 Representative for another two-year term to the Board of Cemetery Trustees.*

48 *Term: (10/22-10/24)*
49

50 **Roll Call Vote:**

1 All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon,
2 Zook and Mayor McNamara

3 None Voted Nay

4 Absent from vote: Councilors Sykes

5 **The Vote on the NOMINTION was approved by members present (8-0)*

6
7 **6. RECOGNITIONS: (continued)**

8 - **Chris Christopoulos, Retirement Fire Chief/Emergency Management Director**

9
10 **WHEREAS**, Chris Christopoulos has devoted himself to a lifelong career in public service, having
11 served the residents of the City of Lebanon and the region for more than 20 years; and,

12 **WHEREAS**, Chris began his service with the City in 2002 as a Deputy Fire Chief of operations and
13 training and upon recognition of his skills and leadership traits was promoted to Fire Chief and
14 Emergency Management Director in 2007; and,

15 **WHEREAS**, Chris served as Interim Airport Manager from December 2018 to February 2020; and,

16
17 **WHEREAS**, during his time with the City, Chris faced and overcame many challenging issues and
18 situations. He consistently took charge and provided leadership to the department and community
19 with clear and effective communication to city administration and elected officials; and,

20 **WHEREAS**, during his time as Fire Chief, Chris regularly made improvements to emergency
21 planning and response throughout the city and region. Chris was the Regional Coordinator for
22 response to the H1N1 Pandemic. Chris Successfully managed resources and personnel to provide a
23 regional response to the H1N1 Pandemic in 2009-2010. Chris served as lead planner in the
24 development of the City of Lebanon Emergency Operations Plan, the Lebanon Airport Emergency
25 Operations Plan, and as Chair of the Hanover-Lebanon Emergency Planning Committee and the
26 development of the Hanover-Lebanon Hazardous Materials Emergency Operations Plan; and,

27 **WHEREAS**, Chris was an exemplary city employee with decades of experience, institutional
28 knowledge, a knack for creative thinking, a willingness to be open to new ideas and to try new
29 approaches. He routinely sought to implement more streamlined, efficient methods for the daily
30 operations of the city; and,

31 **WHEREAS**, Chris's leadership through actively listening, making intelligent and logical decisions,
32 and instilling confidence in employees to ask questions and use their skills and knowledge to work
33 together and solve issues, made him someone who always had the utmost respect from his peers,
34 coworkers, and the public.

35 **NOW, THEREFORE, BE IT RESOLVED**, that we, the members of the Lebanon City Council,
36 on behalf of the citizenry of Lebanon, Chris's friends, and his fellow employees, express our
37 admiration of and respect for the career of our outstanding and faithful employee, and extend to him
38 our sincere gratitude and wish him well in his retirement.

39 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon
40 City Council meeting and a copy be presented to Chris Christopoulos Jr.

41
42 Dated this 2nd day of November, 2022.

TIMOTHY J. MCNAMARA, MAYOR
City of Lebanon

New Hampshire State Senator Suzanne Prentiss came forth to honor outgoing LFD Chief/Emergency Manager Director Chris Christopoulos. As many of know, the Lebanon Fire Department is family. It is her true honor to come back and present recognitions like this to her hometown. She presented the following Resolution:

New Hampshire State Resolution

BE IT KNOWN that the New Hampshire Senate extends its congratulations to Chris Christopoulos in recognition of twenty (20) years of service to the City of Lebanon as Fire Chief and Emergency Management Director. As Chief, during the N1H1 and COVID 19 Pandemics, his leadership was critical to the public health and safety of our residents, and of surrounding communities.

FURTHERMORE, the New Hampshire Senate wishes Chief Christopoulos a happy and healthy retirement.

Suzanne Prentiss
New Hampshire Senator for District 5

- Promotion of Fire Captain James Wheatley to Fire Chief/Emergency Management Director

City Clerk Kristin Kenniston swore in Mr. James Wheatley to be the City of Lebanon, NH's Fire Chief and then swore him in as the City's Emergency Management Director.

9. PUBLIC HEARING ITEMS: NONE

10. OLD BUSINESS: NONE

11. NEW BUSINESS

A. Review and Action on Properties Qualified for Tax Deeding

Included in the agenda packet:

1. 10/24/2022 Memo from Kristin Kenniston, City Clerk/Tax Collector, RE: Tax Deeding ([Pages 49-60, City Council agenda packet](#))

Kristin Kenniston, City Clerk/Tax Collector, briefly reviewed the process for waiving of property Tax Deeding.

BACKGROUND

Tax bills are mailed on or around June 1 and November 1 each year. Interest accrues at a rate of 8% per annum on bills outstanding for more than 30 days. Within 18 months of the date assessed (April 1), the Tax Collector places a lien on properties for all uncollected property taxes. The lien on these properties has priority over other liens and accrues interest at 12% per annum.

According to State law, if property is not redeemed (including taxes, penalties and interest) within the 2-year redemption period, the Tax Collector is required to tax deed the property as a normal matter of course unless notified by the City's governing body (City Council) not to take a deed.

When the City Council instructs the Tax Collector that it shall not accept a tax deed the tax lien remains in effect indefinitely. The taxpayer's right of redemption (to pay what is outstanding including taxes, penalties and interest) is likewise extended indefinitely with interest at the rate of 12% per annum continuing to accrue. At any time, if in the judgment of the City Council, the reasons for refusing the tax deed no longer apply, and the tax lien has not been satisfied, the City Council may instruct the Tax Collector to commence the statutory deeding process.

WAIVER OF TAX DEEDING:

There are three properties recommended to waive tax deeding on totaling \$48,985.85. These three properties have active payment plans in place.

AUTHORIZATION FOR TAX DEEDING:

There are no properties recommended for tax deeding.

ACTION:

Assistant Mayor Below MOVED the following Resolution:

RESOLUTION

FOR THE PURPOSE, of complying with NH RSA 80:76.

NOW THEREFORE BE IT RESOLVED that the Lebanon City Council, in accordance with NH RSA 80:76, has reviewed the following compilation prepared by the Tax Collector of tax liens outstanding for tax years 2019-2022.

NOW THEREFORE BE IT FURTHER RESOLVED that the Lebanon City Council, hereby serves notice upon the Tax Collector to waive taking deeds immediately on the following properties because of an existing payment plan between the owner and the City of Lebanon:

Billed Owner/Location	Map/Lot	Type	Total Due
Maville, Sandra 19 Mason Street	91/59	Residence	Total: \$13,478.19 (2019: \$4,637.70)
Morley, David & Nancy 37 Lily Lane	8/2/905	Residence	Total: \$32,242.95 (2019: \$9,081.01)
Jalbert, Patricia 63 Bomhower St Ext	90-42-6300	Residence	Total: \$3,264.71 (2019: \$402.34)

Seconded by Councilor Wilkie.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, Zook and Mayor McNamara

None Voted Nay

Absent from vote: Councilors Sykes

****The Vote on the Motion was approved by members present (8-0)***

B. Presentation and Discussion Regarding the 2022 Property Revaluation

Included in agenda packet: *(Pages 61-83, City Council agenda packet)*

1. Lebanon, New Hampshire 2022, Revaluation Process Presentation, prepared by Vision Government Solutions
2. 2022 Revaluation of Property Presentation

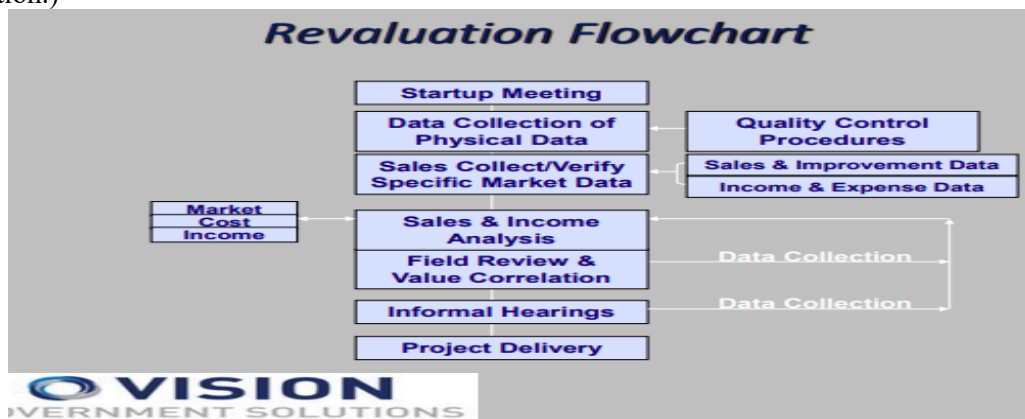
Mr. Scott Marks (Assessing Supervisor for Municipal Resources), Mike Pelletier (Municipal Resources) and Steve Whalen (Vision Government Solutions) presented and reviewed the 2022 Property Revaluation.

BACKGROUND

The rate of inflation of property values, especially residential property values, has resulted in an equalization rate outside the parameters established by the NH Department of Revenue Administration. The equalization rate is the ratio between the market value of a property compared to the assessed value the City uses to levy property taxes. To ensure fair taxation of property, the equalization rate should be in the range of 90% to 110% with the goal of being as close as possible to 100%. In late 2021, the equalization rate for residential properties was estimated to be approximately 66%.

As a result, the City contracted with Vision Government Solutions to conduct a 2022 Revaluation of Property. The revaluation process is detailed in the PowerPoint presentation in this packet. *(Pages 61-83, City Council agenda packet)* The City also has a contract with Municipal Resources Inc. to conduct cyclical evaluations of property. This involves the inspection by field personnel of 20% of the City's properties on an annual basis. In the past, the City has planned to conduct revaluations of property every five years. However, that assumes the market rates for property have remained within the equalization parameters discussed above. The recent volatility of the market has required more frequent revaluations of property. Depending upon the changes in the market for properties, we anticipate the need for another revaluation of properties as early as 2024.

The changes in the market, especially for residential properties, has changed the proportional amount of the tax levy between residential, commercial, and utility properties as articulated in the enclosed presentation. The shift in the proportion of total property valuation toward the residential sector and away from the commercial and utility sectors means that the residential sector will assume a larger percentage of the total tax levy. This shift will result in significant increases to the amount of taxes owed by some residential property owners compared to commercial property owners. The actual impact to individual property owners will not be known until the tax rate is set by the NH Department of Revenue Administration which should be within the next week. (Below are highlights from Mr. Whalen's (Vision, Governments Solutions) presentation.)



1

Income & Expense Information

- Mailed questionnaires out to all commercial property owners requesting property related income and expense information
- Requested two years of information
- Research publically available sources and commercial listing services
- Research vacancy rates & capitalization rates
- Enter I&E's received into the database

2

3

Mr. Whalen noted the Income & Expense Information (above) was sent out to only commercial properties.

4

Market Analysis

- In-Depth Study of Town Sales: April 2021 to April 2022
- Income/Expense Information from past two years
- Current construction costs
- Determine Land Prices
- Determine Building Value and Depreciation
- Delineate Neighborhoods (location adjustments)
- Set Market Rents and Capitalization Rates
- Develop Computer Models Based On Market
- Statistically Test for Accuracy

5

6

Valuation

- Three Approaches to Value
 - Sales Approach
 - Income Approach
 - Cost Approach
- Set Market Values as of 4/1/2022
- Review of All Values and data in the Field checking for Accuracy, Consistency and Equity

7

8

Preliminary Old to New Values Percent of Change for FY2022

- Single Family Average = + 27%
- Ranch = + 29%
- Cape Cod = + 24%
- Colonial = + 36%
- Manufactured Housing = + 18%
- Apartments = + 55% (incl new growth)
- Commercial = + 8%
- Industrial = +10% (no utilities)

9

10

How will this effect Property Taxes?

- City does not take in more or less taxes as a result of a revaluation
- Do not calculate new values with existing tax rate
 - New Tax Rate will be set by the municipality this fall.
- Tax Rate =
$$\frac{\text{Budgets} - \text{Income from other sources}}{\text{Total Assessed Value of Town}}$$

Informal Hearing Process

- Notification to Taxpayers of New Proposed Assessment
- Information will be available on the VGSI Website
- Informal Hearings Begin
- Discuss property data and value with the Taxpayer
- Valuation Review, inspection if necessary
- Change Notice sent out as a result of Hearings

Project Finalization and Delivery

- Final Values are Set
- Valuation Reports finalized
- All final work products delivered to town
- Appraisal Report and Manual is completed and given to the municipality and DRA

Council Discussions:

Assistant Mayor Below asked how many informal reviews they ended up doing and was it very different from what they were seeing in other communities. Mr. Whalen said no, it was not different. He thought the number was closer to around 5%, which they typically expect. We sent out about 400 notices and the actual hearings we had were closer to 250, but some people have multiple properties.

Councilor Liot Hill was curious about the commercial/industrial properties where they used the income and expense method and asked how many of those provided income/expense information. Mr. Whalen said that maybe the Assessor has that information because he could not remember. He also noted that when they do get an income/expense statement, it could be for a strip mall, so that would only count as one I&E received. However, that one I&E could include multiple stores or properties. The average number in the computer is larger than the actual number of I&Es received because of that. Typically, commercial/industrial properties do not increase at the same rate just because they have multiple year leases and while the rate does go up, they do not go up at the same rate as residential properties.

1 Mayor McNamara was curious as to how they value the industrial properties. Mr. Whalen noted it is
2 done pretty much in the same way as commercial properties. If it is a warehouse or light industrial, we
3 will come up with rent and then come up with a vacancy, expenses and a capitalization rate. Mixed use
4 and apartments fall under the same category as well.

5
6 Councilor Liot Hill questioned what happens when commercial properties refuse to provide I&E
7 information and the City does not have enough data on record for them. She questioned how much we
8 lean on the income expense vs. the replacement cost. Mr. Whalen stated that most cities and towns rely
9 on the cost as their final answer and use the income as the backup answer. We can use manuals, or talk to
10 local builders to get an idea on what it would cost to rebuild it then add the land to it and depreciate it
11 depending on how old the commercial building is. On the income side, for example, say there are 10
12 warehouses in town, he would enter the I&Es received for all 10, and this comes up with an average that
13 would be applied to everybody. They then are adjusted for use, condition and location when we are out
14 in the field looking at them. For all revaluations, you have to deal with each one individually by class and
15 gave examples.

16
17 In response to Councilor Liot Hill's questions regarding the number of classes in the commercial
18 category, Mr. Whalen explained that typically the commercial/industrial properties can be broken into
19 two classes, then apartments and mixed use. If done this way, there are four classes. The apartments are
20 by themselves; the mixed use, which is a combination of commercial and apartments; the regular
21 commercial (i.e., retail and restaurants); and the industrial (light manufacturing and warehouses). He
22 noted they are adjusting the base rate for each "type" of property. For commercial properties there are
23 approximately 50 "types" and gave examples of the different types of property.

24
25 Upon the request from Councilor Liot Hill, Mr. Whalen will send a report out to the Council breaking
26 down properties by commercial and industrial class, mixed use class and apartments. This report will
27 show how many I&E reports Lebanon received that what went into calculating the base rate for each type
28 of property.

29
30 Mayor McNamara was curious about single family residents, noting the reaction the City was getting
31 from these homeowners was how much their revaluation has gone up. He questioned if this is something
32 that is happening state-wide, or does Lebanon just stand out? Mr. Whalen stated Lebanon's ranges were
33 actually a little lower than some of the other towns because the revaluation had been done more recently
34 and gave examples of tax rate increases across the state where revaluations had been done yearly and
35 compared tax rates to those who had revaluations done every 3-5-years. Lebanon, in general, was a little
36 bit lower than some of their other towns/cities in the State..

37
38 Mayor McNamara questioned if tax rate increases statewide are happening more frequently. Mr. Whalen
39 stated this is the highest time for tax rate increases that he has ever seen, noting he has been doing
40 revaluations for about 35 years now. In all of New England we see the same increases. For example,
41 there were a couple of towns in Maine where tax increases were in the mid 50-60%, but they had not done
42 revaluations for 12 years.

43
44 Councilor Liot Hill questioned if there are best practices/guidance in the assessing world of how to deal
45 with extraordinary circumstances, noting that for that for the last two years the pandemic had a different
46 impact on the commercial side. Mr. Whalen stated he would have to say, no. What they are continuing to
47 see is apartment buildings, in general, continue to go up (before, during, and after the pandemic) and
48 continue to sell for more and more. The houses have gone crazy because of supply and demand, and the

1 interest rates seem to be slowing down sales. During the pandemic, your restaurants, hotels, nursing
2 homes, and retail properties were not doing very well due to high vacancy. On the other hand, they were
3 noticing that buildings like Amazon, and places that make shipments online were buying up properties
4 and paying over asking prices for the industrial-type properties.

5
6 Mayor McNamara noted this has been a tough topic and was interested to see that Lebanon is not that
7 much different than most of New England. That is not much consolation for some folks, but at least we
8 are not out of the norm.

9
10 Mr. Mike Pelletier and City Manager Mulholland reviewed and explained the 2022 revaluation for the
11 City of Lebanon.

12
13 In Terms of Growth for one year:
14

New Property Inventory

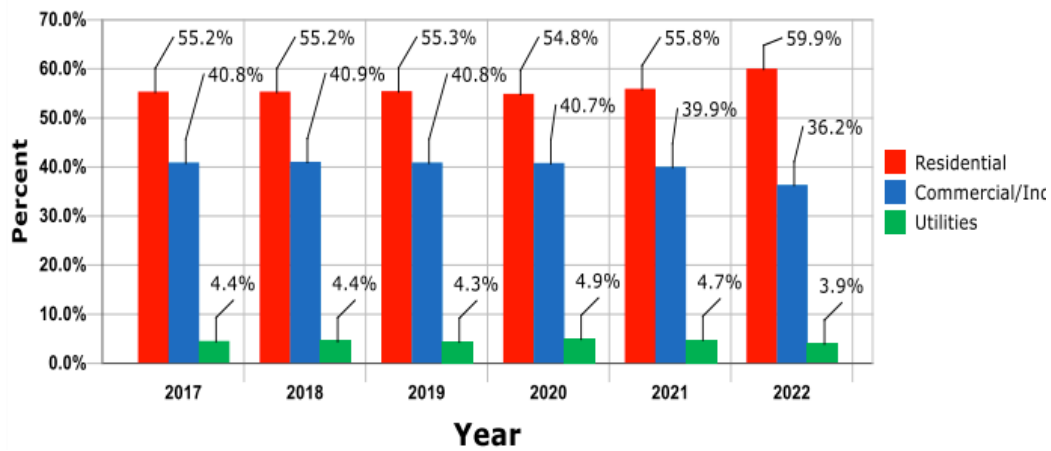
- The new additions to the property valuation of the City due to construction of new buildings is approximately **\$40 million.**
- This results in a **1.75%** increase in new property valuation
- We were projecting a **.50%** increase to determine the tax rate
- Change from **\$2,280,148,240** to **\$2,740,434,670 = 20.18%** increase

15
16
17 City Manager Mulholland explained the equalization rate, which is a comparison of the market rate
18 compared to what we actually assess it for. The range acceptable to the NH DRA (Department of
19 Revenue) is 90%-110%. This is the range Lebanon has to stay within. He also explained the overall
20 market to tax value ratio and the market to tax value ratio for residential commercial properties.
21

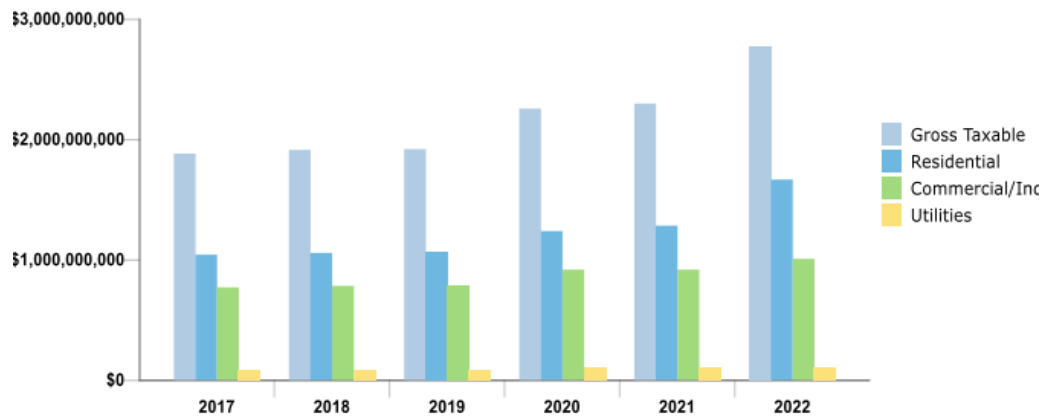
Residential Property Changes by Style

• OVERALL Residential 27%	• Cape	24%
	• Raised Ranch	19%
• Old Style 48%	• Bungalow	19%
• Colonial 36%	• Mobile Home	18%
• Conventional 35%	• Camp Seasonal	16%
• Split Level 31%		
• Ranch 29%		

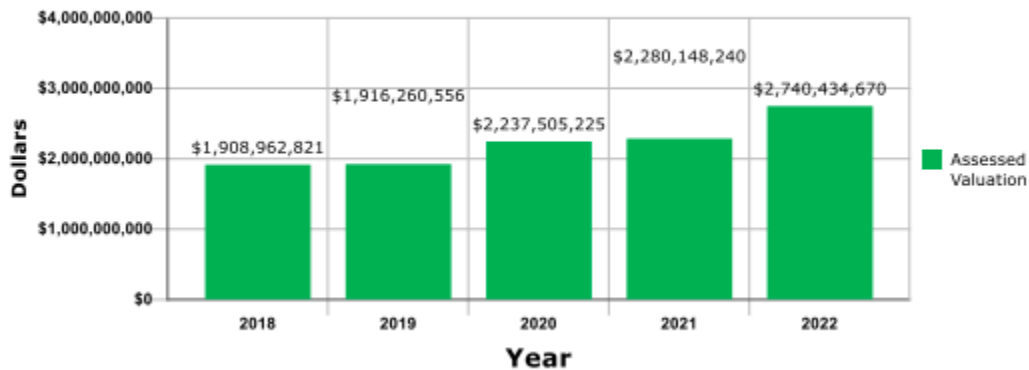
Tax Share by Sector



Assessed Valuation of Property



Assessed Valuation of Taxable Property



Projected Impacts Examples

Properties	2021 Value	2021 City Tax Rate \$10.06	2022 Value	2022 City Tax Rate \$8.62	Difference	% Increase in Value
House #1	\$238,800	\$2,402	\$325,000	\$2,802	\$399	36%
House #2	\$442,900	\$4,456	\$593,800	\$5,119	\$663	34%
Commercial #1	\$1,057,600	\$10,639	\$1,259,500	\$10,857	\$217	19%
Commercial #2	\$322,700	\$3,246	\$357,500	\$3,082	(\$165)	11%

For the above slide, City Manager Mulholland explained this shows only the City Tax Rates and does not include the School District/County tax rates. The tax rates are sent in October. Our information has been sent to the NH DRA (Department of Revenue) and we are waiting for them to set the tax rate. Our hope is that by the end of the week we will receive this information so tax bills can be sent out. We do not know what the School District's tax rate will be yet, but we know the County tax rate will be going down. He also noted that when the tax bill goes out, people will be unprepared for this. He wanted to present this topic to the Council so they can be prepared and be able to answer their questions. What he would like to do is take the video used here tonight and put it on the City's website, so when people walk into the Clerk's Office, they can provide a link to the website to get an explanation as to why this is affecting their tax bill.

In response to Mayor McNamara's question about the NH DRA, Mr. Mulholland explained there is a preliminary injunction that was filed (emailed to Council). The court chose not to act on the preliminary injunction at that time and decided to schedule a hearing for this Friday, November 4, 2022. The injunction is to enjoin the DRA Administration from setting property rates for SWEPT (State-Wide Education Property Taxes). There are two property taxes that relate to public education: 1) Local property tax (school property tax), and 2) The State-wide education property tax. Both of those revenues are generated from the City and are affected by that stay.

Councilor Liot Hill noted that in the past, both residential/commercial properties have grown in value at similar rates. What is different here, that will surprise people, is that because residential property values have gone up so much faster than commercial properties this year, some residential property taxpayers are actually going to see higher tax bills. We have to be cautious about this because the municipal tax has only been a third to maybe 40% of the entire tax bill. It is also important for people to understand that what we are talking about here is less than 1/2 of their tax bill and further explained her position and gave examples. She felt it important to give people advance notice so they can manage their budget and resources as best they can.

City Manager Mulholland stated that when the City does receive the tax rate (from the NH DRA), he will update this information on the website so people will have the full story.

Councilor Simon also noted that an important part of this information tonight is that these increases are being seen, not only State-wide but Regionally and in New England. His point is that this is happening everywhere.

Mayor McNamara also felt it was important to show people that the City Budget may be only increasing by 2.5%. People have to split the revaluation away from the City Budget.

City Manager Mulholland explained what could possibly happen if/when the court makes a decision regarding SWEPT, noting that the tax rate can only be set by the NH DRA, so until the Commissioner signs this, the City cannot actually send out any tax bills.

The Council continued to discuss the City's tax rates; potential for prepaying or setting up payment plans for property tax payments; how property taxes work with those who have tax payments sent from their bank if they have an escrow account on their mortgage; how this increase will be taking place this year; and how notices to the public could be prepared separately from the tax bill.

Finance Director Vicki Lee noted they do not establish a formalized payment plan for someone until they are a point where we will take them to Deed, but again, people can set their own payments up. So, if someone says they want to pay, for example, \$200/month, they can. They just come in and make a payment. However, interest does start to accrue on the amount of unpaid property taxes

ACTION: *No action is required by the Council. This is for informational purposes only.*

C. Presentation & Discussion of Proposed Amendment to City Council Rules: §A191-15, Council Appointments to City Boards, Committees, Commissions

Included in the agenda packet:

1. Chapter §A191-15 Council Rules (as amended and presented on 11/02/2022)

City Clerk Kristan Kenniston reviewed the proposed Amendment to City Council Rules as listed above, noting this is primarily for reappointments to streamline the process.

BACKGROUND

Attached below is a proposed amendment (highlighted in red) to the City Council Rules, Chapter §A191-15, to amend the process for reappointment of members to City boards, committees, and commissions. Currently, the Council's process for both new appointments and reappointments requires that one member of the City Council shall interview the applicant within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment or reappointment.

A proposal has been made to remove the requirement for a member of the City Council to interview applicants for reappointment to the same board, committee, or commission on which they currently serve. Chapter A191 Council Rules.

§ A191-15 Council appointments to City boards, committees, commissions.

[Amended 11-7-1979; 8-2-1995; 9-18-1996; 5-21-2003; 4-2-2008; 5-16-2012; 12-2-2015; 6-5-2019]

A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible.

B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire law.

C. The following procedure will be followed for board, commission and committee appointments and reappointments:

(1) For initial appointment, the applicant shall fill out the standard application form.

(2) For reappointment, the applicant can update the current form on file or complete a new updated application form.

(3) One member of the City Council shall interview ~~the applicants for initial appointment~~ within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment ~~or reappointment~~. Applicants for reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor.

(4) While one City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

Council interviews would still be required for initial appointments of applicants to boards, committees, or commissions.

In accordance with §A191-13 of the Rules, amendments must be presented in writing at the preceding regular meeting, prior to adoption. As such, this amendment will be presented for adoption at the November 16th meeting. Adoption requires a 2/3 vote of all members of the Council.

ACTION:

No action is required at this time. Action on the amendment will be scheduled for November 16, 2022.

D. Discussion & Set Public Hearing for November 16, 2022: Proposed City Charter Amendments relative to changing gender-based pronouns to gender-neutral pronouns

Included in the agenda packet *(Pages 86-87, City Council agenda packet)*:

1. Memorandum of Recommendations from the Diversity, Equity, and Inclusion Commission
2. Draft Proposed Charter Amendment Language

City Manager Mulholland reviewed the recommendations from the DEI Commission. There is a lengthy process established by State Statute RSA: 49 (b). This is time sensitive because this needs to go before the voters in March 2023. If the Council chooses to move this forward, it needs to go before the State DRA Commissioner, the Secretary of State, and the Attorney General. They have 45 days in which to write back about any concerns that they may have and approve the proposed change.

BACKGROUND

As part of its overall mission, the Diversity, Equity, and Inclusion Commission (DEI) has recommended that the City update its Charter with the intention of making the language of the Charter gender neutral. DEI members have reviewed the Lebanon Charter and provided a detailed and precise list of suggested changes in language to various sections as reflected in the attached redline document. DEI has taken care not to suggest changes that would alter the meaning of the Charter in any other way.

In order to change the Lebanon Charter, the City Council must first schedule a public hearing to determine that the proposed amendments are necessary. Following a public hearing, a resolution must be adopted by the Council to place the question of the proposed charter amendment on the March 14, 2023 ballot. It is

requested that the City Council schedule the public hearing for November 16, 2022, at which time the Council will be asked to consider adoption of this proposed resolution:

RESOLUTION

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendments be placed upon the ballot of the March 14, 2023 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend Section II, Elections, §C419:8-10 by deleting gender-based pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section III, Administration, §C419:16-18, §C419:26-33, §C419:38-40, §C419:44-45, and §C419:48 by deleting gender-based pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section IV, Merit Plan, §C419:54 by deleting gender-based pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section VI, Miscellaneous Provisions, §C419:59-60, §C419:62, §C419:70 by deleting gender-based pronouns and terms and replacing them with gender-neutral pronouns and terms.

Explanation: The purpose of these amendments is to replace the existing use of gender pronouns and terms to gender neutral pronouns and terms.

This change will be effective July 1, 2023, if passed by voters at the March 14, 2023 Municipal Election.

The Council discussed capitalizing City Manager throughout the document, and having legal counsel review punctuation and other related typographical changes, such as changing the town of Lebanon to the City of Lebanon because there seems to be a consistency problem.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing beginning at 7:00 pm on November 16, 2022 for the purpose of receiving public input and taking action on a resolution to place proposed amendments to Section II, Elections, §C419:8- 10; Section III, Administration, §C419:16-18, §C419:26-33, §C419:38-40, §C419:44-45, and §C419:48; Section IV, Merit Plan, §C419:54; and Section VI, Miscellaneous Provisions, §C419:59-60, §C419:62, §C419:70, of the City Charter on the ballot of the March 14, 2023 Municipal Election correcting the current changes to capitalize the first letters of city and manager where the term City Manager is a replacement in this draft.

Seconded by Councilor Simon.

Roll Call Vote:

All voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Wilkie, Whittlesey, Simon, Zook and Mayor McNamara

1 None Voted Nay

2 Absent from vote: Councilors Sykes

3
4 **The Vote on the Motion was approved by members present (8-0)*

5
6 **13. COUNCIL REPRESENTATIVES TO OTHER BODIES:**

7 **A. Diversity, Equity & Inclusion Commission – Statement on Housing and Equity**
8 **in Lebanon**

9
10 Included in agenda packet:

11 1. DEI Statement on Housing and Equity in Lebanon

12
13 **BACKGROUND**

14 The Diversity, Equity & Inclusion (DEI) Commission was established in July of 2021 to enhance the
15 City's support for a welcoming environment by encouraging cooperation, tolerance, and respect among
16 those living, working, and visiting the City; to provide information, education, and communication that
17 facilitates understanding and celebrates our differences; and to advise City government in ways that unite
18 the community and ensure all are equally respected, valued, needed, and cherished.

19
20 The DEI Commission serves as an advisory body to the City Council and the City Administration. The DEI
21 Commission has asked the Council to consider several steps that would enhance equity in housing.

22
23 **On behalf of the DEI Commission, Councilors Wilkie and Liot Hill read the following statement**
24 **into the record:**

25
26 **DEI Statement on Housing and Equity in Lebanon**

27 On July 19, 2022, a member of the public attended the DEI Commission meeting to voice concerns over
28 housing affordability in Lebanon and wondered about measures that could potentially be taken to mitigate
29 the shortage. Across the United States, rental and homeownership prices have risen substantially in the
30 last year. This has priced lower-income individuals and families out of the purchasing market and
31 squeezed household budgets for the most vulnerable members of the population. Even before the surge in
32 housing prices, the growing population in Lebanon had exceeded the housing supply, pushing the
33 workforce farther and farther afield and making transportation a challenge. The lack of affordable housing
34 presents an equity issue for the people who live and work in Lebanon.1

35 The DEI Commission recognizes that the City Council understands the extent of the housing crisis and is
36 taking steps to address the issue. We would like to highlight the resolution passed by the Council on 21
37 April 2022, to empower the City Manager to take steps to enable, incentivize, and partner in the
38 development of solutions to unmet housing needs, particularly the plans to develop regulation and
39 guidance to aid in the creation of Housing Opportunity Zones and Residential Property Revitalization
40 Zones, and the suggested move to partner with the Lebanon Housing Authority to use city-owned
41 property to help overcome barriers to affordability. Removing barriers to the construction of Accessory
42 Dwelling Units, also proposed for study in the Council's resolution, would also help ease the shortage and
43 allow the community's older residents more opportunities to "age in place," and the DEI Commission
44 encourages the study of creative incentives for employers and landlords to this end.

45 In addition, the DEI Commission strongly advocates inclusionary housing requirements for any new
46 growth areas in the City. We are encouraged to hear that there will be workforce housing units in the new
47 development on Spencer Street and that the City is aiming for workforce housing units in forthcoming

RFIs as well. A combination of zoning requirements and incentives for developers is important in the drive to construct below-market-rate units on the same sites as market-rate units. This last point is important, because the inclusion of working- and middle-class families side-by side in the same developments ensures equal access to new-growth areas with high-quality schools, shopping, and other services. The DEI Commission is strongly in favor of these kinds of actions, which will hopefully address the shortfalls of the present market over time.

The DEI Commission also recognizes that housing insecurity is an immediate crisis for many members of the Upper Valley community. Annual Point-in-Time (PIT) surveys conducted each year by HUD, with participation by local organizations like the Upper Valley Haven, suggest a present need for more local solutions for unhoused individuals. We believe that a solution that would address this immediate need should be a high priority for the City.

The DEI Commission recognizes that actions taken in the direction of housing justice are not always easy, nor are they always popular. Constraints from higher levels of government, like regionally-calculated Area Median Income formulas, can create a “squeezed middle” of residents who need assistance but are too “well off” to qualify for it. Local constraints, too, like concerns often phrased as being about the “character” of the City, can stand in the way of helping our most at-risk populations. We appreciate these challenges and encourage the Council to press on in the name of equity and justice.

The DEI Commission would like to take this opportunity to both congratulate the City Council on the steps it has already taken and encourage the Council to continue to make further inroads on this pressing equity issue as the process continues.

ACTION: *No action is required by the Council. This is for informational purposes only.*

11. City Manager Report:

City Manager Mulholland updated the Council on the following:

- Work by Comcast to bring high-speed internet access to the City has been completed.
- EPA: PFAS update.
- GM EV Charging Station Grant Program.
- ICMA (International City Manager Association): City Manager Mulholland has been asked to join the ICMA and requested the Council’s approval. After the Council asked questions about the ICMA, they unanimously approved his request.

14. FUTURE AGENDA ITEMS: NONE

Mayor McNamara left the meeting at approximately 8:45 PM.

15. NON-PUBLIC SESSION:

- RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee,”

Councilor Heistad MOVED to go into a non-public session for the purpose of discussing RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee,”

Seconded by Councilor Liot Hill

ROLL CALL VOTE:

Councilors Voting Yea: Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and Zook

Councilors Voting Nay: NONE

Councilors abstaining: NONE

Staff Present: City Manager Shaun Mulholland

Councilors absent: Mayor McNamara, and Councilor Sykes

The Vote on the Motion was approved by members present (7-0)

The Council went into Non-Public Session at 8:50 PM

1. The CM briefed the Council regarding a personnel matter. No Action was taken.

Councilor Wilkie MOVED to go out of non-public session.

Seconded by Councilor Liot Hill.

ROLL CALL VOTE:

Councilors Voting Yea: Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and Zook (Remote)

Councilors Voting Nay: NONE

Councilors abstaining: NONE

Staff Present: City Manager Shaun Mulholland

Councilors absent: Mayor McNamara, and Councilor Sykes

The Vote on the Motion was approved by members present (7-0)

The Council came out of Non-Public Session at 9:10 PM

16. ADJOURNMENT:

Assistant Mayor Below adjourned the meeting as the acting chairperson at 9:10 PM

Councilors Voting Yea: Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and Zook (Remote)

Councilors Voting Nay: NONE

Councilors abstaining: NONE

Staff Present: City Manager Shaun Mulholland

Councilors absent: Mayor McNamara, and Councilor Sykes

**The Vote on the MOTION was unanimously approved by members present (7-0)*

The meeting was adjourned at approximately 9:11 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Library Board of Trustees, Jeffrey Damren (Alternate Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated November 9, 2022

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: November 9, 2022

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

Library Board of Trustees

- **Jeffrey Damren** – Appointment as an alternate member. Recommended by the Library Board of Trustees.
Term: (11/22-11/23)
Interviewed by: Councilor Simon



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who membership makeup includes non-resident)
- ✓ Willingness to learn.
- ✓ Commitment to attend meetings.
- ✓ Treat people fairly.
- ✓ Consider the best interest of the community when making decisions.
- ✓ Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.
- ✓ Review City of Lebanon Ethics and Conflict of Interest Policy

Check all that apply:

I am an applicant for: Lebanon Library - Alternator Board Trustee

☐ Check if for re-appointment.

Name: Jeffrey Damron
(Please print)

Address: 82 Maple St. W. LEBANON 03784
(street) (Town) (Zip)

Mailing Address, if different from above: N/A

Home Phone N/A Work Phone: N/A Cell Phone: 603-398-1512

Email Address: Jeffdamron@gmail.com

Continued reverse side.....

How long have you resided in Lebanon? 1963-1987, 2010-Present
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

Opportunity to have a positive impact/influence on the community in which I live. I have seen first hand the benefits a thriving library can have on a community. Also, I would like to carry on the legacy of my mom who served on this board for approximately two decades.

State a few of what you feel your qualifications are or why you wish to be appointed to this board/committee.

I have 35 years of business experience with a diversified perspective regarding day to day operations, Project Management, and Leadership. I have essentially lived my life either in W. Lebanon/Lebanon or the Upper Valley and am aware of the community dynamics. This board provides me an opportunity to give back/pay forward some of the things that have enhanced my life.

I hereby certify that I meet the basic requirements for applying to a Lebanon board/committee.


Applicant Signature

28 Sep 2022
Date

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Email:

Councilor Interview Report Form

Councilor Name: C. Simon

Date of Interview: 11/1/22

Applicant Name: Jeffrey Damren

Board(s) to Which Applied: Library Board Trustee

☐ Regular Seat

☒ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☒ Yes ☐ No

(If yes, indicate date of meeting.) Date: Past two.

Recommend Appointment: ☒ Yes ☐ No

☐ Regular Seat

☒ Alternate Seat

General Comments:

Jeffrey is a life long resident & shares a family passion for Libraries & all they bring to the community.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

To provide oversight & direction for the operations, staff & maintain a positive direction for the community & users of the Libraries.

2) Are you familiar with the meeting dates and time commitments of this Board/Committee? Would you be available for additional meetings, site visits, or other official events when necessary?

Yes

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes a condo Assoc board

- 4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes

- 5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

No

- 6) What do you think are the key challenges for this Board/Committee?

Stay current w/ all the technology changes & advancements.

- 7) What do you think are the key opportunities for this Board/Committee?

Keeping tech, materials & spaces current & attractive to all.

- 8) What would you like to see this Board/Committee accomplish in the next year?

Continued promotion of reading & the libraries many offers.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

- 1) Have you ever appeared before a zoning board, personally or through a representative?

- 2) Do you have any personal or professional knowledge or background in the area of zoning law?

AGENDA LEBANON CITY COUNCIL NOVEMBER 16, 2022

8. PUBLIC HEARING ITEMS:

8.A – CITY CHARTER AMENDMENT

A public hearing for the purpose of receiving public input and taking action towards amending the City Charter relative to replacing gender-specific pronouns and terms with gender-neutral pronouns and terms.

The City Council scheduled this public hearing at its November 2, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on November 5, 2022 in accordance with City Code and State Law.

BACKGROUND

As part of its overall mission, the Diversity, Equity, and Inclusion Commission (DEI) has recommended that the City update its Charter with the intention of making the language of the Charter gender neutral. DEI members have reviewed the Lebanon Charter and provided a detailed and precise list of suggested changes in language to various sections as reflected in the attached redline document. DEI has taken care not to suggest changes that would alter the meaning of the Charter in any other way.

To change the Lebanon Charter, the City Council must first schedule and hold a public hearing concerning the proposed amendment. Following the public hearing, if the Council votes to proceed with the amendment process, the Council must cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment(s). The City Clerk must then file a certified copy of the report with the NH Secretary of State, the NH Attorney General, and the Commissioner of the NH Department of Revenue Administration, each of whom has 45 days to review the proposed amendment to ensure that it is consistent with the general laws of the state. Only after the three state agencies have approved the proposed amendment can the Council take action to have the proposed Charter amendment placed on the ballot at the next municipal election to be held on March 14, 2023. The Charter amendment will be effective July 1, 2023, if passed by voters at the municipal election.

ACTION

If, following the public hearing, the City Council wishes to move forward with the proposed amendment process, the following resolution is offered for the Council's consideration:

RESOLUTION

BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed amendment to the Lebanon City Charter to replace gender-specific pronouns and terms with gender-neutral pronouns and terms is necessary and appropriate.

Proposed City Charter Amendment: Change pronouns and terms in the City Charter as follows:

Amend Section II, Elections, §C419:8-10 by deleting gender-specific pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section III, Administration, §C419:16-18, §C419:26-33, §C419:38-40, §C419:44-45, and §C419:48 by deleting gender-specific pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section IV, Merit Plan, §C419:54 by deleting gender-specific pronouns and terms and replacing them with gender-neutral pronouns and terms.

Amend Section VI, Miscellaneous Provisions, §C419:59-60, §C419:62, §C419:70 by deleting gender-specific pronouns and terms and replacing them with gender-neutral pronouns and terms.

Each deletion and replacement to be done as specifically shown in the “Lebanon Charter Gender Neutral Language Recommendations” document included in the packet for this agenda item.

Explanation: The purpose of this amendment is to replace the existing use of gender-specific pronouns and terms with gender-neutral pronouns and terms.

BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City Manager to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment to replace gender-specific pronouns and terms with gender-neutral pronouns and terms in the Sections referenced above as summarized in the agenda packet materials for the City Council’s November 16, 2022 meeting, after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be filed with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration.

This change will be effective July 1, 2023, if passed by voters at the March 14, 2023 Municipal Election.

Included in this Section:

1. Draft Proposed Charter Amendment Language
2. Memorandum of Recommendations from the Diversity, Equity, and Inclusion Commission
3. November 1, 2022 Legal Opinion by Attorney Matthew C. Decker, RE: RSA 49-B City Charter Amendment
4. Notice of Public Hearing as Published in the November 5, 2022 Edition of the *Valley News*

Chapter C

CHARTER

CITY OF LEBANON, NEW HAMPSHIRE

CHAPTER 419

AN ACT TO ESTABLISH THE CITY OF LEBANON

Be it enacted by the Senate and House of Representatives in General Court convened:

I
THE CITY ESTABLISHED

§ C419:1. Establishment.

The inhabitants of the town of Lebanon, in the county of Grafton, shall continue to be a body corporate and politic, under the name of the "City of Lebanon."

§ C419:2. Transfer of Property, Special Districts Abolished.

All existing property and assets now of said town of Lebanon and all precincts and districts within said town including Lebanon Center Fire precinct, Lebanon Water Works, and West Lebanon Village Fire District shall be vested in said city under the provisions of this chapter. Lebanon Center Fire Precinct, Lebanon Water Works and West Lebanon Village Fire District are hereby abolished. All bonded indebtedness of the Lebanon Center Fire Precinct existing at the time of the adoption of this charter shall be reassessed upon residents living within the bounds of said former precinct until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the Lebanon Water Works existing at the time of adoption of this charter shall be reassessed upon residents living within the bounds of said former Lebanon Water Works until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the West Lebanon Fire and Water District at the time of the adoption of this charter shall be reassessed upon the residents living within the bounds of said former district until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council.

§ C419:3. School District. [Amended 12-3-1968]

The school district of the town of Lebanon as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the city manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency.

II ELECTIONS

§ C419:4. Wards Defined. [Amended 3-8-1977; 6-17-1992; 3-8-2005; 3-13-2012¹]

The City of Lebanon shall consist of three wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and such ward lines are to follow easily identifiable physical features such as streets, railroad tracks, surface waters or power lines.

At least as often as each recurring federal census, the City Council shall review the ward boundaries and, if necessary to comply with a Constitutional requirement to equalize populations, shall, by ordinance, make adjustments to the City's ward boundaries. A public hearing on the proposed ward boundaries shall be held not more than 30 days before adoption by the City Council, at such time and place as the City Council shall determine. Notice of the public hearing shall be published at least 10 days in advance of the hearing by the City Clerk.

Until passage of an ordinance for future realignment of the City's ward boundaries, ward lines shall remain as approved by the voters of Lebanon on March 13, 2012. Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of this amendment shall continue in said offices until the end of the terms for which they were elected.

The three wards shall be divided as follows:

WARD 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Hibbard Brook; thence northerly along said brook until its western tributary meets Poverty Lane; thence northerly along said road to the intersection of Slayton Hill Road, thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning ninety (90) degrees and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

WARD 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Rt 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence northerly along said center

1. Editor's Note: This amendment was adopted by voters on the 3-13-2012, to become effective 5-1-2012.

line to the center line of North Park Street; thence westerly along said center line; and through the Lebanon Mall until it merges with Hanover Street; thence northerly along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Rt 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

WARD 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.

(Ward lines changed by Lebanon City Council on September 15, 1982, June 17, 1992, and March 8, 2005 and March 13, 2012)

§ C419:5. Representatives to General Court. [Amended 11-2-1971, effective 4-1-1972]

Representatives to the general court from the city of Lebanon shall be elected at large.

§ C419:6. City Election. [Amended 3-14-1978; 3-11-1997]

The city election shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers, or, if none, on the second Tuesday of March. The polls shall be open not earlier than six o'clock in the forenoon of the day of the election nor later than eight o'clock in the evening, and shall be open not less than four hours on a schedule as the City Council shall determine at least thirty days prior to said election.

§ C419:7. Members of the Council. [Amended 11-6-1973]

The council consists of nine members, each with a two year term. One member shall be elected annually from each ward by the voters in the ward. One member shall be elected from the city at large in odd numbered years and two members shall be elected from the city at large in even numbered years. The term of office begins on the third Wednesday after the city election at which the member is elected, and ends two years from the date the term begins.

§ C419:8. Ward Officials. [Amended 3-14-1978]

Each ward shall at municipal elections choose by ballot a moderator, clerk and three supervisors of the checklist who shall hold office for two years and until their successors are elected and qualified. Said supervisors shall perform all the duties required by law of ~~selectmen~~ selectpersons of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers shall be considered and be the ~~selectmen~~ selectpersons of their wards. No other ~~selectmen~~ selectpersons shall be chosen. No person shall continue to perform as a ward official whose name appears on the ballot for an office other than that of a ward official.

§ C419:9. Ward Checklists.

The ~~selectmen~~ selectpersons of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be ~~selectmen~~ selectpersons of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law. They shall seasonably prepare checklists for their respective wards and perform all duties respecting the same required by law. The supervisors of the checklist in each ward shall fix the polling place therein and give notice thereof.

§ C419:10. Preparation of Ballots. [Amended 3-4-1976]

The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilor. Such filing shall take place not before nine o'clock in the morning of the forty-second day before the election nor later than five o'clock in the afternoon of the twenty-eighth day before the election. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate himself personally at the time that the petition is filed. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with preference to municipal elections as has the secretary of state with preference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

§ C419:11. Qualifications of Voters. [Amended 3-4-1976]

Persons who would be qualified voters in a biennial election if held on the day of such municipal election shall be qualified voters therein. Municipal elections thereunder 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 chapter.

§ C419:11a. Absentee Voting. [Amended 3-8-1977]

Any legal voter of the city of Lebanon who is absent from the city on the day of any regular or special municipal election, or who, by reason of physical disability, is unable to vote in person at said election, may vote at said election by so-called absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the city, provided that the city clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

§ C419:12. Procedure.

The qualified voters in each ward, at said election, shall give in to the moderator their

votes which shall be received, sorted, counted and declared, and the ward clerk shall make a true and certified copy of the record of the votes and said record, certified also by a majority of the supervisors and the moderator, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

§ C419:13. Ballots Preservation.

All the ballots cast at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast, upon order of any court or the city council.

§ C419:14. Canvass. [Amended 3-4-1976]

The city council shall meet on the Thursday following the election to canvass the votes. The city clerk shall lay before the council the record of votes received in each ward for each person voted for on the ballots. The council shall examine the record of votes, and it shall declare the persons having the largest number of votes to be elected as councilors and shall cause them to be notified of their election.

§ C419:15. Recounts and Contested Elections. [Amended 3-14-1978]

Upon request of any candidate for an elective office made within seven days after the canvass, the council shall recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers. Any amendment to the Charter which is carried or lost by 1% or less of the vote shall be subject to an automatic recount.

III Administration

§ C419:16. The Council. [Amended 3-4-1976; 3-8-1977]

The entire administration of all fiscal, prudential and municipal affairs of the City of Lebanon shall, except as otherwise provided, be vested in a City Council of nine Councilors, elected as provided in Section 7. Vacancies occurring in the office of councilor at any time after the election of a candidate thereto, and from a failure to elect thereto, shall be filled by the remaining councilors, who, by majority vote and within thirty days, shall appoint some qualified person to fill the vacant seat until the next municipal election, at which time a councilor shall be elected to fill the unexpired term. The office of any ward council member shall be deemed vacant if ~~he/she~~ said member takes up residence in any ward other than the one from which ~~he was~~ they were elected. The city clerk shall act as clerk of council.

§ C419:17. Mayor. [Amended 11-6-1973]

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and ~~he or she~~ may speak and vote at those meetings. The mayor shall be head of the city for all ceremonial purposes. The mayor and council voting as a unit, neither with a veto over the other, shall make appointments of members of the Lebanon Housing Authority and the Zoning Board of Adjustment. All other administrative duties prescribed by the general statutes shall be exercised by the manager. Nothing in this section shall be construed to take away ~~from the manager's his or her~~ power to appoint all administrative officers listed in Section 32 of this chapter, or his or her power to appoint a member of the personnel advisory board under Section 53 of this chapter, or ~~his or her~~ the manager's power to appoint an administrative official of the city to the Planning Board, or ~~his or her~~ the manager's general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

§ C419:18. Qualifications. [Amended 3-4-1976]

Any person may be a candidate for election as councilor provided ~~he or she~~ said person is a duly qualified voter in the city and has been a resident of the city for at least two years immediately preceding the election. No person in default to the city shall be eligible for election to the council.

§ C419:19. Compensation. [Amended 3-4-1976]

No councilor, shall, while in office, receive any pay or compensation of any sort, either as councilor or for any other personal services rendered for the benefit of the city, or be employed by the city, or any department or branch thereof, for any compensation, excepting that this provision shall not apply to compensation of call members of the fire department.

§ C419:20. Dealings Of Council With City. [Amended 3-4-1976]

No councilor, or other official of the city, shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

§ C419:21. Meetings. [Amended 3-14-1978 and 3-10-1998]

All meetings of the council shall be public and in compliance with the New Hampshire Right-to-Know Law, RSA Chapter 91:A. Nonpublic sessions may be held only as permitted under RSA Chapter 91:A. 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 resolutions direct, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilor by the city clerk at the request of the mayor, the manager or a majority of the councilors. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business.

§ C419:22. Ordinances. [Amended 3-8-1977]

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 Lebanon ordains" and the effective date of each ordinance shall be specified in it. 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 the city clerk. Each ordinance shall be reviewed by the city council every five years, and revised where determined necessary. Ordinances shall be published and compiled in such manner and at such time as the council shall determine.

§ C419:23. General Powers.

The city council created by this act shall, except as here in otherwise provided, have all the powers and do and perform in reference to each other or otherwise, all the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required to do and perform, either separately or otherwise, except insofar as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except insofar as a contrary intention appears in this act or insofar as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager.

§ C419:23a. Citizens Binding Initiative. [Adopted 11-2-1982, effective 1-1-1983]

Citizens may propose a measure with an initiative petition signed by qualified voters equal in number to ten percent of the votes cast in the last gubernatorial election. When said petition is complete, as certified by the city clerk to have met the above requirements, said proposed measure, shall be submitted to the city council requesting the city council to pass proposed measure without alteration; if said proposed measure be not passed without alteration within twenty days after the date of the Clerk's certification, then such proposed measure without alteration shall be submitted by the city council to the vote of qualified voters at the next municipal election. If a majority of the qualified

voters voting on any proposed measure, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.

§ C419:23b. Citizens Non-binding Initiative. [Amended 3-13-1984, effective 9:1984]

In lieu of proposing a binding initiative, citizens may propose a non-binding measure providing they file a petition signed by qualified voters equal in number to 10 percent of the votes cast in the last gubernatorial election. If a majority of the qualified voters voting on any non-binding measure shall vote in favor thereof, then such vote shall constitute an advisory opinion to the city council. The provision of any ordinance passed by the city council dealing with binding initiative petitions shall also apply to non-binding initiative petitions.

§ C419:24. Salaries.

The city council of the City of Lebanon is hereby empowered to fix a scale of salaries to be paid to all officials and agents of the City of Lebanon in accordance with the provisions of Section 52 in this Charter.

§ C419:25. Procedure To Fix Salaries. [Amended 3-14-1978]

No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had three separate presentations in said council, only one presentation at any meeting of said council, and shall have received the votes of at least two-thirds of all members elected to said council upon its final passage.

§ C419:26. Manager. [Amended 3-8-1977]

The city council shall appoint an officer of the City of Lebanon who shall have the title of city manager and who shall have the powers and duties hereinafter provided. ~~He~~ The city manager shall be appointed for an indefinite term by the votes of two-thirds of the members of the council.

§ C419:27. Qualifications. [Amended 3-8-1977]

The manager shall be chosen solely on the basis of ~~his~~ the candidate for manager's executive and administrative qualifications but ~~he~~ the candidate for manager need not be a resident of the city or state at the time of ~~his~~ their appointment. During ~~his~~ the city manager's tenure of office, ~~he~~ the city manager shall reside within the city. No person who has within three years held elective or appointive office in the City of Lebanon shall be chosen manager.

§ C419:28. Removal. [Amended 3-14-1978]

The manager may be removed by a two-thirds vote of the members of the council as herein provided. At least 90 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove ~~him~~ the manager and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten 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 resolution, the Council may suspend

~~him-the manager~~ from duty, but ~~his-the manager's~~ pay shall continue until ~~his-the manager's~~ removal. In case of such a suspension, the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. If the manager chooses to leave the city's employ of ~~his-own volition voluntarily~~, ~~he-the city manager~~ shall notify the council at least 90 days before ~~his-the manager's~~ planned departure. The action of the council in removing the manager shall be final.

§ C419:29. Non-interference By The Council. [Amended 11-4-1986, effective 1-1-1987]

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or ~~his-the~~ removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the city manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.

§ C419:30. Powers And Duties Of Manager. [Amended 3-14-1978]

The city manager shall be the chief executive and administrative officer of the city government, and shall carry out the policies laid down by the city council. ~~He-The city manager~~ shall be responsible to the city council for the proper administration of all affairs of the city, except the school department, but including the preservation of the public health, the public safety of all citizens and their property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. ~~He-The city manager~~ shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of ~~him-the manager~~ by ordinance or resolution of the council not inconsistent with this charter. ~~He-The city manager~~ shall have and perform such other powers and duties not inconsistent with the provisions of this charter as are or here after may be conferred or imposed upon ~~him-the city manager~~ by municipal ordinance or upon mayors of cities by general law. ~~He-The city manager~~ shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

§ C419:31. Power To Appoint And Remove.

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a certain department or office responsible to ~~him~~ ~~the city manager~~ to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom ~~he-the manager~~ proposes to appoint as the head of any

department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objection to the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten day period. All appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

§ C419:32. Certain Officers. [Amended 3-8-1977 and 11-14-1986, effective 1-1-1987]

The manager shall appoint a city clerk, fiscal account clerk for the department of finance assessor or assessors, treasurer, tax collector, fire chief, police chief, health officer, civil defense director, and such other officers as ~~he~~the city manager deems necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions, except as herein specifically accepted. The duties of any two or more such officers may be combined in one officer except that the office of fiscal account clerk for the department of finance shall not be combined with the office of the treasurer. The powers and duties of these officers and heads of departments so appointed shall include those prescribed by state law, by this charter or by ordinance.

§ C419:33. Administrative Departments. [Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within six months after assuming office an ordinance dividing the administrative service of the city into departments, divisions and bureaus and defining the functions and duties of each. After the adoption of the ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. Such ordinance shall be known as the "Administrative Code." Each officer shall have supervision and control of ~~his~~their own department and the employees therein and shall have 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.

§ C419:34. Commissions.

All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to Section 33 above, but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

§ C419:35. Purchasing Procedure.

The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.

§ C419:36. Municipal Year.

The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

§ C419:37. Financial Control. [Amended 3-8-1977]

The department of finances shall maintain accounting control over the finances of the city, make financial reports and perform such other duties as may be required by the administrative code. No bill against the city shall be approved by the city manager until the department of finance has audited and approved the same and certified that said bill was lawfully contracted, that the prices charged for all goods and materials are reasonable, that the goods or materials were actually received by the city and that it is in favor of a person legally entitled to receive payment for the same.

§ C419:38. False Certification, Penalty. [Amended 3-8-1977]

If the Department of Finance or any member thereof provided for under Section 37 above, shall knowingly make a false certification in any case provided for in Section 37 or approve any bill when the appropriation, as provided for in Sections 42 and 43 of this chapter, for which the same should be paid is exhausted, such false certification shall constitute a misdemeanor, and ~~he~~ the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

§ C419:39. Unauthorized Payment, Penalty. [Amended 3-8-1977]

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the department of finance, such unauthorized payment shall constitute a misdemeanor and ~~he~~ the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both, and shall be personally bound to refund to the city any sum so paid.

§ C419:40. Budget Procedure. [Amended 3-14-1978]

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 expenditures for the next fiscal year for the departments or activities under ~~his~~ their control. The manager shall submit the proposed budget to the council no later than October 31, annually.

§ C419:41. 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, and notice of such public hearing together with a summary of the budget as submitted shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days, including the day of publication, before the public hearing.

§ C419:42. Date Of Final Adoption. [Amended 3-14-1978]

The budget shall be finally adopted no later than December 31, annually. Should the council take no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

§ C419:43. Appropriations After Budget Is Adopted.

No appropriations shall be made for any purpose not included in the annual budget as adopted unless voted by two-thirds majority of the council after a public hearing held to discuss said appropriation, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. The council shall by resolution designate the source of any money so appropriated.

§ C419:44. Budget Control.

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 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. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as ~~he~~the manager shall prescribe.

§ C419:45. Transfer Of Appropriations. [Amended 3-14-1978]

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 department with the written approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within ~~his~~their department to another fund or agency within ~~his~~their department. The manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

§ C419:46. Depository. [Amended 3-14-1978]

The council shall designate the depository or depositories for the city funds. The council may provide for such security for the city deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

§ C419:47. Independent Audit. [Amended 3-14-1978]

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 a public accountant licensed by the state of New Hampshire under RSA 309:A:8² to conduct its annual audit. An abstract of the results of such an audit shall be made public. An independent audit shall also be made by an independent auditing firm as required above to make an annual audit of all trust funds established within the city. An annual report of the city's business shall be made available.

2. Editor's Note: Repealed. See now RSA 309:B.

§ C419:48. Official Bonds.

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of ~~his~~^{their} office but the manager and all officers receiving or disbursing city funds shall be so bonded. 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.

§ C419:49. 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 obligations created thereby. Except in the case of borrowing in anticipation of taxes, borrowing for a term exceeding one year or in an amount of twenty thousand dollars or more shall be authorized by the council only after a public hearing held to discuss such borrowing, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. In no event shall the term of such bonds exceed the limitations imposed by state law.

IV MERIT PLAN

§ C419:50. Merit Plan – 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 examination of the applicant's fitness so far as practicable examination shall be competitive.

§ C419:51. Rules and Regulations. [Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within three months after assuming office a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period, providing for the establishment of a merit system personnel administration and for the implementation of such portions of that system as are prescribed by this charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after their submission unless vetoed by the council within that period.

§ C419:52. Compensation.

The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided in Sections 24 and 25. In increasing or decreasing items in 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.

§ C419:53. Personnel Advisory Board. [Amended 3-8-1977]

There is hereby established a personnel advisory board of three citizens holding no other political office and appointed, one member by the manager, one by the council, and the third by these two appointees. In the first instance only, the member appointed by the manager shall serve for one year, the member appointed by the council for two years and the third member for three years, in each case beginning on the date of appointment; the term of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. 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 the manager regarding the administration of the merit plan.

§ C419:53a. The Grievance Board. [Amended 3-8-1977]

There is also hereby established the Grievance Board of the City of Lebanon whose duty

shall be to hear appeals of any employees aggrieved as to their status or condition of their employment. The Grievance Board shall consist of three members: one member shall be appointed by the city council, one member shall be appointed by the employee association, group or union from which the aggrieved employee may come, and the third member shall be appointed by the first two appointees. The member appointed by the city council shall serve for a two year term. The other two members will be appointed at the time of a request for a specific grievance hearing. In case of an unavailability to serve by any member during any grievance procedure, a replacement will be chosen for the term of that procedure in the same manner as the original holder of the appointment.

§ C419:54. Certification Of Compensation.

No compensation shall be paid without Certification by the manager, or such officer as ~~he-the manager~~ may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in Section 52. If such officer approves payments not in conformity therewith, ~~he-the officer~~ and ~~his-the officer's~~ surety shall be liable for the amount of such payments.

§ C419:55. Taxpayers Remedy.

A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

V

SPECIAL ASSESSMENTS**§ C419:57. Special Assessments – Council Resolutions.**

The council shall have 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 special assessments shall be levied.

§ C419:58. Procedure Fixed By Ordinance.

The council shall prescribe by general ordinance complete special assessment procedure concerning plans and the 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.

VI
MISCELLANEOUS PROVISIONS

§ C419:59. Oath Of Office. [Amended 3-14-1978]

Every person elected or appointed to any city office or city board, before entering upon the duties of ~~his-said~~ 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.

§ C419:60. Notice Of Election Or Appointment.

Written notice of election or by appointment of any city officer shall be mailed to ~~him~~ said officer at ~~his-the officer's~~ address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

§ C419:61. 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, is physically incapacitated, or is judicially declared to be mentally incompetent.

§ C419:62. Disqualification of Councilor, Board Member or Employee. [Amended 3-18-1988, effective 1-1-1989]

A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove ~~himself/herself themselves~~ from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.

§ C419:63. Private Use Of Public Property.

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

§ C419:64. Use Of Streets By Public Utilities.

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

§ C419:65. Liability For Discharge.

The removal in accordance with this charter with or without cause of a person elected or

appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract, or otherwise.

§ C419:67. Public Records. [Amended 3-10-1998]

All books of account, in relation to the receipt holding or disbursement of money of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from the office. All books pertaining to city affairs kept by the city manager, city clerk, or any other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city, except that the council may vote to withhold minutes of proceedings of a nonpublic session only in accordance with the New Hampshire Right-to Know Law, RSA Chapter 91-A.

§ C419:68. Trust Funds.

Trust funds of the City of Lebanon, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three years. Said trustees shall invest such funds in securities legal for investment by savings banks of this state.

§ C419:69. Saving Clause.

All special legislation pertaining to water precincts, fire precincts and fire districts shall be hereby repealed, including the following acts of the general court: 1943, Chapter 298; 1941 Chapter 306; 1907, Chapters 191 and 247; 1887, Chapter 223; 1873, Volume 65, Page 155; 1868, Volume 60, Page 95. All ordinances and by-laws of the town of Lebanon pertaining to fire or water districts shall be repealed. All special legislation now in force relating to sewers, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Lebanon or any board or commission thereof being vested in the City of Lebanon, subject, however, to all the provisions of this charter. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

§ C419:70. Saving Clause Municipal Legislation.

All ordinances and by-laws of the town of Lebanon or its ~~selectmen~~ selectpersons shall continue in force until altered or repealed, except where a contrary intent herein appears.

§ C419:73. Repeal Or Amendment.

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections

§ C419:73 CHARTER § C419:74

or provisions so repealed.

§ C419:73a. Violations. [Adopted 11-7-1967]

Any person who violates any provision of this charter, unless otherwise provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both. The council may provide in any city ordinance that any person who violates that ordinance shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both.

§ C419:74. Separability Clause.

The sections of this charter and the parts thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Adopted: July 17, 1957

Amended:

November 7, 1967

December 3, 1968

November 2, 1971

November 6, 1973

March 4, 1976

March 8, 1977

March 14, 1978

March 10, 1981

November 2, 1982

March 13, 1984

November 4, 1986

March 8, 1988

June 17, 1992

March 11, 1997

March 10, 1998

March 8, 2005

March 13, 2012

November 16, 2022

Lebanon Charter Gender Neutral Language Recommendations

The following is a detailed and precise list of suggested changes to be made to the Charter of the City of Lebanon, with the intention of making the language of the Charter gender neutral. Care has been taken not to suggest any changes that would alter the meaning of the Charter in any other way.

§ C419:8. Ward Officials.

Replace all instances of “selectmen” with “selectpersons” as indicated below.

Said supervisors shall perform all the duties required by law of ~~selectmen~~selectpersons of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers shall be considered and be the ~~selectmen~~selectpersons of their wards. No other ~~selectmen~~selectpersons shall be chosen.

§ C419:9. Ward Checklists.

Replace all instances of “selectmen” with “selectpersons” as indicated below.

The ~~selectmen~~selectpersons of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be ~~selectmen~~selectpersons of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law.

§ C419:10. Preparation of Ballots.

Replace “himself” with “personally” as indicated below.

No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate ~~himself~~personally at the time that the petition is filed.

§ C419:16. The Council.

Replace “he/she” with “said member” and “he was” with “they were”, as indicated below.

The office of any ward council member shall be deemed vacant if ~~he/she~~said member takes up residence in any ward other than the one from which ~~he was~~they were elected.

§ C419:17. Mayor.

Delete “he or she” and “from” as indicated below, and replace instances of “his or her” with “the manager’s, also as indicated below.

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and ~~he or she~~ may speak and vote at those meetings. [...] Nothing in this section shall be construed to take away ~~from~~ the manager’s ~~his or her~~ power to appoint all administrative officers listed in Section 32 of this chapter, or ~~his or her the manager’s~~ power to appoint a member of the personnel advisory board under Section 53 of this chapter, or ~~his or her the manager’s~~ power to appoint an administrative official of the city to the Planning Board, or ~~his or her the manager’s~~ general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

§ C419:18. Qualifications.

Replace “he or she” with “said person” as indicated below.

Any person may be a candidate for election as councilor provided ~~he or she~~ said person is a duly qualified voter in the city and has been a resident of the city for at least two years immediately preceding the election. No person in default to the city shall be eligible for election to the council.

§ C419:26. Manager.

Replace “He” with “The city manager” as indicated below.

The city council shall appoint an officer of the City of Lebanon who shall have the title of city manager and who shall have the powers and duties hereinafter provided. ~~He~~ The City Manager shall be appointed for an indefinite term by the votes of two-thirds of the members of the council.

§ C419:27. Qualifications.

Replace “his” with “the candidate for manager’s”, “he” with “the candidate for manager”, “his” with “their”, and “his” with “the city manager’s” as indicated below.

The manager shall be chosen solely on the basis of ~~his-the candidate for manager's~~ executive and administrative qualifications but ~~he-the candidate for manager~~ need not be a resident of the city or state at the time of ~~his-their~~ appointment. During ~~his-the city manager's~~ tenure of office ~~he-the city manager~~ shall reside within the city. No person who has within three years held elective or appointive office in the City of Lebanon shall be chosen manager.

§ C419:28. Removal.

Replace two instances of “him” with “the manager”, three instances of “his” with “the manager’s”, “of his own volition” with “voluntarily”, and “he” with “the city manager” as indicated below.

The manager may be removed by a two-thirds vote of the members of the council as herein provided. At least 90 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove ~~him-the manager~~ and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten 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 resolution, the council may suspend ~~him-the manager~~ from duty, but ~~his-the manager's~~ pay shall continue until ~~his-the manager's~~ removal. In case of such a suspension, the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. If the manager chooses to leave the city's employ-~~of his own volition voluntarily~~, ~~he-the city manager~~ shall notify the council at least 90 days before ~~his-the manager's~~ planned departure. The action of the council in removing the manager shall be final.

§ C419:29. Non-interference By The Council.

Replace “his” with “the” as indicated below.

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or ~~his-the~~ removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the city manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.

§ C419:30. Powers And Duties Of Manager.

Replace four instances of “he” with “the city manager”, one instance of “him” with “the manager”, and a second instance of him with “the city manager” as indicated below.

The city manager shall be the chief executive and administrative officer of the city government, and shall carry out the policies laid down by the city council. ~~He~~The city manager shall be responsible to the city council for the proper administration of all affairs of the city, except the school department, but including the preservation of the public health, the public safety of all citizens and their property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. ~~He~~The city manager shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of ~~him~~the manager by ordinance or resolution of the council not inconsistent with this charter. ~~He~~The city manager shall have and perform such other powers and duties not inconsistent with the provisions of this charter as are or hereafter may be conferred or imposed upon ~~him~~the city manager by municipal ordinance or upon mayors of cities by general law. ~~He~~The city manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

§ C419:31. Power To Appoint And Remove.

Replace “him” with “the manager” and “he” with “the manager” as indicated below.

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a certain department or office responsible to ~~him~~the manager to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom ~~he~~the manager proposes to appoint as the head of any department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objection to the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten day period. All appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

§ C419:32. Certain Officers.

Replace “he” with “the manager” as indicated below.

The manager shall appoint a city clerk, fiscal account clerk for the department of finance assessor or assessors, treasurer, tax collector, fire chief, police chief, health officer, civil defense director, and such other officers as ~~he~~the manager deems necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions, except as herein specifically accepted. [...]

§ C419:33. Administrative Departments.

Replace “his” with “their own” as indicated below.

[...] Each officer shall have supervision and control of ~~his~~their own department and the employees therein and shall have 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.

§ C419:38. False Certification, Penalty.

Replace “he” with “the person(s) responsible” as indicated below.

If the Department of Finance or any member thereof provided for under Section 37 above, shall knowingly make a false certification in any case provided for in Section 37 or approve any bill when the appropriation, as provided for in Sections 42 and 43 of this chapter, for which the same should be paid is exhausted, such false certification shall constitute a misdemeanor, and ~~he~~the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

§ C419:39. Unauthorized Payment, Penalty.

Replace “he” with “the person(s) responsible” as indicated below.

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the department of finance, such unauthorized payment shall constitute a misdemeanor and ~~he~~the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both, and shall be personally bound to refund to the city any sum so paid.

§ C419:40. Budget Procedure.

Replace “his” with “their” as indicated below.

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 expenditures for the next fiscal year for the departments or activities under ~~his~~their control. The manager shall submit the proposed budget to the council no later than October 31, annually.

§ C419:44. Budget Control.

Replace “he” with “the manager” as indicated below.

[...] The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as ~~he~~the manager shall prescribe.

§ C419:45. Transfer Of Appropriations.

Replace two instances of “his” with “their” as indicated below.

[...] The head of any department with the written approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within ~~his~~their department to another fund or agency within ~~his~~their department. [...]

§ C419:48. Official Bonds.

Replace “his” with “their” as indicated below.

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of ~~his~~their office but the manager and all officers receiving or disbursing city funds shall be so bonded. 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.

§ C419:54. Certification Of Compensation.

Replace “he” with “the manager” and “he and his” with “the officer and the officer’s” as indicated below.

No compensation shall be paid without Certification by the manager, or such officer as ~~he~~the manager may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in Section 52. If such officer approves payments not in conformity therewith, ~~he~~the officer and ~~his~~the officer’s surety shall be liable for the amount of such payments.

§ C419:59. Oath Of Office.

Replace “his” with “said” as indicated below.

Every person elected or appointed to any city office or city board, before entering upon the duties of ~~his-said~~ 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.

§ C419:60. Notice Of Election Or Appointment.

Replace “him” with “said officer” and “his” with “the officer’s” as indicated below.

Written notice of election or by appointment of any city officer shall be mailed to ~~him-said officer~~ at ~~his-the officer’s~~ address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

§ C419:62. Disqualification of Councilor, Board Member or Employee.

Replace “himself/herself” with “themselves” as indicated below.

A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove ~~himself/herself-themselves~~ from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.

§ C419:70. Saving Clause Municipal Legislation.

Replace “selectmen” with “selectpersons” as indicated below.

All ordinances and by-laws of the town of Lebanon or its ~~selectmen-selectpersons~~ shall continue in force until altered or repealed, except where a contrary intent herein appears.



Matthew C. Decker
Admitted in NH, NJ, NY

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603.448.2221 Main
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RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/10/2022

November 1, 2022

Lebanon City Council
c/o Mayor Timothy J. McNamara
City Hall
51 N. Park Street
Lebanon, NH 03766

RE: **RSA 49-B City Charter Amendment**

Mr. Mayor,

The City Manager has requested my firm's review of a proposed amendment to the City Charter. A draft of the proposed changes is attached to this letter. I understand that the proposed changes have been drafted by the City's Diversity, Equity and Inclusion Commission with the intention of making the language of the Charter gender neutral.

RSA 49-B:5, 49-B:4, and 49-B:4-b describe a process by which the City Council may cause the proposed Charter amendment to be placed on the ballot for submission to voters at the next municipal election to be held on March 14, 2023. As part of this process, the Council must secure "a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws". See RSA 49-B:4-b, I; RSA 49-B:4, VI (b).

I have reviewed each and every proposed change to the Charter language listed in the attached draft. It is my professional legal opinion that the Charter as it currently exists is not in conflict with the constitution or the general laws of New Hampshire. It is my further opinion that the proposed changes to the Charter only replace gender-specific terms with gender-neutral terms and do not affect the meaning of the Charter in any other way. Use of gender-neutral terms is not in conflict with the constitution or the general laws of New Hampshire. Therefore, it is my opinion that the proposed charter is not in conflict with the constitution or the general laws.

Sincerely,

Matthew C. Decker
NH Bar ID #267540

Attachment (7 pages)

cc: City Manager

Lebanon Charter Gender Neutral Language Recommendations

The following is a detailed and precise list of suggested changes to be made to the Charter of the City of Lebanon, with the intention of making the language of the Charter gender neutral. Care has been taken not to suggest any changes that would alter the meaning of the Charter in any other way.

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§ C419:9. Ward Checklists.

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The **selectmen selectpersons** of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be **selectmen selectpersons** of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law.

§ C419:10. Preparation of Ballots.

Replace “himself” with “personally” as indicated below.

No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate **himself personally** at the time that the petition is filed.

§ C419:16. The Council.

Replace “he/she” with “said member” and “he was” with “they were”, as indicated below.

The office of any ward council member shall be deemed vacant if **he/she said member** takes up residence in any ward other than the one from which **he was they were** elected.

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LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, November 16, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

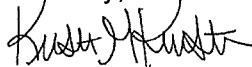
The Lebanon City Council will hold public hearings on November 16, 2022, beginning at 7:00pm for the following:

A. CITY CHARTER AMENDMENTS – A public hearing for the purpose of receiving public input and taking action to amend the City Charter relative to changing gender-based pronouns to gender-neutral pronouns

The November 16, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning November 11, 2022: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 5, 2022.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

9. OLD BUSINESS:

**9.A – ACTION TO ADOPT AMENDMENTS TO COUNCIL RULES, §A191-15
AS PRESENTED ON NOVEMBER 2, 2022**

BACKGROUND

In accordance with §A191-13 of the Council Rules, proposed amendments must be presented in writing at the preceding regular meeting, prior to adoption. Adoption requires a 2/3 vote of all members of the Council.

On November 2, 2022, the Council reviewed and discussed a proposed amendment to §A191-15, to amend the process for reappointment of members to City boards, committees, and commissions. Currently, the Council's process for both new appointments and reappointments requires that one member of the City Council shall interview the applicant within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment or reappointment.

The proposed amendment to §A191-15 would remove the requirement for a member of the City Council to interview applicants for reappointment to the same board, committee, or commission on which they currently serve. Council interviews would still be required for initial appointments of new applicants to boards, committees, or commissions.

ACTION

MOVED, that the Lebanon City Council hereby amends the Council Rules to include the amendments to §A191-15, as presented on November 2, 2022.

Included in this Section:

1. Chapter §A191-15 Council Rules (with proposed amendments as presented on 11/02/2022)

Chapter A191 Council Rules

§ A191-15 Council appointments to City boards, committees, commissions.

[Amended 11-7-1979; 8-2-1995; 9-18-1996; 5-21-2003; 4-2-2008; 5-16-2012; 12-2-2015; 6-5-2019]

- A.** When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible.
- B.** All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire law.
- C.** The following procedure will be followed for board, commission and committee appointments and reappointments:
 - (1)** For initial appointment, the applicant shall fill out the standard application form.
 - (2)** For reappointment, the applicant can update the current form on file or complete a new updated application form.
 - (3)** One member of the City Council shall interview ~~the~~ applicants for initial appointment within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment ~~or reappointment~~. Applicants for reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor.
 - (4)** While one City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

**10.A – PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
DECEMBER 14, 2022: AMENDMENTS TO ORDINANCE #18, SALARY PLAN, TO
INCLUDE IMPLEMENTATION OF A 3% GENERAL WAGE INCREASE, AND TO
RETITLE, RECLASSIFY, AND ADD POSITIONS TO THE EXISTING SALARY PLAN.**

BACKGROUND

The City Council is asked to take action to amend Ordinance #18, Salary Plan, as follows:

1. Article II, Non-Affiliated and LPASE Employees, to:
 - a. Implement a 3% General Wage Increase for 2023;
 - b. Increase the wage and stipend pay scales for Seasonal/Temporary & Stipend Employees;
 - c. Reclassify the following Non-Affiliated positions:
 - i. Systems Librarian and Information Technology Librarian from Grade 9 to Grade 11.
 - ii. Deputy Library Director from Grade 11 to Grade 12.
 - iii. Chief Innovation Officer and Deputy Finance Director from Grade 12 to Grade 13.
 - iv. Airport Manager, Assistant Fire Chief, and Human Resources Director from Grade 13 to Grade 14.
 - v. Deputy Police Chief from Grade 14 to Grade 15.
 - d. Reclassify the following LPASE positions:
 - i. Assistant City Engineer from Grade 9 to Grade 10.
 - ii. Cemetery Sexton, Fleet Maintenance Supervisor, Maintenance Superintendent, and Utilities Maintenance Superintendent from Grade 10 to Grade 11.
 - iii. Administrative Services Manager from Grade 11 to Grade 12.
 - e. Retitle the following positions:
 - i. Two (2) Benefits Coordinator/Payroll Specialist positions to be separated into a Benefits Coordinator position (Human Resources) and a Payroll Specialist position (Finance).
 - ii. Director of Planning and Zoning retitled as Planning and Development Director.
 - iii. Director of Public Works retitled as Public Works Director.
 - f. Reclassify and retitle the following position:
 - i. Recreation Director retitled as Recreation, Arts & Parks Director and reclassified from Grade 13 to Grade 14.
 - g. Add the following Non-Affiliated positions:
 - i. Accounting Clerk III (Finance Department) added as Grade 8.
 - ii. A combined Deputy City Clerk/Deputy Tax Collector (City Clerk) added as Grade 8.
 - iii. Public Relations Coordinator (City Manager) added as Grade 9.

- iv. Deputy Human Resources Director (Human Resources Department) added as Grade 13.
 - v. Deputy Planning and Development Director (Planning and Development Department) added as Grade 13.
 - vi. Human Resources Specialist (Human Resources Department) added as Grade 14.
- h. Add the following Seasonal/Temporary & Stipend positions:
 - i. Tree Warden (Recreation, Arts & Parks Department) added as a Stipend position.
 - ii. Lead Recording Secretary (City Clerk) added as an hourly position.
- 2. Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO, to:
 - a. Implement a 3% General Wage Increase for 2023;
 - b. Reclassify the following positions:
 - i. Parks and Grounds Crew Foreman from Grade 7 to Grade 8.
 - ii. Electrician from Grade 8 to Grade 9.
- 3. Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association, LOCAL 3197/International Association of Fire Fighters (IAFF), to implement a 3% General Wage Increase for 2023.
- 4. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), to implement a 3% General Wage Increase for 2023.

ARTICLE II, NON-AFFILIATED EMPLOYEES.

The City Manager is responsible for maintaining the City's Compensation and Classification Plan. Within Ordinance #18, compensation for exempt (salaried) and non-exempt (hourly) Non-Affiliated employees is expressed as a minimum and maximum grade range – hourly rates for non-exempt employees and weekly rates for exempt (salaried) employees. Movement within ranges is achieved through annual general wage and merit or step adjustments applicable for employees who are not already at the top of their wage range. To be useful, it is imperative that compensation and classification systems be kept current. This is achieved primarily by revising compensation ranges through regular general wage adjustments and by systematically reviewing all positions on a regular basis relative to meaningful sampling of the labor market and internally relative to other positions.

For general wage adjustments for Non-Affiliated (non-union) employees, the City's practice is to use the percentage change in the Northeast Urban CPI for June from 12 months prior, with a minimum adjustment of 1% (floor) and a maximum adjustment of 3% (ceiling). The same basis of adjustment is used for each of the bargaining units. The increase in the Northeast Urban CPI for the period of June 2021-June 2022 was 7.6%. As a result, the City Council is asked to take action to implement a 3% General Wage Increase for Non-Affiliated employees as part of the 2023 City Budget.

In addition, due to the increasingly competitive employment market, the City contracted with Municipal Resources, Inc. to conduct an updated Market Analysis Survey of Non-Affiliated, LPASE, and AFSCME positions included in the Ordinance #18 salary plan. Based on the results of the Market Analysis, the administration is proposing to adjust salary ranges for each pay grade and to retitle and/or reclassify identified positions to provide equitable and adequate wages for employees.

For Non-Affiliated employees, the minimum and maximum wage rates for each of the sixteen (16) pay grades have been expanded and the ranges for all grades overlap, which will assist in keeping wages competitive. Several management and director-level positions are proposed to be renamed and/or reclassified as outlined above. The administration is also proposing several new Non-Affiliated positions to be added to Ordinance #18 as summarized above.

The table below reflects the changes in position title and classification as shown in red text. Changes in wages reflects both the expansion of each range as well as the 3% GWI for Non-Affiliated employees, which would be effective as of the first pay period of 2023.

ARTICLE II, LPASE EMPLOYEES

The City and Lebanon Professional, Administrative, and Salaried Employees (LPASE) have a collective bargaining agreement that covers the three-year period of 2022-2024. According to the agreement, annual General Wage Increases (GWIs) for the life of the contract will be based on the percentage change in the Northeast Urban CPI for June from 12 months prior, but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 7.6% increase in the CPI as of June 2022, the applicable GWI for 2023 will be 3%. Corresponding wage schedules for 2024 are not provided as the GWI for 2024 will not be known until July of 2023.

When negotiating the current agreement, LPASE (and the other bargaining units) agreed to forgo step and merit increases for 2023, but to continue to receive the GWI for 2023. The purpose of forgoing step and merit increases was intended to help the City absorb anticipated increases in debt service projected for 2023. However, as capital project schedules have been delayed, the anticipated debt service increases are now projected to occur in 2024 or later. As a result, the administration expects to negotiate sidebar agreements with each of the bargaining units to allow members to receive step and merit increases in 2023 upon their annual evaluation.

Based on the results of the Market Analysis Survey, six (6) positions within LPASE are proposed to be reclassified within Ordinance #18 as outlined above.

The table below reflects the changes in position grades as well as the 3% GWI for LPASE employees, which would be effective as of the first pay period of 2023.

ARTICLE II, SEASONAL/TEMPORARY & STIPEND EMPLOYEES

Due to the competitive employment market and the difficulty departments have experienced in filling seasonal and temporary positions, the administration is recommending a 6% increase to the hourly wage and stipend rates for seasonal, temporary, and stipend employees. In addition, the administration is proposing two (2) new Seasonal/Temporary and Stipend positions to be added to Ordinance #18 as outlined above.

The table below reflects proposed new positions and the 6% GWI for Seasonal/Temporary and Stipend employees, which would be effective as of the first pay period of 2023.

ARTICLE III, BARGAINING UNIT EMPLOYEES

SECTION A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO

The City and the American Federation of State, County, and Municipal Employees (AFSCME) have a collective bargaining agreement that covers the three-year period of 2022-2024. According to the agreement, annual General Wage Increases (GWIs) for the life of the contract will be based

on the percentage change in the Northeast Urban CPI for June from 12 months prior, but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 7.6% increase in the CPI as of June 2022, the applicable GWI for 2023 will be 3%. Corresponding wage schedules for 2024 are not provided as the GWI for 2024 will not be known until July of 2023.

Similar to LPASE mentioned above, when negotiating the current agreement, AFSCME agreed to forgo step and merit increases for 2023 to help the City absorb anticipated increases in debt service projected for 2023. Since the anticipated debt service increases are now projected to occur in 2024 or later, the administration expects to negotiate sidebar agreements with each of the bargaining units to allow members to receive step and merit increases in 2023 upon their annual evaluation.

Based on the results of the Market Analysis Survey, the administration is proposing to adjust the wage scale for AFSCME by dropping the first one or two steps in each of the nine (9) grades and adding one or two additional steps to the end of each grade. In addition, two (2) AFSCME positions are proposed to be reclassified within Ordinance #18 based on the Market Analysis.

The table below reflects the changes in position grade and wage ranges, as well as the 3% GWI for AFSCME employees, which would be effective as of the first pay period of 2023.

SECTION B, LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION, LOCAL 3197/INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

The City and the Lebanon Permanent Firefighters' Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF) have a collective bargaining agreement that covers the three-year period of 2022-2024. According to the agreement, annual General Wage Increases (GWIs) for the life of the contract will be based on the percentage change in the Northeast Urban CPI for June from 12 months prior, but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 7.6% increase in the CPI as of June 2022, the applicable GWI for 2023 will be 3%. Corresponding wage schedules for 2024 are not provided as the GWI for 2024 will not be known until July of 2023.

Similar to LPASE mentioned above, when negotiating the current agreement, LPFFA/IAFF agreed to forgo step and merit increases for 2023 to help the City absorb anticipated increases in debt service projected for 2023. Since the anticipated debt service increases are now projected to occur in 2024 or later, the administration expects to negotiate sidebar agreements with each of the bargaining units to allow members to receive step and merit increases in 2023 upon their annual evaluation.

The table below reflects the 3% GWI for LPFFA/IAFF employees, which would be effective as of the first pay period of 2023.

SECTION C, LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA)

The City and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) have a collective bargaining agreement that covers the three-year period of 2022-2024. According to the agreement, annual General Wage Increases (GWIs) for the life of the contract will be based on the percentage change in the Northeast Urban CPI for June from 12 months prior, but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 7.6% increase in the CPI as of June 2022, the applicable GWI for 2023 will be 3%. Corresponding

wage schedules for 2024 are not provided as the GWI for 2024 will not be known until July of 2023.

Similar to LPASE mentioned above, when negotiating the current agreement, LPBA/NEPBA agreed to forgo step and merit increases for 2023 to help the City absorb anticipated increases in debt service projected for 2023. Since the anticipated debt service increases are now projected to occur in 2024 or later, the administration expects to negotiate sidebar agreements with each of the bargaining units to allow members to receive step and merit increases in 2023 upon their annual evaluation.

The table below reflects the 3% GWI for LPBA/NEPBA employees, which would be effective as of the first pay period of 2023.

AMENDMENT PROCESS

Gloria Leskiewicz, Human Resources Director, will be present to discuss all proposed amendments and answer any questions the Council may have.

Amending Ordinance #18 requires three separate presentations (see City Charter subsections §419:22, §419:24, §419:25, §419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The Council is asked to recognize the first of three presentations on November 16, 2022, and to schedule a public hearing for December 14, 2022, to amend the Ordinance. The second and third presentations will occur on December 7, and December 14, respectively.

ACTION

The City Council is asked to recognize the first of three presentations and to schedule a public hearing as follows:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance #18, Salary Plans, as follows:

- 1. Article II, Non-Affiliated and LPASE Employees, to:***
 - a. Implement a 3% General Wage Increase for 2023;***
 - b. Increase the wage and stipend pay scales for Seasonal/Temporary & Stipend Employees;***
 - c. Reclassify the following Non-Affiliated positions:***
 - i. Systems Librarian and Information Technology Librarian from Grade 9 to Grade 11.***
 - ii. Deputy Library Director from Grade 11 to Grade 12.***
 - iii. Chief Innovation Officer and Deputy Finance Director from Grade 12 to Grade 13.***
 - iv. Airport Manager, Assistant Fire Chief, and Human Resources Director from Grade 13 to Grade 14.***
 - v. Deputy Police Chief from Grade 14 to Grade 15.***
 - d. Reclassify the following LPASE positions:***
 - i. Assistant City Engineer from Grade 9 to Grade 10.***

- ii. Cemetery Sexton, Fleet Maintenance Supervisor, Maintenance Superintendent, and Utilities Maintenance Superintendent from Grade 10 to Grade 11.
 - iii. Administrative Services Manager from Grade 11 to Grade 12.
 - e. Retitle the following positions:
 - i. Two (2) Benefits Coordinator/Payroll Specialist positions to be separated into a Benefits Coordinator position (Human Resources) and a Payroll Specialist position (Finance).
 - ii. Director of Planning and Zoning retitled as Planning and Development Director
 - iii. Director of Public Works retitled as Public Works Director
 - f. Reclassify and retitle the following position:
 - i. Recreation Director retitled as Recreation, Arts & Parks Director and reclassified from Grade 13 to Grade 14.
 - g. Add the following Non-Affiliated positions:
 - i. Accounting Clerk III (Finance Department) added as Grade 8.
 - ii. A combined Deputy City Clerk/Deputy Tax Collector (City Clerk) added as Grade 8.
 - iii. Public Relations Coordinator (City Manager) added as Grade 9.
 - iv. Deputy Human Resources Director (Human Resources Department) added as Grade 13.
 - v. Deputy Planning and Development Director (Planning and Development Department) added as Grade 13.
 - vi. Human Resources Specialist (Human Resources Department) added as Grade 14.
 - h. Add the following Seasonal/Temporary & Stipend positions:
 - i. Tree Warden (Recreation, Arts & Parks Department) added as a Stipend position.
 - ii. Lead Recording Secretary (City Clerk) added as an hourly position.
- 2. Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO, to:
 - a. Implement a 3% General Wage Increase for 2023, and
 - b. Reclassify the following positions:
 - i. Parks and Grounds Crew Foreman from Grade 7 to Grade 8.
 - ii. Electrician from Grade 8 to Grade 9.
- 3. Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association, LOCAL 3197/International Association of Fire Fighters (IAFF), to implement a 3% General Wage Increase for 2023.
- 4. Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), to implement a 3% General Wage Increase for 2023.

Changes to the compensation and classification schedules are shown in **red** type; new positions and retitled or reclassified positions are shown in **red bold** type, position deletions are shown stricken and in **red italics** type.

The following pay plan shall be in effect the first pay period of 2023.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2023 SALARY & GRADES TO INCLUDE 3% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern II	\$17.79	\$26.00	-	-

LEBANON CITY COUNCIL
November 16, 2022
Agenda Item #10.A

2	Custodian	\$19.99	\$26.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$21.20	\$28.61	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$22.46	\$30.31	-	-
	Custodial Supervisor	-	-	-	-
5		\$23.80	\$32.14	-	-
6	-	\$25.22	\$34.42	-	-
7	Administrative Secretary	\$26.75	\$37.84	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Accounting Clerk III (New)	\$29.42	\$39.71	-	-
	Administrative Assistant	-	-	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector (New)	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,176.75	\$1,588.55
	Children's Librarian	-	-	-	-
9	Assistant City Engineer**	\$32.36	\$43.69	-	-
	Code Health Inspector**	-	-	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator (New)	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Associate Planner**	-	-	\$1,294.40	\$1,747.70
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$35.64	\$48.10	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,425.52	\$1,924.05
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$37.77	\$50.98	-	-

	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Administrative Services Manager**	-	-	\$1,510.80	\$2,039.05
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$40.03	\$54.04	-	-
	Water Treatment Superintendent**	-	-	-	-
	Chief Innovation Officer	-	-	\$1,601.12	\$2,161.47
	Administrative Services Manager**	-	-	-	-
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,697.19	\$2,291.22
	Assistant Fire Chief	-	-	-	-
	Chief Innovation Officer	-	-	-	-
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director (New)	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director (New)	-	-	-	-
	Systems and Operations Administrator	-	-	-	-
14	Human Resources Specialist (New)	\$44.98	\$60.72	-	-
	Airport Manager	-	-	\$1,799.12	\$2,428.62
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-

	Chief Assessor	-	-	-	-
	Human Resources Director	-	-	-	-
	Library Director	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Lead Network Infrastructure Engineer	-	-	-	-
	Recreation, Arts & Parks Director	-	-	-	-
15	Deputy Police Chief	-	-	\$2,021.20	\$2,574.18
16	Technical Advisor II	\$55.35	\$70.05	-	-
	Chief of Police	-	-	\$2,214.00	\$2,802.00
	Director of Planning and Zoning	-	-	-	-
	Planning and Development Director	-	-	-	-
	Director of Public Works	-	-	-	-
	Public Works Director	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Cyber Services Director	-	-	-	-
	Deputy City Manager	-	-	-	-

**Denotes LPASE Employees for which the January 1, 2023 GWI shall be based on the NE Urban CIP for June 2021 – June 2022, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$15.29
Election Assistant	-	\$15.29
Supervisors of the Checklist	-	\$15.29
Moderator	-	\$21.84
Ward Clerk	-	\$21.84
ELECTION DAY STIPEND		
Chair Supervisor of the Checklist	-	\$244.86
Supervisor of the Checklist	-	\$207.44
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.29	\$31.16
RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.08	\$16.65
Lifeguards	\$11.08	\$19.11
Head/Lead Counselors	\$14.42	\$17.73
Head & WSI Lifeguards	\$13.30	\$19.93
Head Front Desk Attendant - Pool	\$13.30	\$16.63
Outdoor Adventurer - Educator	\$13.85	\$17.73
Softball Coordinator	\$13.85	\$17.73
Day Camp Counselors	\$11.08	\$16.65
Arts & Craft Director	\$14.42	\$18.56
Farmers Market Coordinator	\$15.52	\$19.95
Market Assistant	\$13.30	\$16.63
Tennis Instructor	\$16.63	\$21.06
Stomp & Romp	\$16.63	\$21.06
Pool Operations Manager	\$16.63	\$22.93
Asst. Pool Director	\$16.63	\$22.93
Assistant Camp Director	\$16.63	\$22.93
Pool Director	\$17.73	\$26.20
Camp Director	\$17.73	\$26.20

RECREATION, ARTS & PARKS STIPEND POSITIONS:		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$223.82	\$780.64
Tree Warden – Stipend (New)	\$2,500	\$5,000
LIBRARY POSITIONS		
Circulation Substitutes	-	\$14.64
Custodian Substitutes	-	\$17.41
Reference Librarian Substitutes	-	\$24.73
PUBLIC WORK POSITIONS		
Engineering Clerk	\$12.20	\$15.52
GIS Clerk – (or Intern)	\$16.63	\$18.85
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$17.73	\$22.41
CDL Seasonal Drivers	\$24.90	\$54.59
PLANNING POSITIONS		
Park Ranger	\$16.63	\$18.85
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$18.05
*Communications Specialist	\$26.75	\$37.84
Police Administrative Aide	\$22.17	\$25.49
Parking Control Officer	\$22.17	\$25.49
Police Officers	\$28.71	\$37.95
CITY CLERK POSITIONS		
*Assistant City Clerks (Part-Time/Temp. <20)	\$26.75	\$37.84
Lead Recording Secretary (New)	\$24.91	\$30.31
Recording Secretary	\$23.83	\$26.04
Recording Secretary Coordinator	\$24.91	\$26.60
SHARED POSITION		
General Intern I	\$14.42	\$18.29

*Denotes wages increased above 6% - These positions follow the full-time pay plan wages scale.

ARTICLE III, BARGAINING UNIT EMPLOYEES

A. AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO – Employees covered by the terms and conditions of the collective bargaining agreement between the City and AFSCME (American Federation of State, County and Municipal Employees) Local #1348/Council 93 AFL-CIO, (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2023 through the last pay period of 2023, as provided in that agreement, and as placed on file in the office of the City Clerk.

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician;
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;

7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Foreman; <i>Parks & Grounds Crew Foreman</i> ; Utilities Maintenance Mechanic; Engineering Technician;
8	<i>Electrician</i> ; Foreman; Parks & Grounds Crew Foreman
9	Chief of Quality Assurance, Electrician

AFSCME LOCAL 1348 - 2023 SALARY GRADES							3% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
1	\$19.53	\$20.08	\$20.67	\$21.25	\$21.79	\$22.47	\$23.16
2	\$21.07	\$21.68	\$22.31	\$22.92	\$23.52	\$24.25	\$25.00
3	\$22.75	\$23.43	\$24.12	\$24.77	\$25.48	\$26.27	\$27.08
4	\$24.57	\$25.33	\$26.06	\$26.81	\$27.59	\$28.44	\$29.33
5	\$26.62	\$27.43	\$28.24	\$29.05	\$29.90	\$30.83	\$31.79
6	\$28.83	\$29.69	\$30.65	\$31.59	\$32.54	\$33.51	\$34.42
7	\$31.23	\$32.21	\$33.23	\$34.25	\$35.27	\$36.33	\$37.31
8	\$32.80	\$33.84	\$34.91	\$35.99	\$37.14	\$38.28	\$39.77
9	\$35.62	\$36.73	\$37.94	\$39.12	\$40.32	\$41.53	\$43.23

The January 1, 2023 GWI shall be based on the NE Urban CIP for June 2021 – June 2022, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

B. LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION LOCAL 3197 / INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) - Employees covered by the terms and conditions of the collective bargaining agreement between the City and Lebanon Permanent Firefighters' Association Local 3197/International Association of Fire Fighters (IAFF), (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2023 through the last pay period of 2023, as provided in that agreement, and as placed on file in the office of the City Clerk.

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2023 SALARY GRADES							3%GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Firefighter - EMT	\$24.88	\$25.68	\$26.47	\$27.30	\$28.08	\$28.88	\$29.76
Firefighter - Paramedic	\$26.88	\$27.69	\$28.54	\$29.32	\$30.12	\$30.95	\$31.81
Fire Alarm Technician	\$31.88	\$32.54	\$33.21	\$33.84	\$34.50	\$35.13	\$35.77
Lieutenant	\$32.03	\$32.47	\$32.93	\$33.39	\$33.83	\$34.28	\$34.73
Fire Inspector	\$32.05	\$32.57	\$33.12	\$33.64	\$34.19	\$34.71	\$35.28
Lieutenant - Paramedic	\$33.92	\$34.37	\$34.81	\$35.25	\$35.72	\$36.15	\$36.61
Captain	\$38.12	\$38.51	\$38.96	\$39.37	\$39.78	\$40.22	\$40.62
Inspector - Paramedic	\$34.11	\$34.64	\$35.15	\$35.70	\$36.22	\$36.74	\$37.33
Captain - Paramedic	\$39.40	\$39.82	\$40.21	\$40.63	\$41.05	\$41.45	\$41.92

The January 1, 2023 GWI shall be based on the NE Urban CIP for June 2021 – June 2022, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) - Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA)(effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2023 through the last pay period of 2023, as provided in that agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2023 SALARY GRADES							3%GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$28.71	\$30.38	\$31.43	\$32.98	\$34.64	\$36.39	\$37.95
Corporal	\$39.04						
Sergeant	\$39.04	\$39.86	\$40.88	\$41.93	\$42.95	\$43.97	\$45.05

The January 1, 2023 GWI shall be based on the NE Urban CIP for June 2021 – June 2022, but in no case shall be less than one percent (1.0%) nor greater than three percent (3%).

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 14, 2022, beginning at 7:00pm, Council Chambers, City Hall, Lebanon, and Remote via City’s Virtual Platform, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, as follows:

1. ***Article II, Non-Affiliated and LPASE Employees, to:***
 - a. ***Implement a 3% General Wage Increase for 2023;***
 - b. ***Increase the wage and stipend pay scales for Seasonal/Temporary & Stipend Employees;***
 - c. ***Reclassify the following Non-Affiliated positions:***
 - i. ***Systems Librarian and Information Technology Librarian from Grade 9 to Grade 11.***
 - ii. ***Deputy Library Director from Grade 11 to Grade 12.***
 - iii. ***Chief Innovation Officer and Deputy Finance Director from Grade 12 to Grade 13.***
 - iv. ***Airport Manager, Assistant Fire Chief, and Human Resources Director from Grade 13 to Grade 14.***
 - v. ***Deputy Police Chief from Grade 14 to Grade 15.***
 - d. ***Reclassify the following LPASE positions:***
 - i. ***Assistant City Engineer from Grade 9 to Grade 10.***
 - ii. ***Cemetery Sexton, Fleet Maintenance Supervisor, Maintenance Superintendent, and Utilities Maintenance Superintendent from Grade 10 to Grade 11.***
 - iii. ***Administrative Services Manager from Grade 11 to Grade 12.***
 - e. ***Retitle the following positions:***
 - i. ***Two (2) Benefits Coordinator/Payroll Specialist positions to be separated into a Benefits Coordinator position (Human Resources) and a Payroll Specialist position (Finance).***
 - ii. ***Director of Planning and Zoning retitled as Planning and Development Director***
 - iii. ***Director of Public Works retitled as Public Works Director***

- f. *Reclassify and retitle the following position:***
 - i. *Recreation Director retitled as Recreation, Arts & Parks Director and reclassified from Grade 13 to Grade 14.***
 - g. *Add the following Non-Affiliated positions:***
 - i. *Accounting Clerk III (Finance Department) added as Grade 8.***
 - ii. *A combined Deputy City Clerk/Deputy Tax Collector (City Clerk) added as Grade 8.***
 - iii. *Public Relations Coordinator (City Manager) added as Grade 9.***
 - iv. *Deputy Human Resources Director (Human Resources Department) added as Grade 13.***
 - v. *Deputy Planning and Development Director (Planning and Development Department) added as Grade 13.***
 - vi. *Human Resources Specialist (Human Resources Department) added as Grade 14.***
 - h. *Add the following Seasonal/Temporary & Stipend positions:***
 - i. *Tree Warden (Recreation, Arts & Parks Department) added as a Stipend position.***
 - ii. *Lead Recording Secretary (City Clerk) added as an hourly position.***
- 2. *Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO, to:***
 - a. *Implement a 3% General Wage Increase for 2023, and***
 - b. *Reclassify the following positions:***
 - i. *Parks and Grounds Crew Foreman from Grade 7 to Grade 8.***
 - ii. *Electrician from Grade 8 to Grade 9.***
- 3. *Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association, LOCAL 3197/International Association of Fire Fighters (IAFF), to implement a 3% General Wage Increase for 2023.***
- 4. *Article III, Bargaining Unit Employees, Section C, Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), to implement a 3% General Wage Increase for 2023.***

AGENDA

LEBANON CITY COUNCIL

NOVEMBER 16, 2022

10. NEW BUSINESS:

10.B – PRESENTATION BY URBAN3 OF PHASE 2 COST OF SERVICES ANALYSIS FOR LEBANON

BACKGROUND

In 2020, the New Hampshire Housing Finance Authority (NHHFA) retained Urban3 to conduct a Phase 1 Value-per-Acre revenue analysis for several New Hampshire communities to better understand the interaction between tax rates, land use, and land values. Lebanon was one of 15 municipalities studied using revenue data and 3D visualizations to identify the types and locations of development that create the greatest tax return for a community. The results of the Phase 1 analyses for the statewide data were presented on October 15, 2020, and a more-focused presentation of Lebanon and other Upper Valley communities occurred on October 29, 2020. Presentation materials and video recordings of the Phase 1 Value-per-Acre analyses are available through the [NHHFA website](#).

In 2022, NHHFA again contracted with Urban3 to conduct a more in-depth Phase 2 Cost-of-Infrastructure analysis for select communities. Lebanon is one of only 4 municipalities in the state for which Urban3 has completed a cost of infrastructure analysis to assist policy makers and municipal staff in better understanding the role development patterns play in influencing infrastructure costs.

Using Lebanon-specific data and information provided by the City, Urban3 has examined municipal finances and developed a cost-of-services model focused on local services, infrastructure, and capital projects, including roadways and water, sewer, and stormwater utility networks. The analysis then reviews lifecycle costs and budgetary impacts of Lebanon's development patterns.

When paired with the results of the Phase 1 revenue analysis, the Phase 2 cost analysis gives the City a better understanding of its total infrastructure liability and its long-term fiscal health. This information allows the City to have data-driven discussions about the impacts of various patterns and locations of development.

Joe Minicozzi, principal of Urban3, and George Reagan of NHHFA will be on hand to provide the presentation and to answer questions.

ACTION

No action is required by the Council, this is for informational purposes only.

Included in this Section:

1. State of New Hampshire: Phase 2 Fiscal Health Analysis, Cost of Infrastructure Study Scope
2. Urban3 Cost of Infrastructure Study Presentation.

State of New Hampshire: Phase 2 Fiscal Health Analysis

COST OF INFRASTRUCTURE STUDY

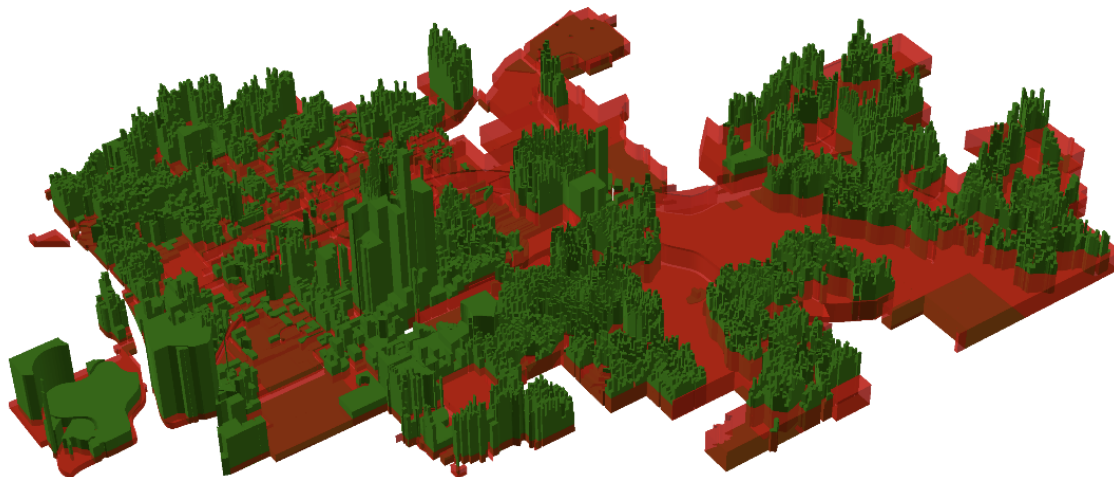


Figure 1: Operating Expense Ratio 3D Model for Oviedo, FL. Red = Net Loss, Green = Net Positive

HOW DO COSTS COMPARE WITH REVENUES?

As a next step in determining the long term financial sustainability for the communities of New Hampshire, Urban3 will explore a cost of infrastructure analysis in order to assist policy makers, municipal staff and selected communities in understanding the role development patterns play in influencing road and utility costs. This phase of the project will present and compare the recently created Revenue Model (Property Taxes) with a Cost Model (All relevant infrastructure, including streets and pipes). When revenue streams are netted against the costs, it will help communities understand their net position.

Phase 1 of this analysis included creating a Value Per Acre Model for communities across the state which modeled the relative revenue streams of 15 communities.

Phase 2 will build upon Phase 1, as Urban3 staff works collaboratively with NHFFA staff and municipal staff from each community to create the "Cost Model", and develop an expense ratio model similar to Figure 1 for 4 communities:

HOW IS INFRASTRUCTURE FUNDED?

Phase 2 will consist of the following tasks:

- **Fiscal Research:** Urban3 will examine the sources and uses for municipal finances and catalogue the mechanisms that fund local services, infrastructure, and capital projects. Our particular focus will be on public goods with a significant cost and are spatially relevant. This invariably leads us to the lifecycle cost of infrastructure. We want to establish a clear picture of the sources and magnitudes of the community's revenue sources for both the usefulness of our own analysis and for the benefit of the audience. We will leave you with an understanding of where feedback exists between land use choices and revenue and highlight how infrastructure is actually paid for by the community. In our experience, we have found that community productivity is usually the opposite of perception once the 'net' position is modeled. We have found in past projects that perceived revenue sources and connections differ from reality.

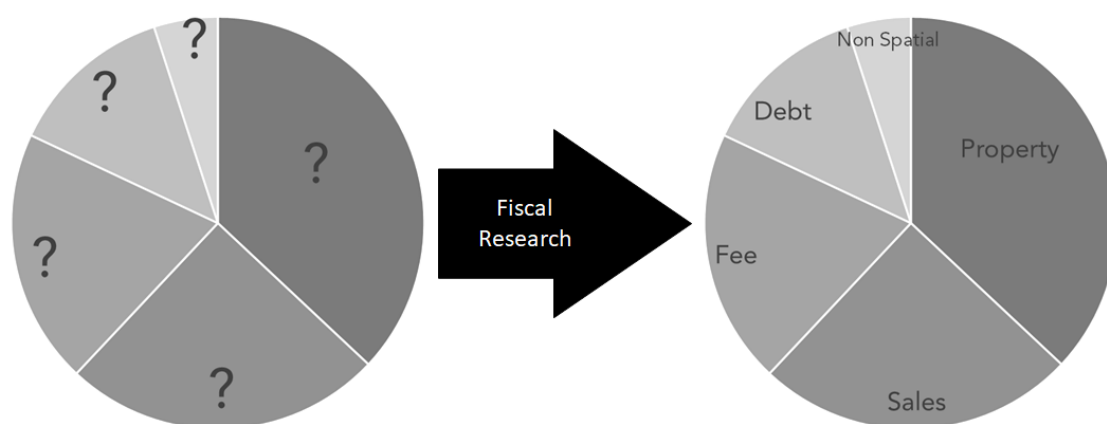


Figure 2: Analysis of municipal budget streams for geospatial relevance (left) to determine a chart of accounts to be modeled for the ROI model in Figure 1 (right).

Our audit process bundles various aspects of municipal accounting and cash flows, which are usually disaggregated, with fixed infrastructures. This is a more comprehensive investigation of revenue, since capital revenue can be opaque. We accomplish this through a combination of researching published materials such as the annual budget, capital improvement plan, and annual financial report. This municipal audit will be in cooperation with each community's staff to ensure accuracy, but also to share mapping methodologies. We will also look to staff contacts for guidance throughout the project. This step is critical in order to understand the extent to which the community can guide us on your community's public finance and infrastructure needs and will help us move on to more in-depth spatial analysis. Staff interviews can be held via phone or video conference and questions provided beforehand may include: How are capital projects funded? How does debt and debt

service come into play? Are there existing projects or documents that outline service and infrastructure costs? Ideally we would have representatives from each community available for one day of interviews as a group on Zoom.

Our revenue analysis from Phase 1 included a representative spatial model of property production (Figure 3). During the Phase 1 process, As we learn more about how the community finances itself, we may attempt to map and measure other sources of revenue. However, this depends on the quality and availability of data and the prominence, integrity, and relevancy of the data sources. Past notable examples include the impact fees from permit data, water consumption, income taxes, and other user fees.

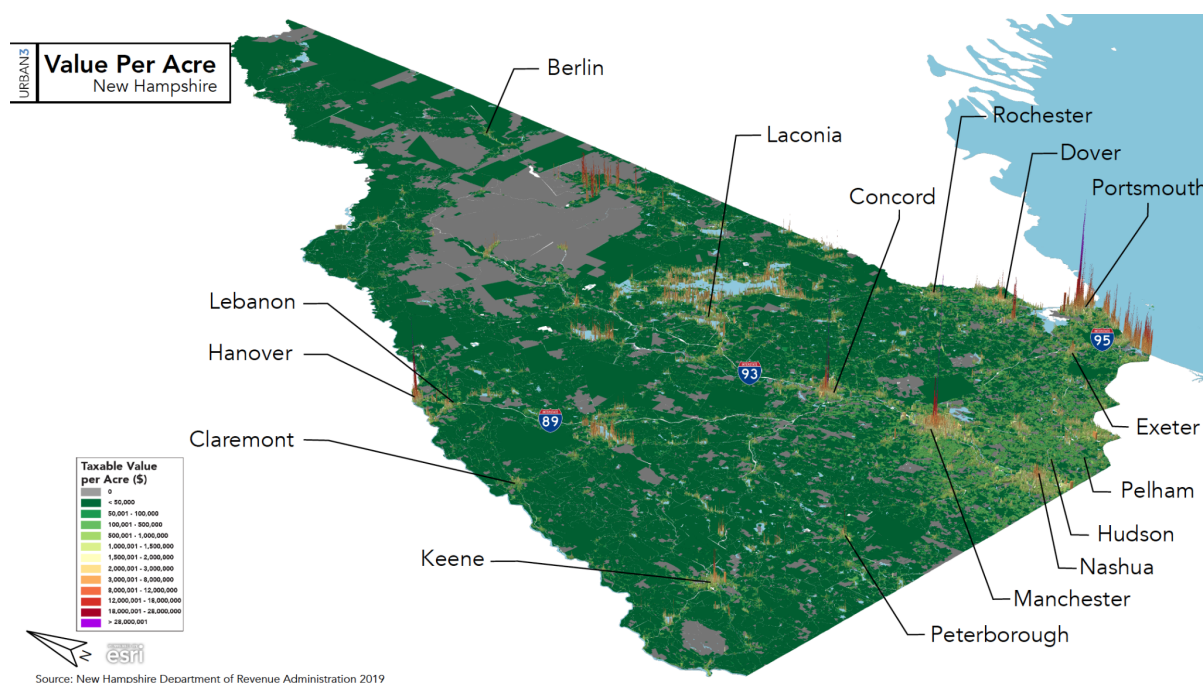


Figure 3: Property valuation 3D model for the State of NH demonstrating 'apples to apples' revenue productivity of land uses citywide.

- Infrastructure Liability Analysis: The roads in a community along with the stormwater, and wastewater pipes and facilities are usually the municipality's greatest level of massive financial obligations. The true scale of that obligation can be obscured by accounting practices and general biases ignoring their long lifespan. For this procedure in the analysis, we will assemble, map, and measure all the available spatially and fiscally sources of cost. The road system, with as much detail as we can locate, will be the primary subject. Notable past examples include networks and facilities for water, wastewater, storm water systems, water pipe networks and facilities, wastewater pipe, networks and facilities, storm water systems, and spatially relevant utility systems.

This section will help answer questions like “how many miles of road does our community have?” and “is that high or low compared to our peers?” In order to map and properly account for these elements we will engage in some data correction with staff. Typical corrections include addressing parcel anomalies, fixing road topology issues, and preparing street and pipe data for network analysis.

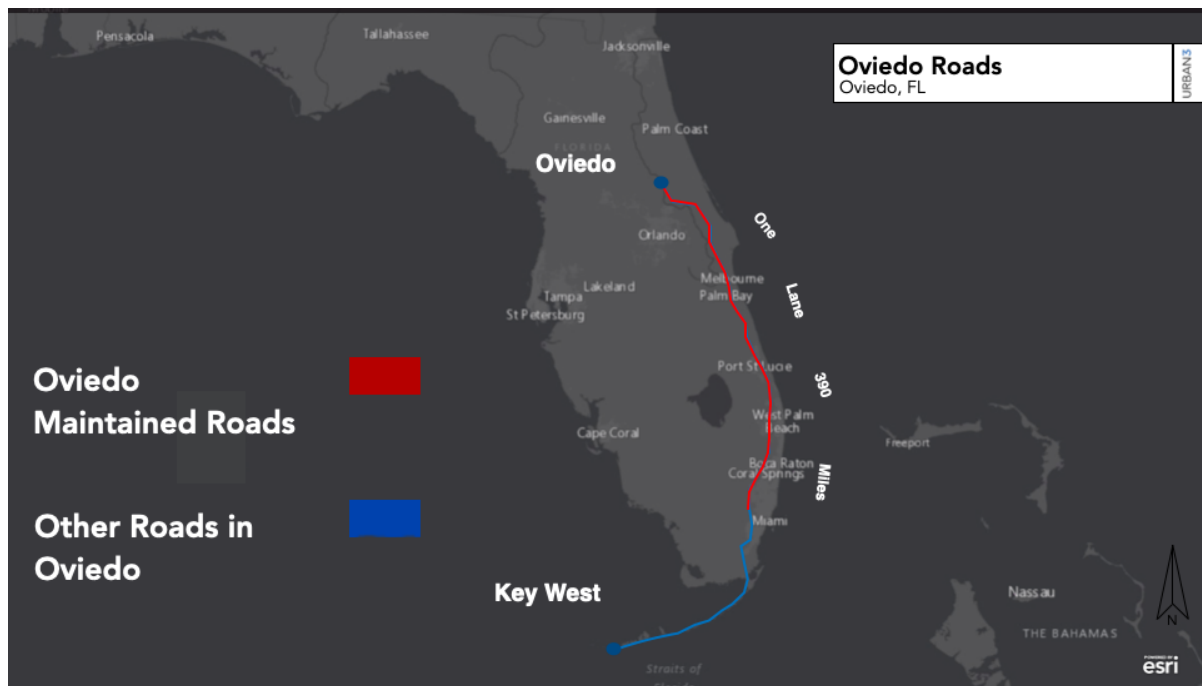


Figure 4: Road obligation map for the City of Oviedo, FL as presented in the revenue analysis phase. This map was created to visualize the scale of obligation and make a clear graphic to explain as a map.

With an understanding of the physical quantity of the community’s infrastructure, we can then seek to quantify it in terms of revenue needed. Our cost methodology differs somewhat from Government Finance Officers Association (GFOA) standards and most status-quo engineering reports. However, our system has been verified with the GFOA as an acceptable standard. Our process incorporates the relationship between development and the infrastructure that serves it in the present. We look at the long-term lifecycle cost of a unit of infrastructure broken down to a yearly sum over that period and incorporated similar to asset management methodologies in practice in the private sector. We will start with our own cost coefficients for the mapped infrastructure and calibrate them with input from staff.

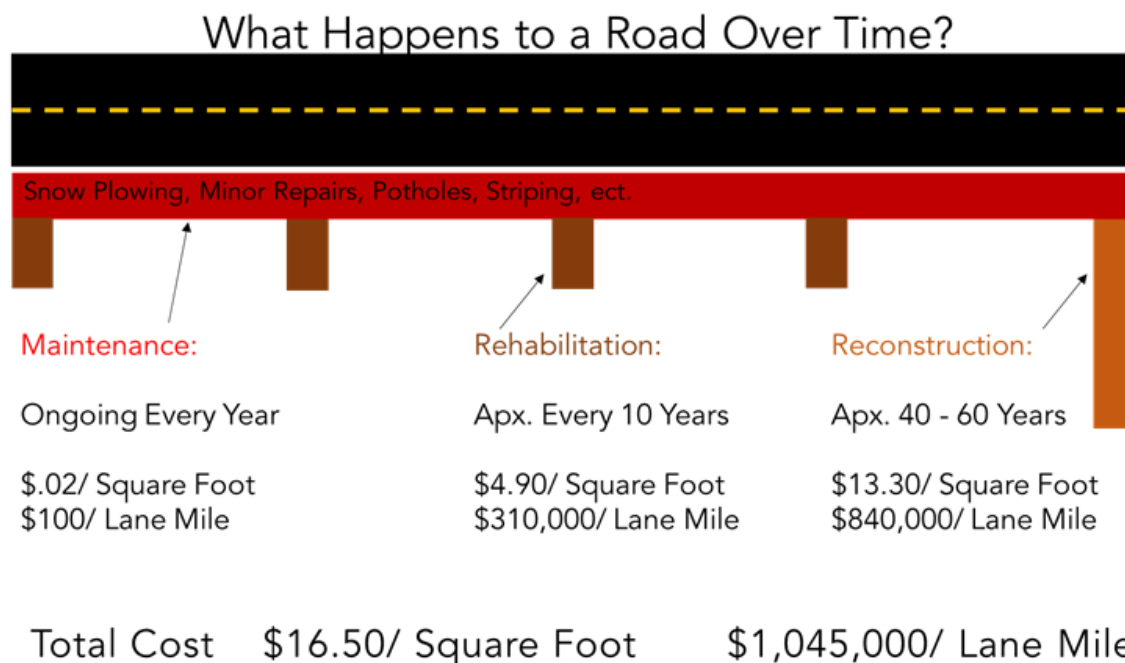


Figure 5: Graphic above explains the lifecycle obligation for a mile of road in the City of South Bend, IN. By sequencing an entire lifecycle, it makes visual the obligated cycles of ownership and maintenance as a full period of ownership & maintenance, rather than a 5 year window. The latter obscures the obligated burden.

- Fiscal Health Audit:** Urban3 will model graphically if the city will be able to maintain its infrastructure footprint. The analysis will include how the City's revenue capacity compares to the long-term maintenance and replacement needs of its transportation and pipe systems. Urban3 will compare the City's total infrastructure liability to its long term fiscal health. Our work will determine if the city will be able to maintain its infrastructure footprint. Urban3 will investigate these items by analyzing and visualizing data of current land use conditions, how those conditions evolved through past development, and how these conditions may affect the long term financial future of the City.



Figure 6: Road affordability demonstrative illustration for Lexington, KY. This map represents the available funds to support the road obligation for Lexington. When roads turn red, the municipality has run out of revenue to support those roads. Red = Unaffordable, Green = Affordable

WHAT DOES FISCAL SUSTAINABILITY LOOK LIKE FOR OUR COMMUNITY?

The analysis will further explore any discrepancies between the real, complete costs for infrastructure and the amount each community has budgeted for maintenance. The transportation system and underground infrastructure will be the primary focus, as these are heavily impacted by the pattern and location of development.

Urban3 will evaluate the fiscal sustainability of each community's development footprint. The analysis will determine if its current footprint pays for itself and what the cash flow will be over time given long term infrastructure liabilities. This analysis will be helpful to have a data driven discussion, allowing each city to use data when considering potential annexation and determining what types of development to incentivize. By visualizing the economics, we will leave the community with an understanding of the feedback between land use decisions and future cost ramifications.

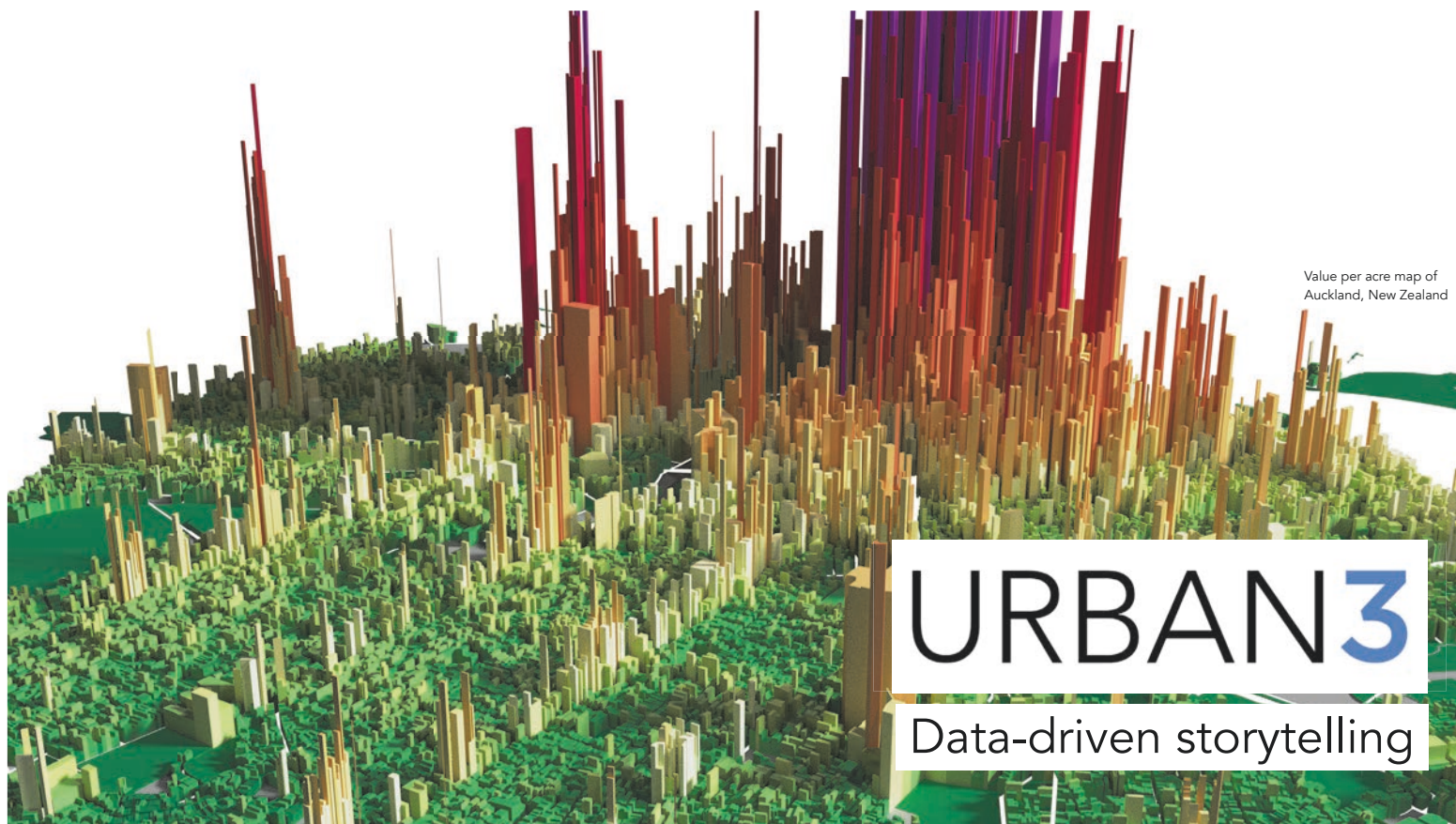
WHAT IS THE ROLE OF SCHOOLS IN COMMUNITY FISCAL HEALTH IN NEW HAMPSHIRE?

As part of our analysis, Urban3 will visualize the relationship between K-12 schools and costs. We will create two case studies for one community to reveal the impact of various densities on cost, for example a 100 unit apartment building vs. 100 single family homes and their impact. Additionally, we will create a series of slides that break down a typical tax bill, to show the scale of school taxes being collected by each town or city within the study in comparison with the amount available for use by the city/town or County.

FINAL PRESENTATIONS

At the end of this process Urban3 will organize the work into a final presentation document to present to staff and the community explaining the analyses. The three key elements which they will convey are: the inner-workings of the revenue system, the distribution of costs, and the methodology for distributing relevant costs spatially.

From the Phase 2 Cost of Infrastructure analysis, each community will have their own unique data and a model revealing the fiscal impact of development patterns. Similar to the revenue study, this analysis and cost model will lead to stronger decision-making based on the public's return on investment. The model will allow decision makers and each community to understand the connection between land use and the long term financial health of their city or town.

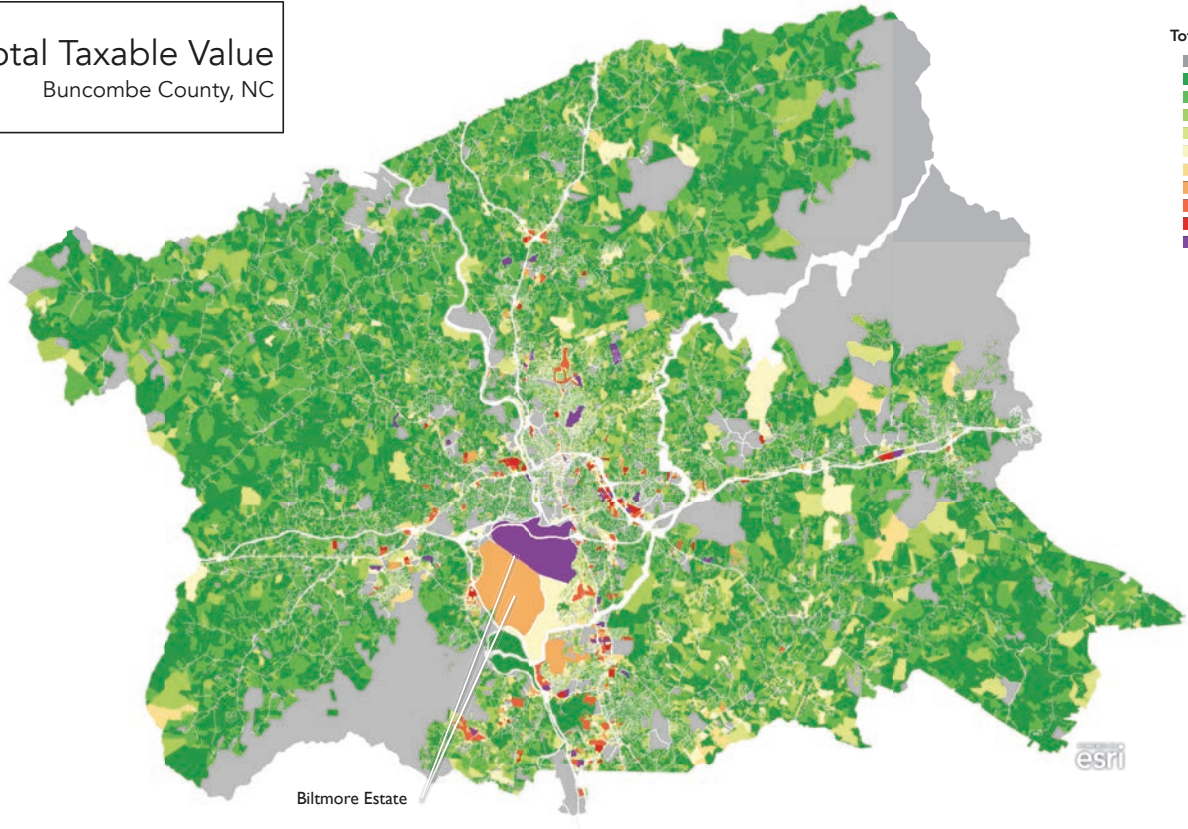


Case Study: Economic MRI®
2016

Asheville, North Carolina

Total Taxable Value

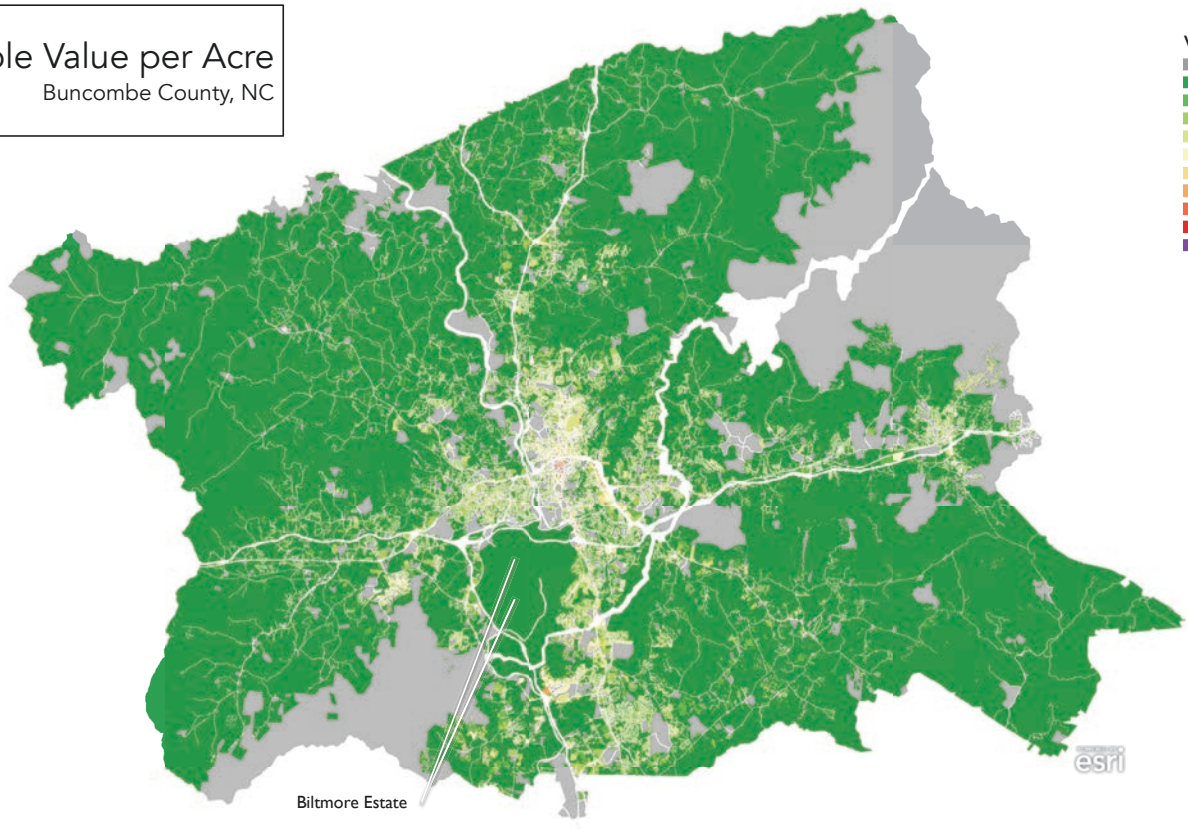
Buncombe County, NC



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Taxable Value per Acre

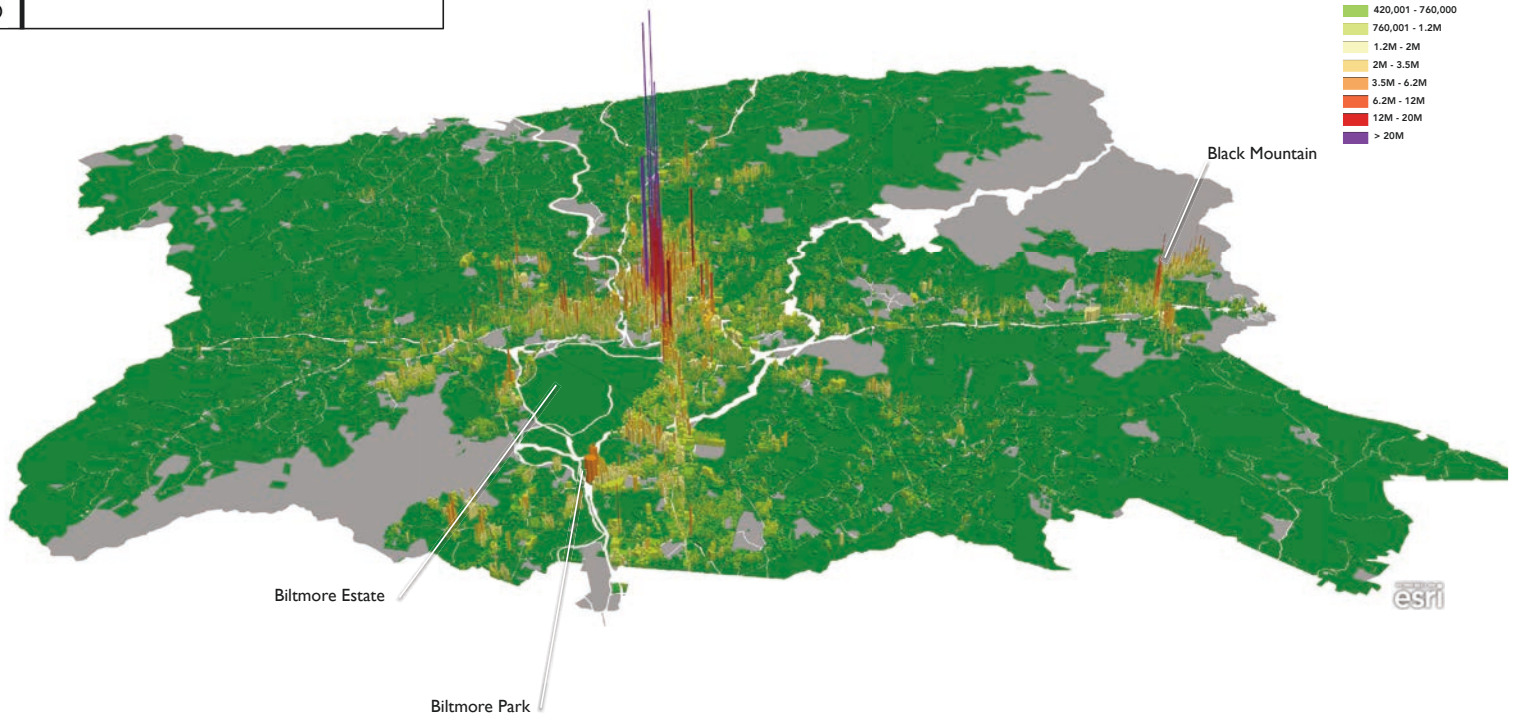
Buncombe County, NC

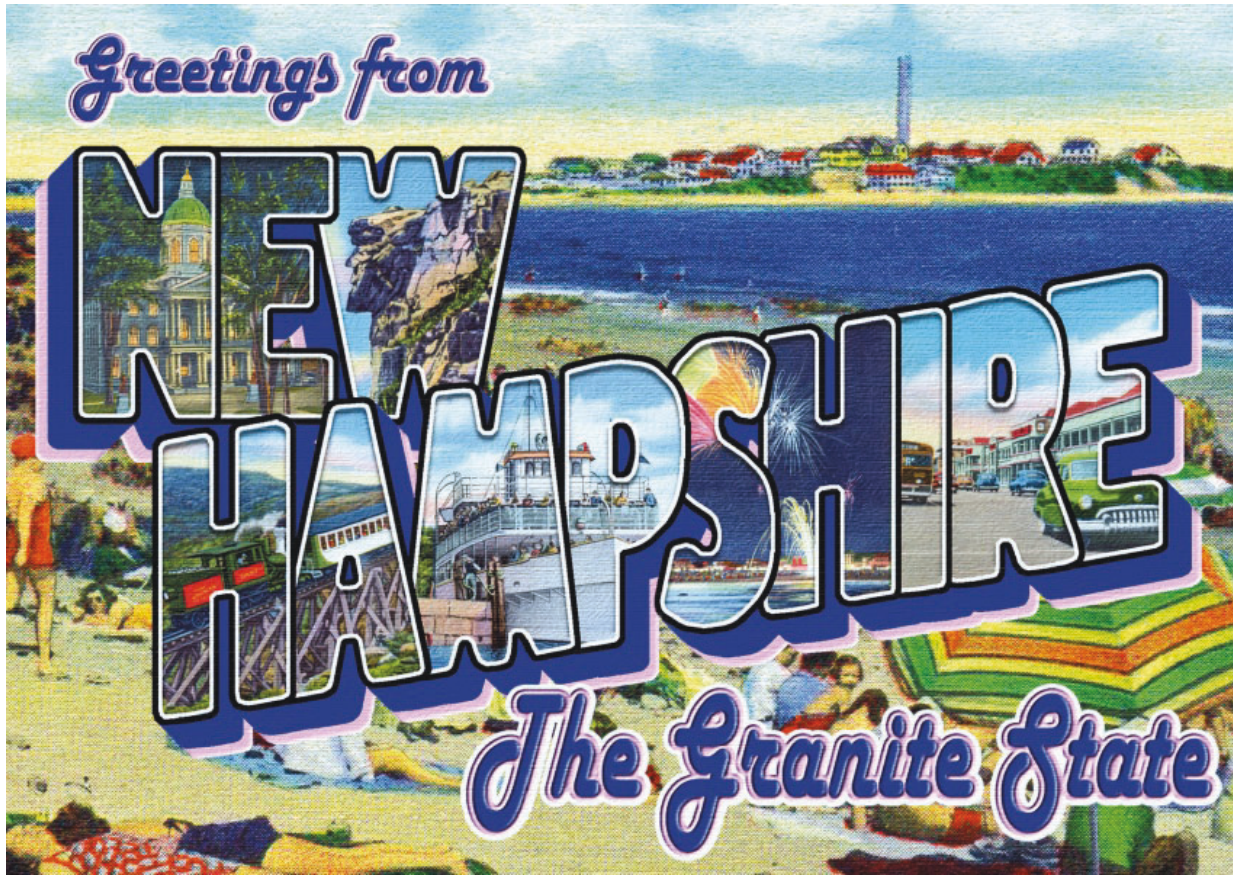


Taxable Value per Acre Buncombe County, NC

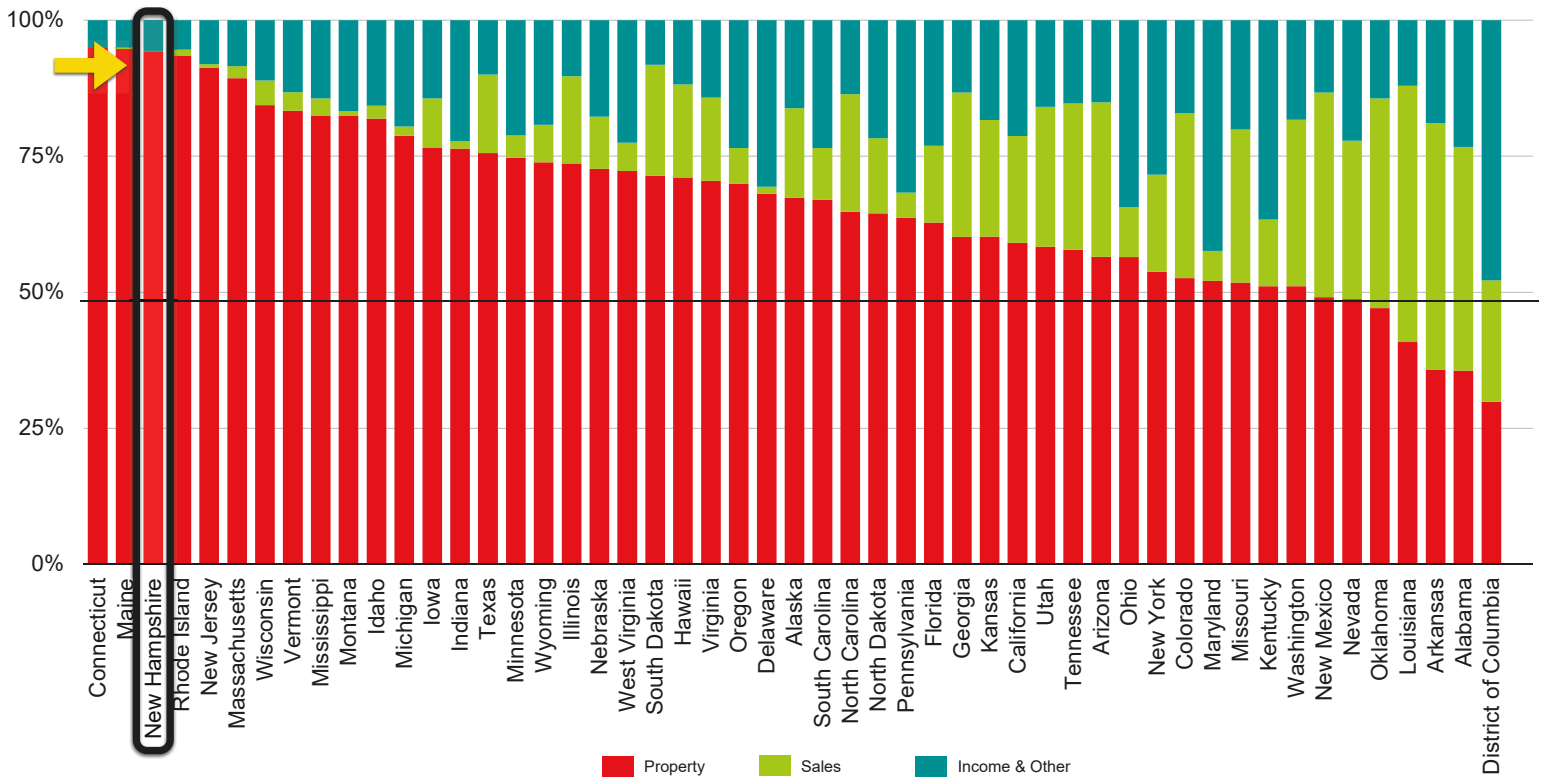
Value Per Acre (\$)

- Not Taxable
- < 170,000
- 170,001 - 420,000
- 420,001 - 760,000
- 760,001 - 1.2M
- 1.2M - 2M
- 2M - 3.5M
- 3.5M - 6.2M
- 6.2M - 12M
- 12M - 20M
- > 20M





URBAN3





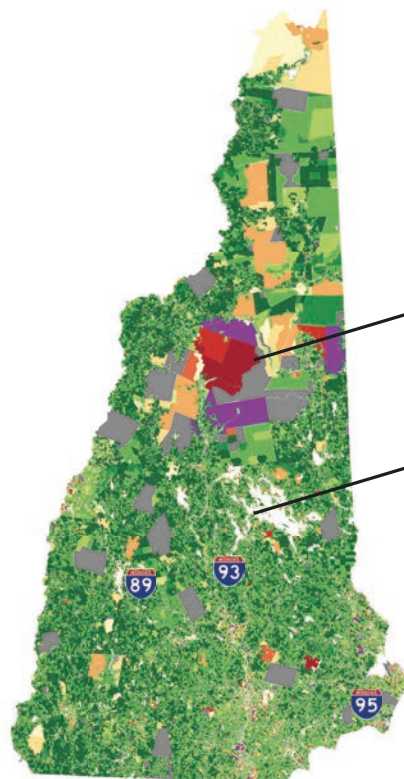
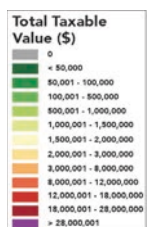
Case Study: Economic MRI®
2022

New Hampshire

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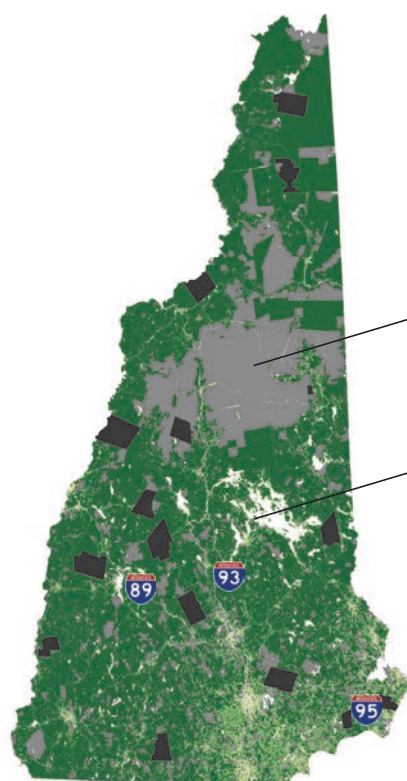
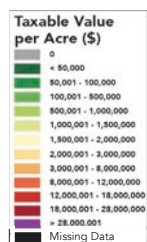
Total Value
New Hampshire



White Mountain

Lake Winnepesaukee

Value Per Acre New Hampshire



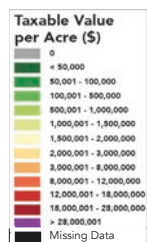
White Mountain

Lake Winnepesaukee

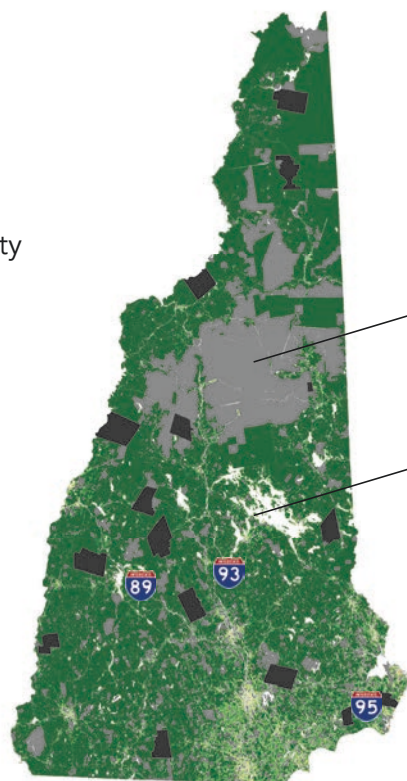
*Missing Data Accounts for 5.25% of Total Land Area

Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre New Hampshire



Missing Data: the property is there and paying taxes but isn't mapped. Significantly rural and undeveloped.

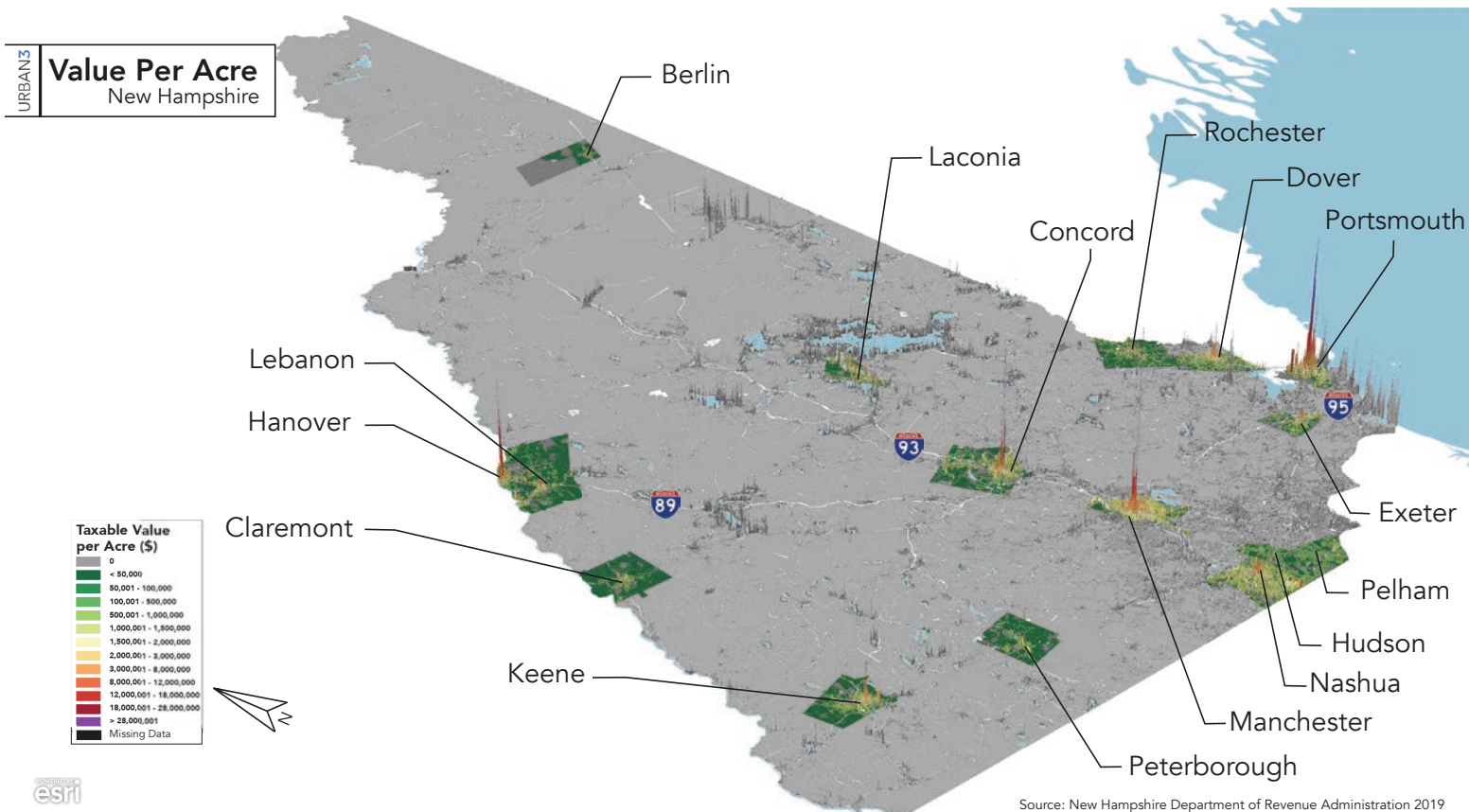
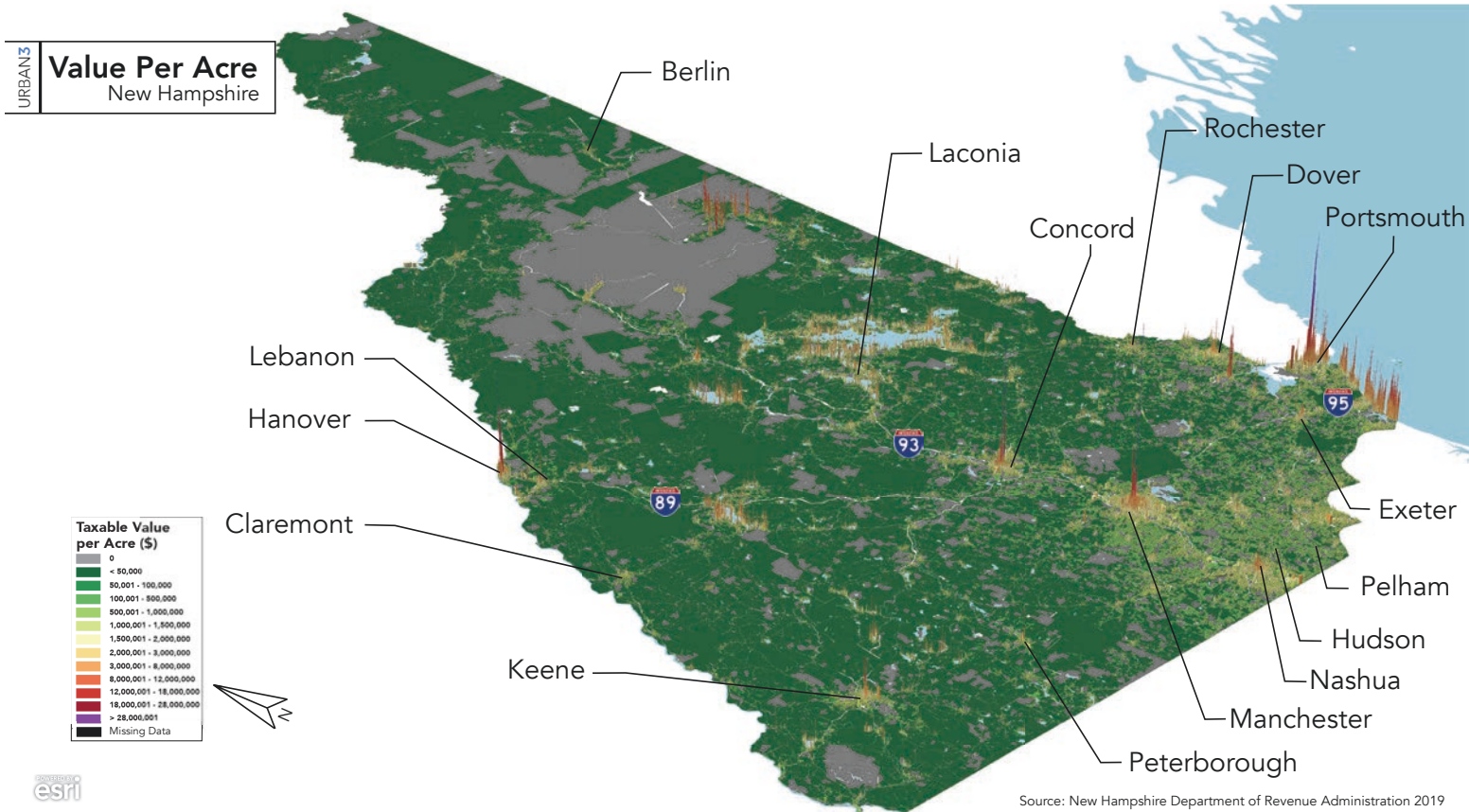


White Mountain

Lake Winnepesaukee

*Missing Data Accounts for 5.25% of Total Land Area

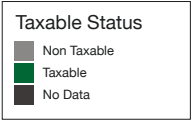
Source: New Hampshire Department of Revenue Administration 2019



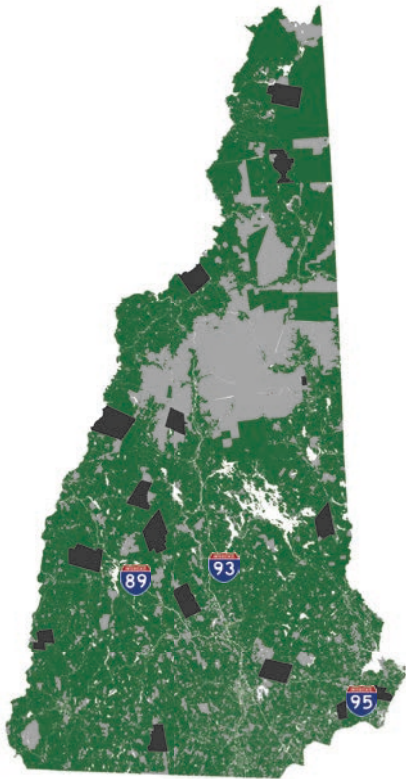
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Taxable Area

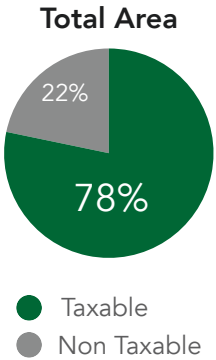
New Hampshire



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*Missing Data Accounts for 5.25% of Total Land Area

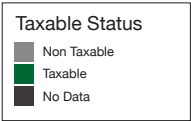


Source: New Hampshire Department of Revenue Administration 2019

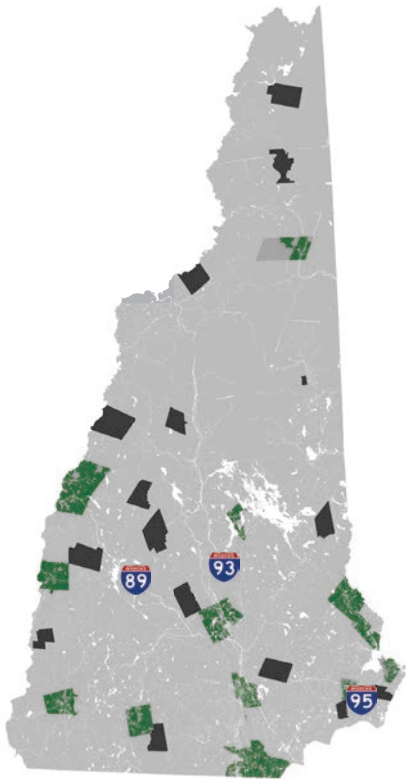
URBAN3

Taxable Value

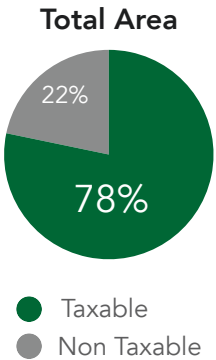
New Hampshire



esri



*Missing Data Accounts for 5.25% of Total Land Area

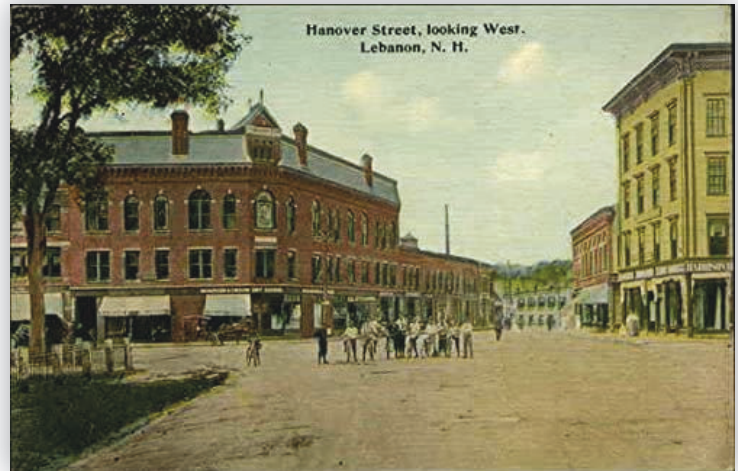


Source: New Hampshire Department of Revenue Administration 2019



Case Study: Economic MRI®
2020

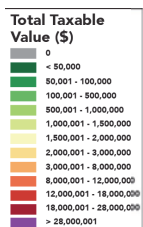
Lebanon



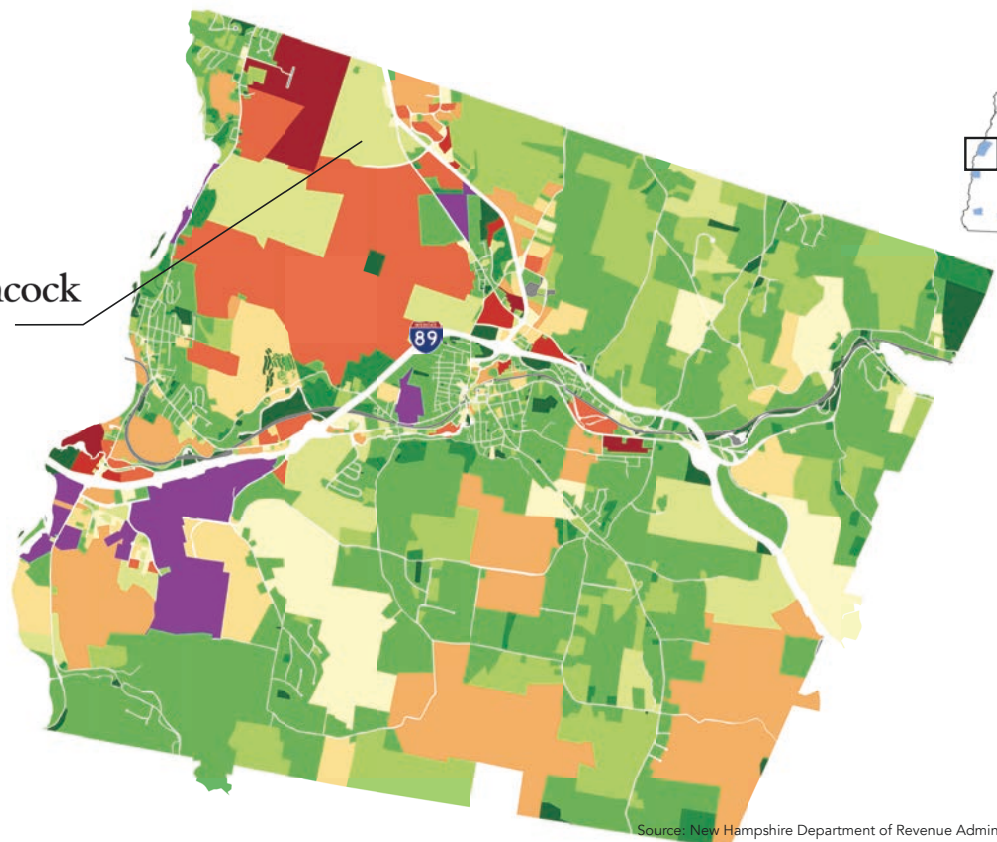
URBAN3

URBAN3
Total Value
Lebanon

 **Dartmouth-Hitchcock**
MEDICAL CENTER



esri

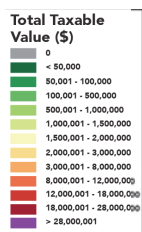


Source: New Hampshire Department of Revenue Administration 2019

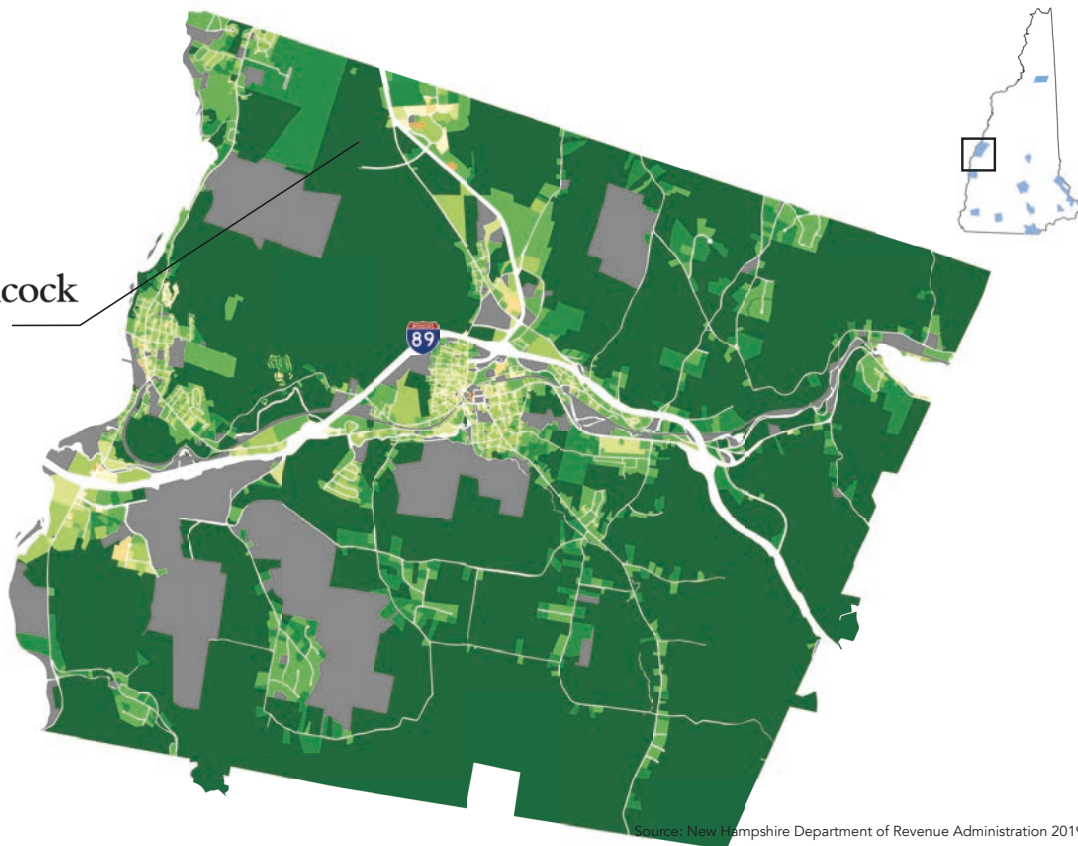
Value Per Acre Lebanon



Dartmouth-Hitchcock
MEDICAL CENTER



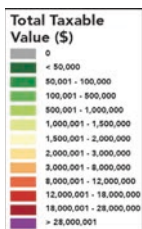
esri



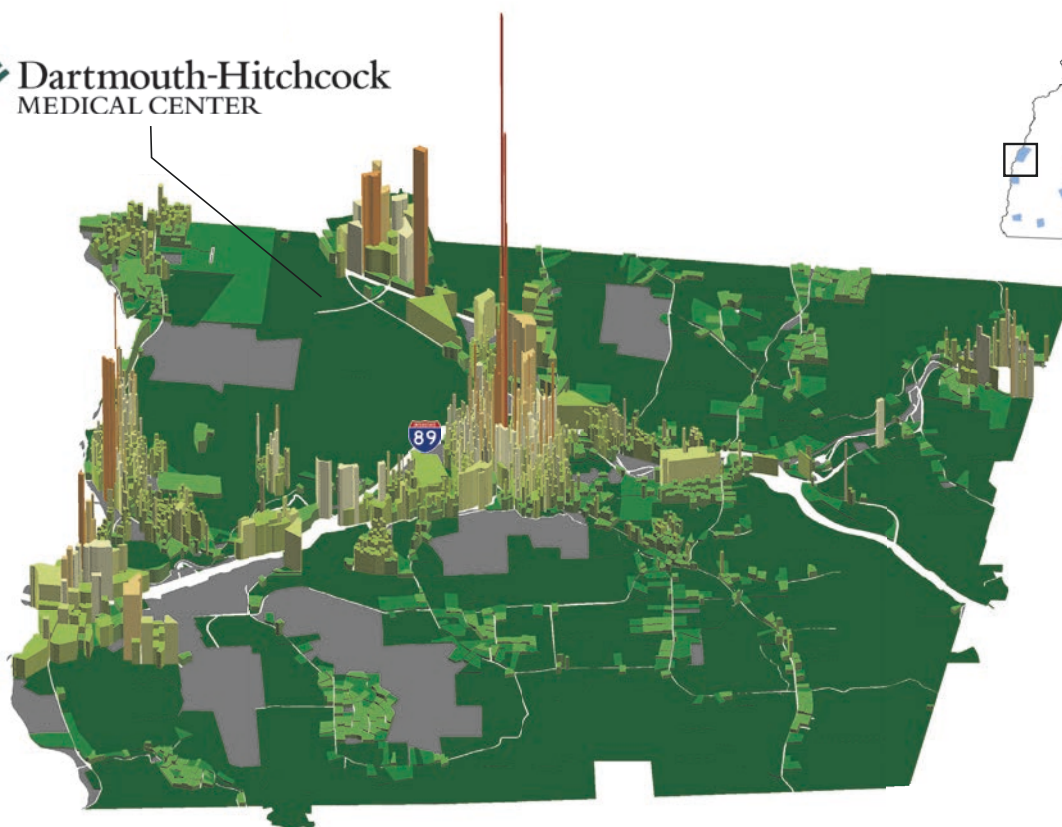
Value Per Acre Lebanon



Dartmouth-Hitchcock
MEDICAL CENTER

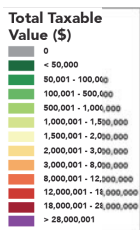
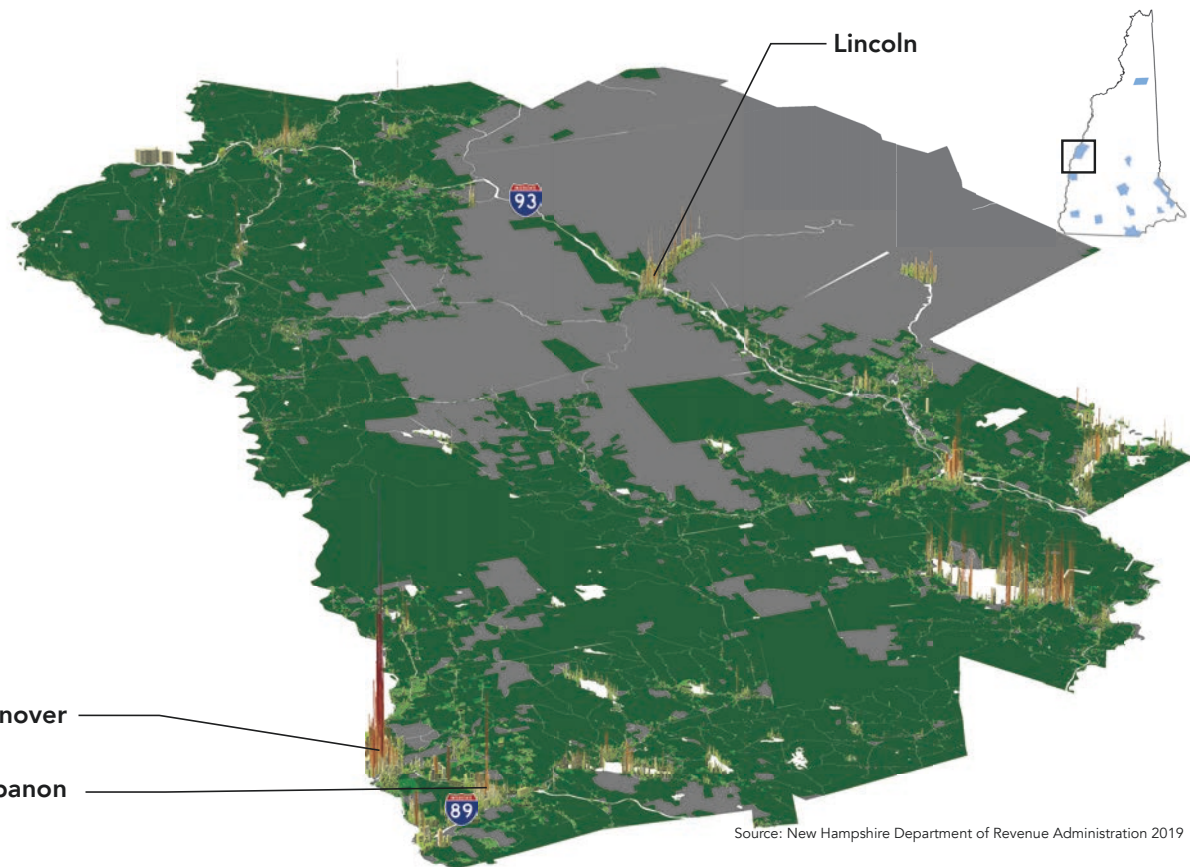


esri



Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre Grafton County



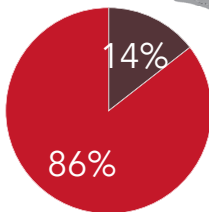
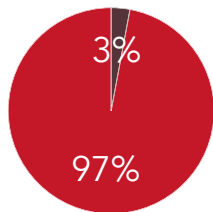
esri

Value Per Acre Lebanon

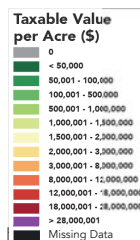
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Area

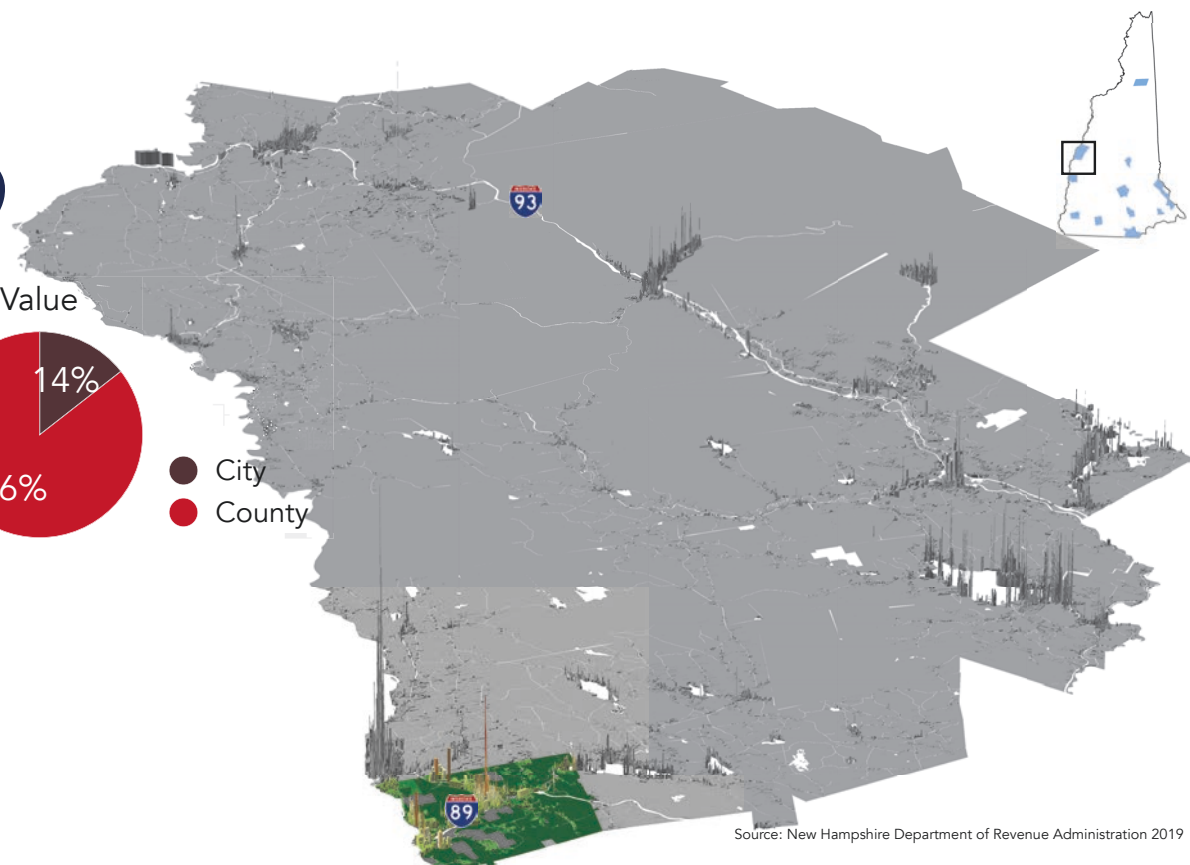
Value



City
County

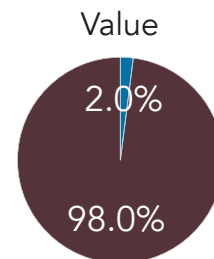
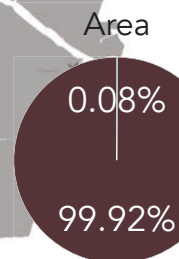
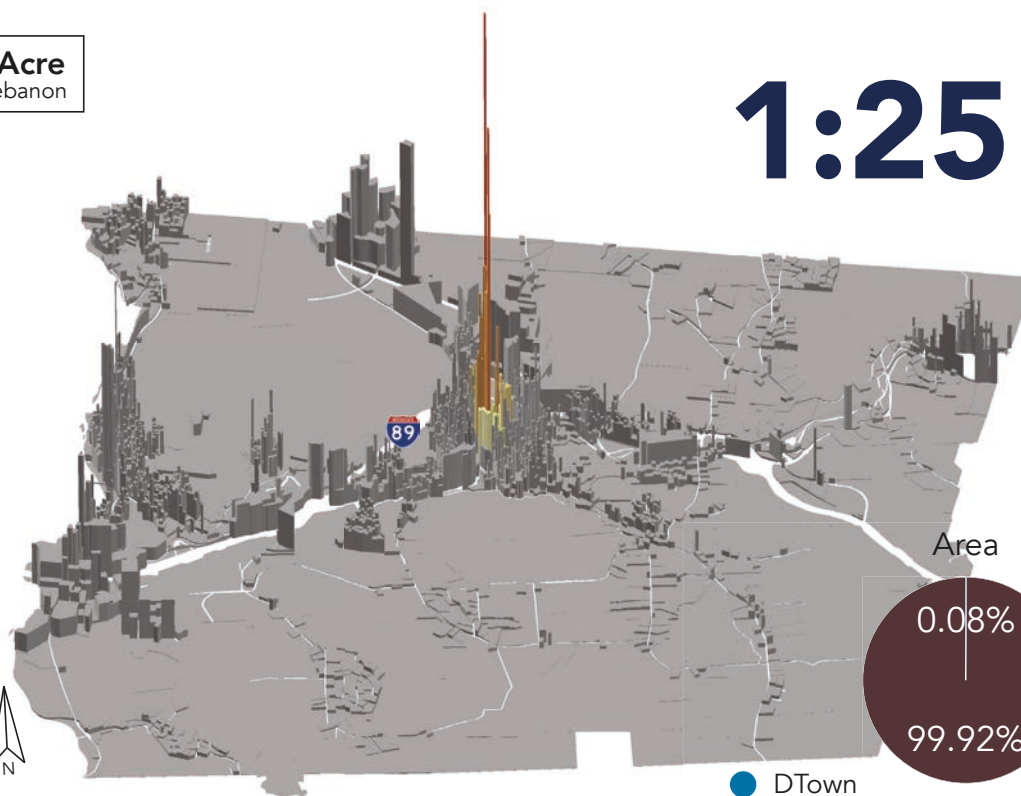
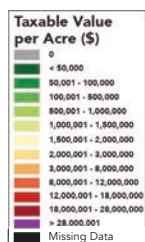


esri



Value Per Acre Downtown Lebanon

1:25

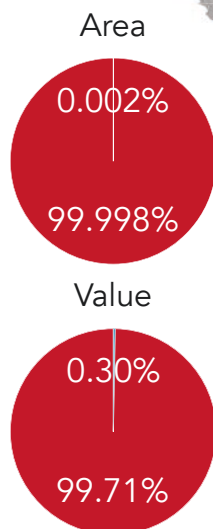
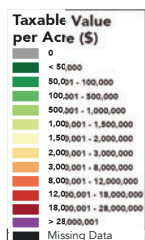


● DTown
● City

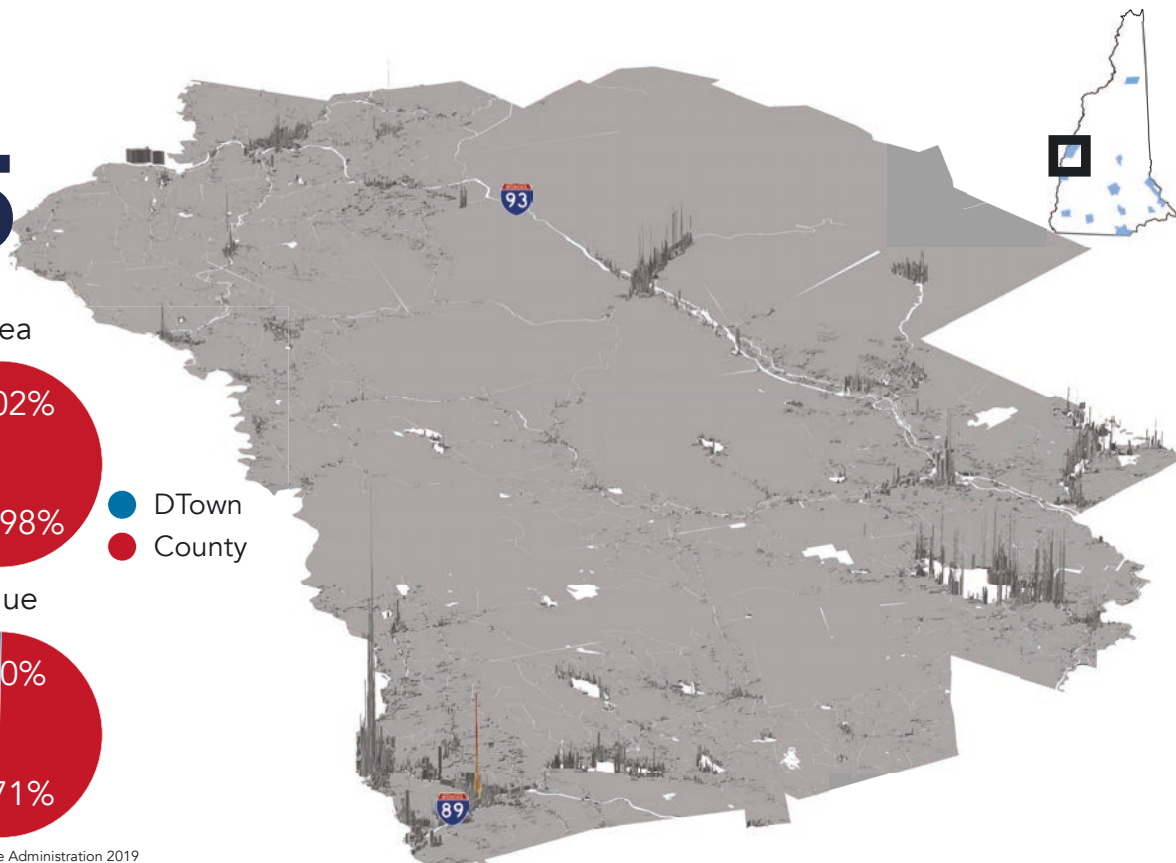
Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre Downtown Lebanon

1:125



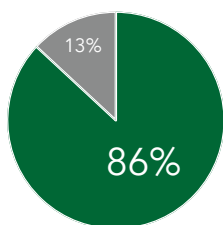
● DTown
● County



Source: New Hampshire Department of Revenue Administration 2019

Taxable Area Lebanon

Total Area



- Taxable
- Nontaxable

Taxable Status

- Non Taxable
- Taxable
- No Data



esri

Lebanon Municipal
Airport



Source: New Hampshire Department of Revenue Administration 2019

URBAN3



Land Use Types

Local samples of buildings and development types

Value Per Acre Land Use Productivity



Avg. VPA: \$90,509

Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre Land Use Productivity



Single Family
Avg. VPA: \$0.51 M



Avg. VPA: \$90,509

Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre

Land Use Productivity



Multi Family
Avg. VPA: \$1.2 M



Single Family
Avg. VPA: \$0.51 M



esri



Avg. VPA: \$90,509

Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre

Land Use Productivity



Multi Family
Avg. VPA: \$1.2 M



Single Family
Avg. VPA: \$0.51 M



Commercial
VPA: \$1.1 M



esri



Avg. VPA: \$90,509

Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre

Land Use Productivity



Multi Family
Avg. VPA: \$1.2 M



Single Family
Avg. VPA: \$0.51 M



Commercial
VPA: \$1.1 M



esri



Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre

Land Use Productivity



Multi Family
Avg. VPA: \$1.2 M



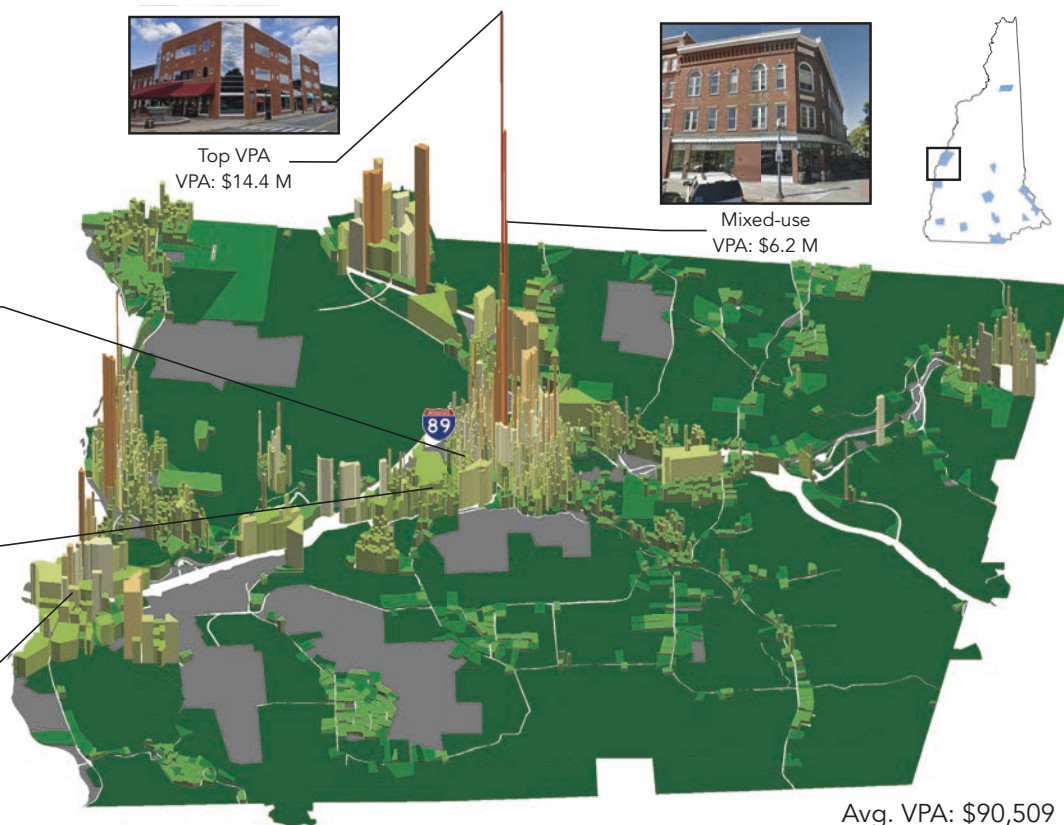
Single Family
Avg. VPA: \$0.51 M



Commercial
VPA: \$1.1 M



esri



Source: New Hampshire Department of Revenue Administration 2019

Value Per Acre
Land Use Productivity



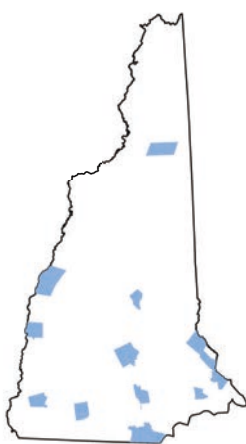
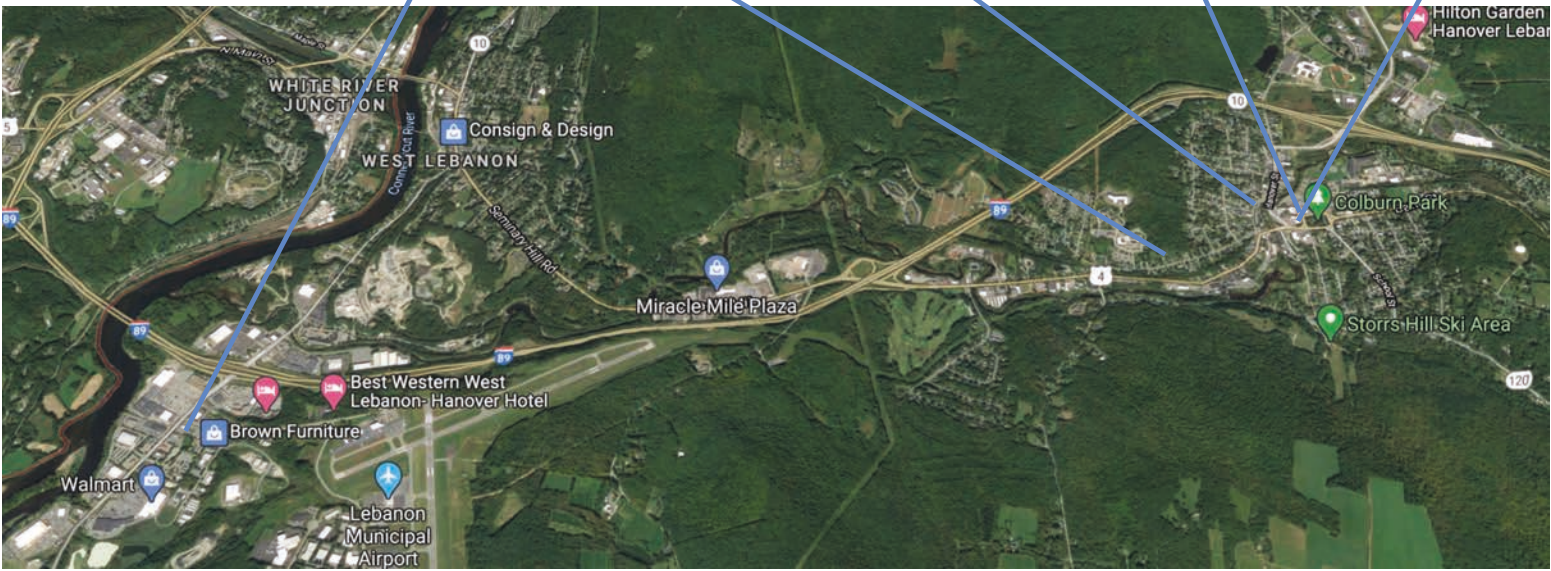
Commercial
VPA: \$1.1 M

Single Family
Avg. VPA: \$0.51 M

Multi Family
Avg. VPA: \$1.2 M

Peak VPA
VPA: \$14.4 M

Mixed-use
VPA: \$6.2 M

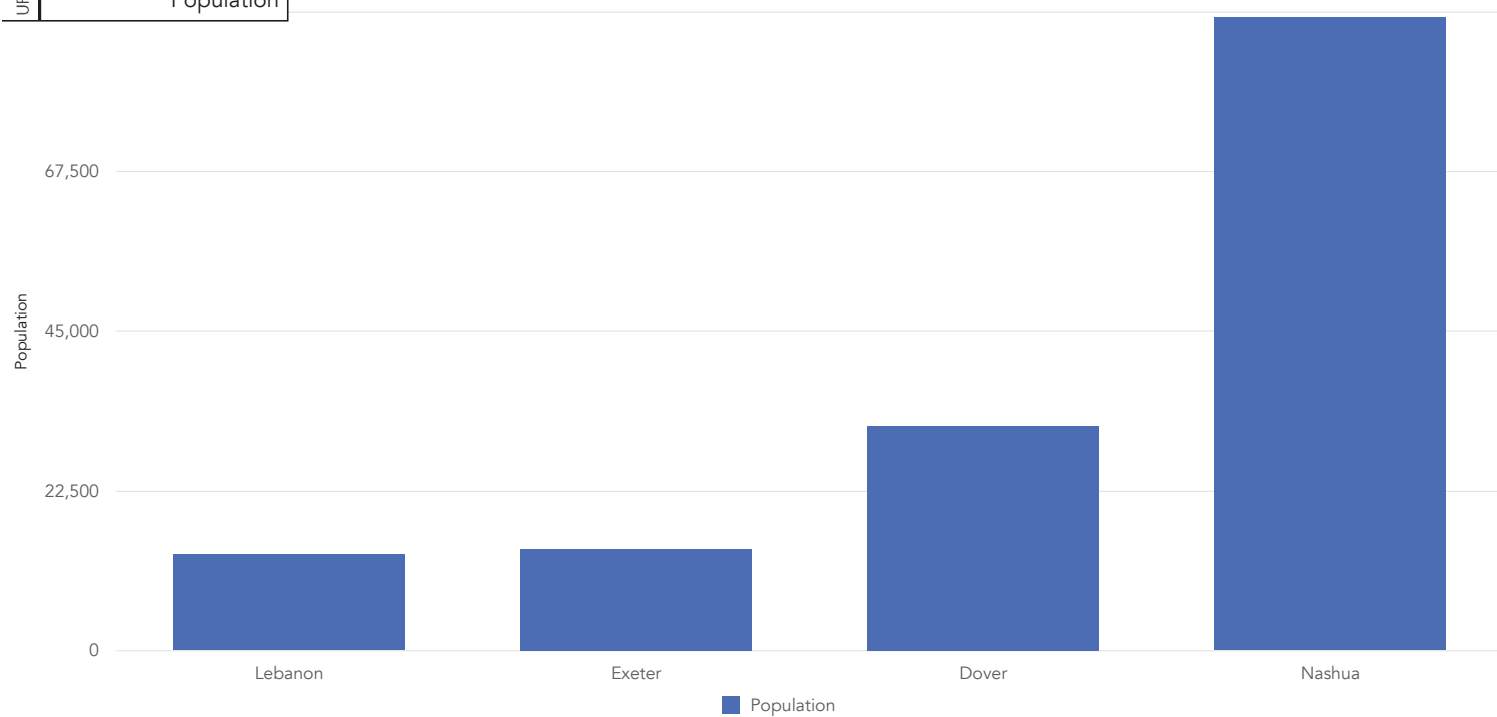


Comparing Cities

4 Cities from across New Hampshire

Comparisons

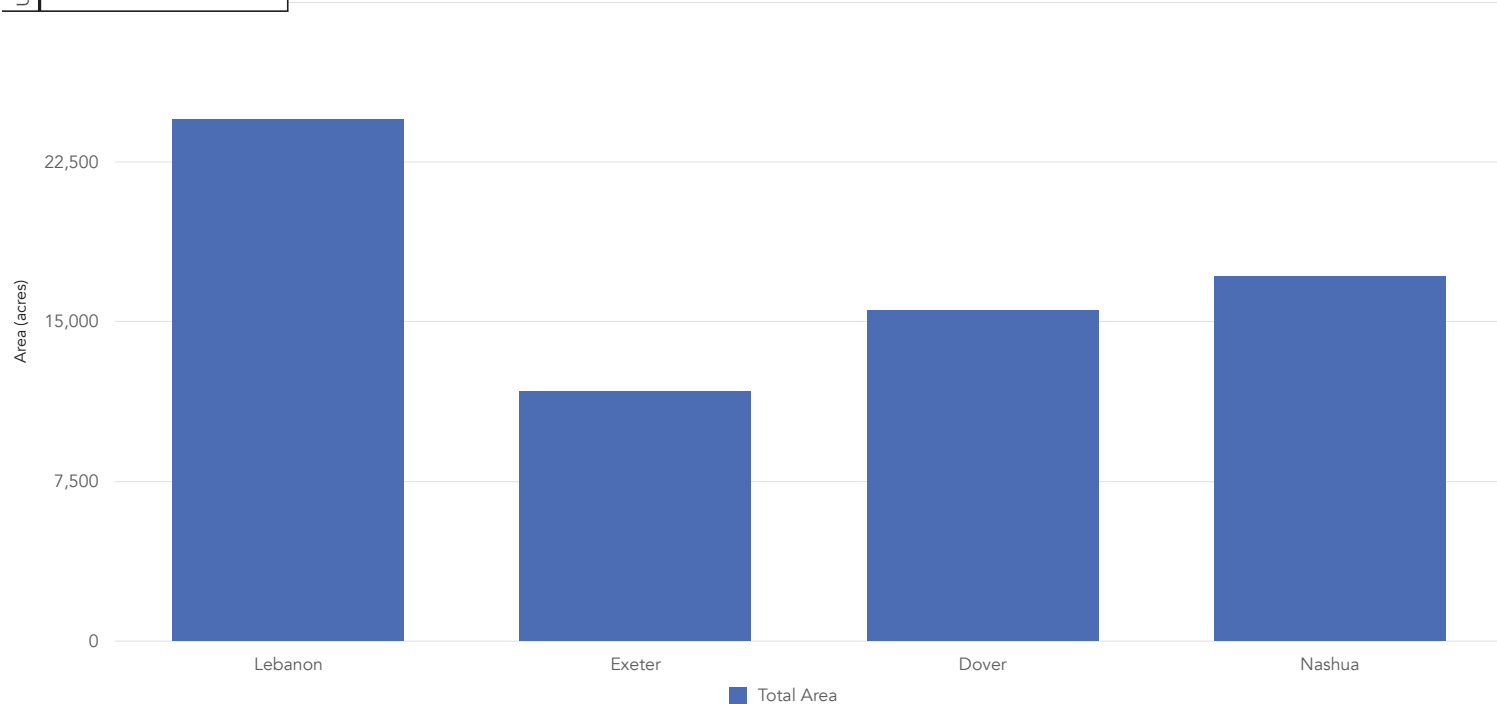
Population



Source: New Hampshire Department of Revenue Administration 2019

Comparisons

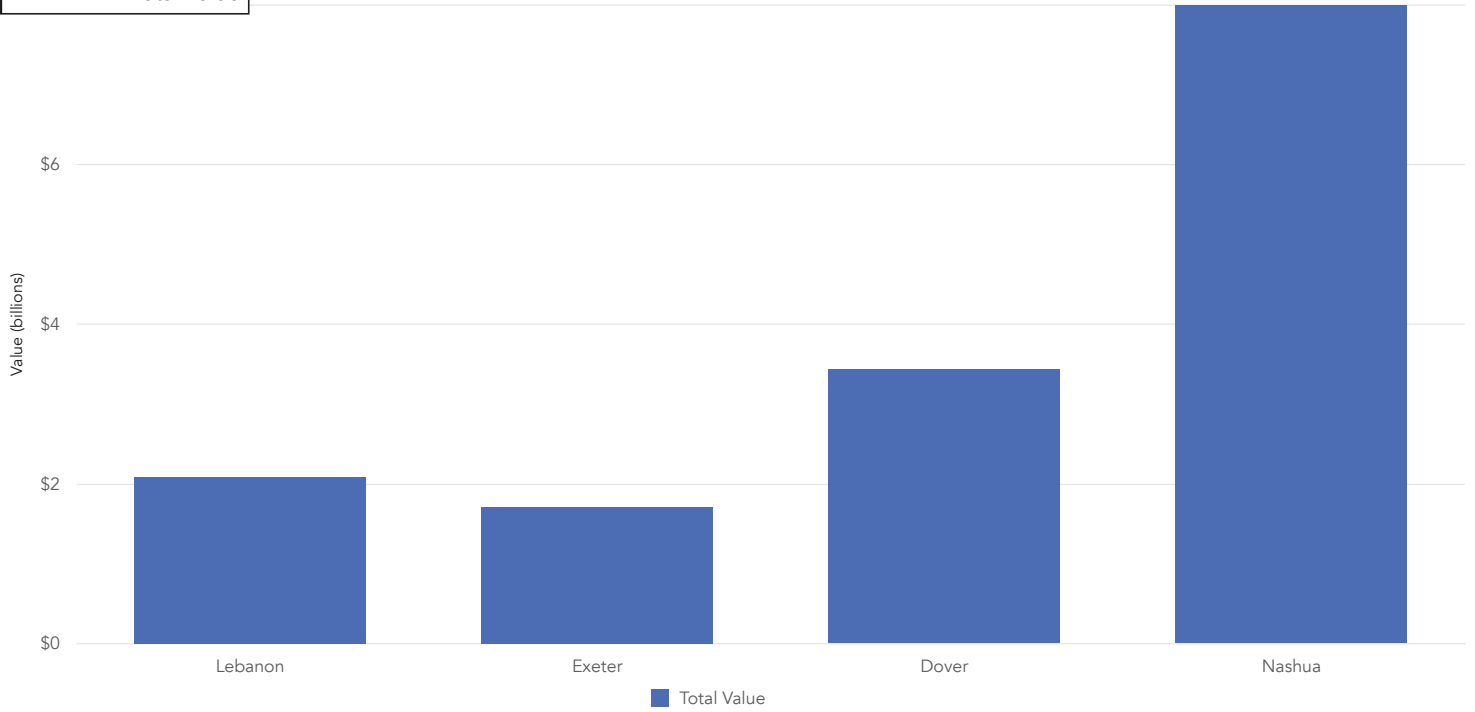
Total Area



Source: New Hampshire Department of Revenue Administration 2019

Comparisons

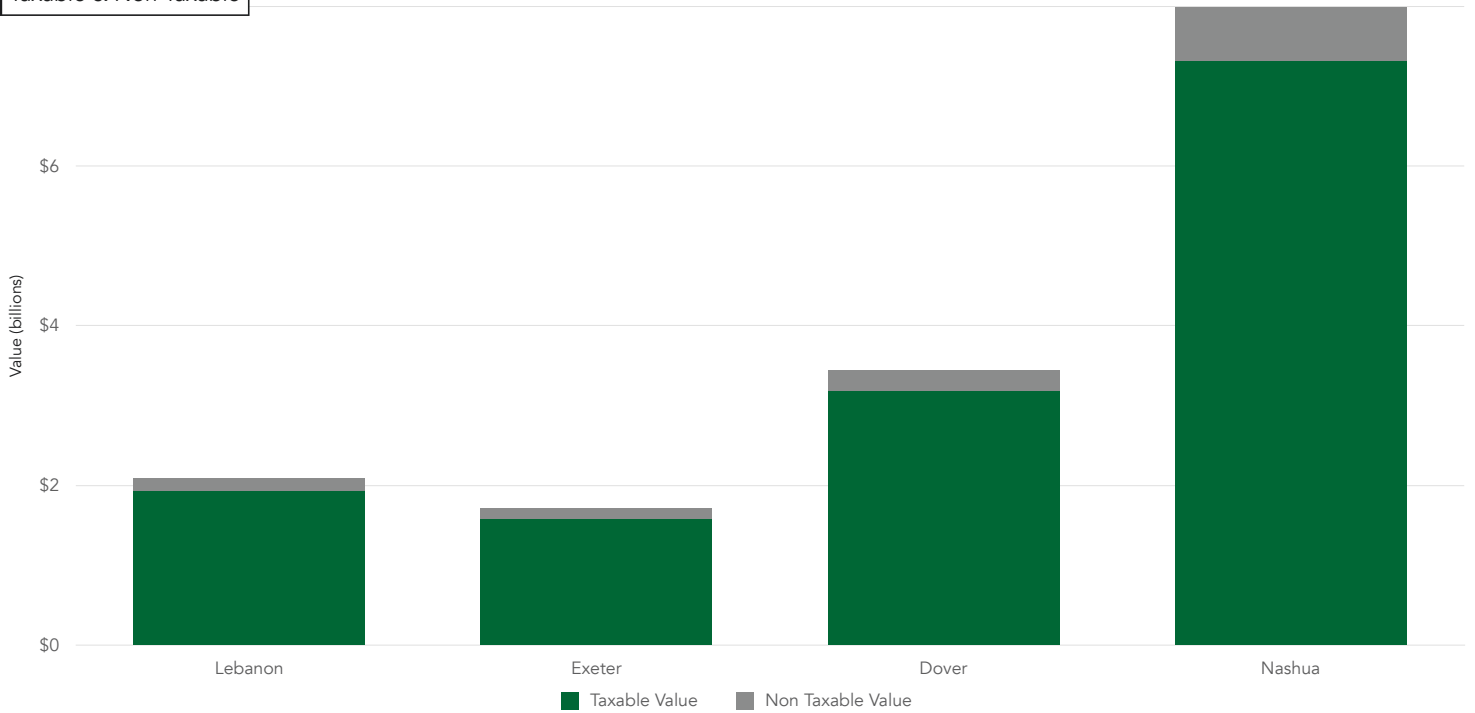
Total Value



Source: New Hampshire Department of Revenue Administration 2019

Comparisons

Taxable & Non Taxable



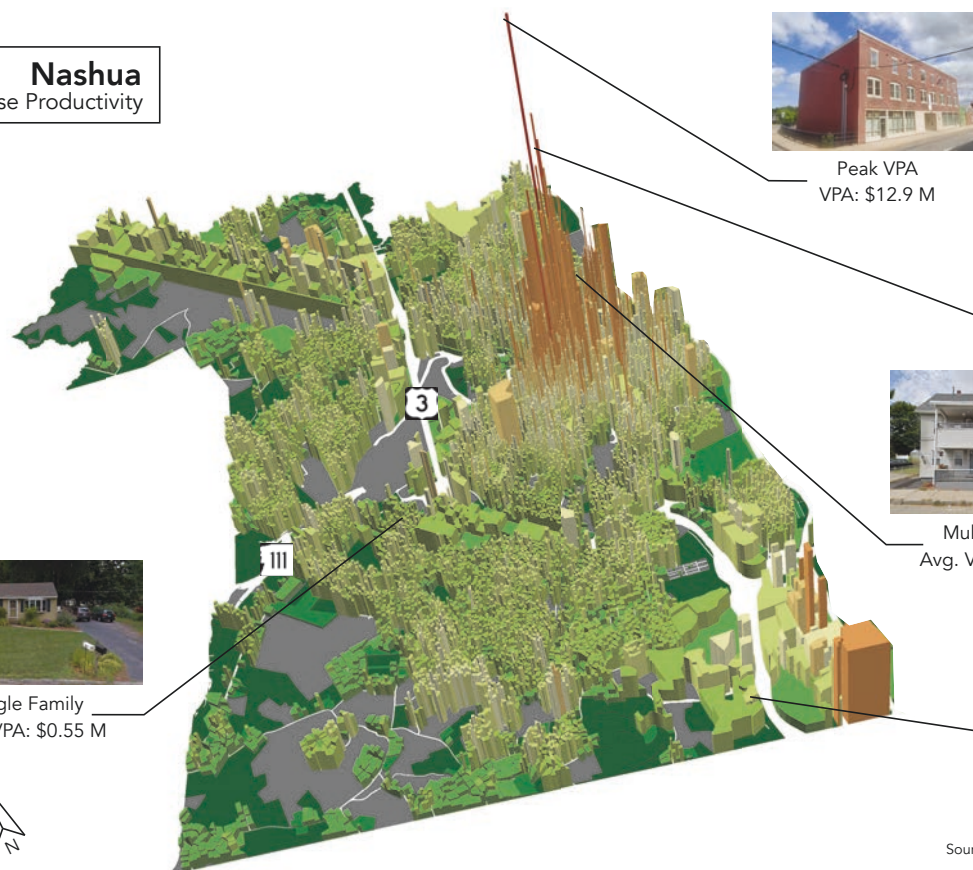
Source: New Hampshire Department of Revenue Administration 2019

Nashua

Land Use Productivity



Single Family
Avg. VPA: \$0.55 M



Peak VPA
VPA: \$12.9 M



Mixed-use
VPA: \$10 M



Multi Family
Avg. VPA: \$1.7 M



Commercial
VPA: \$1.3 M

Avg. VPA: \$539,622

Source: New Hampshire Department of Revenue Administration 2019

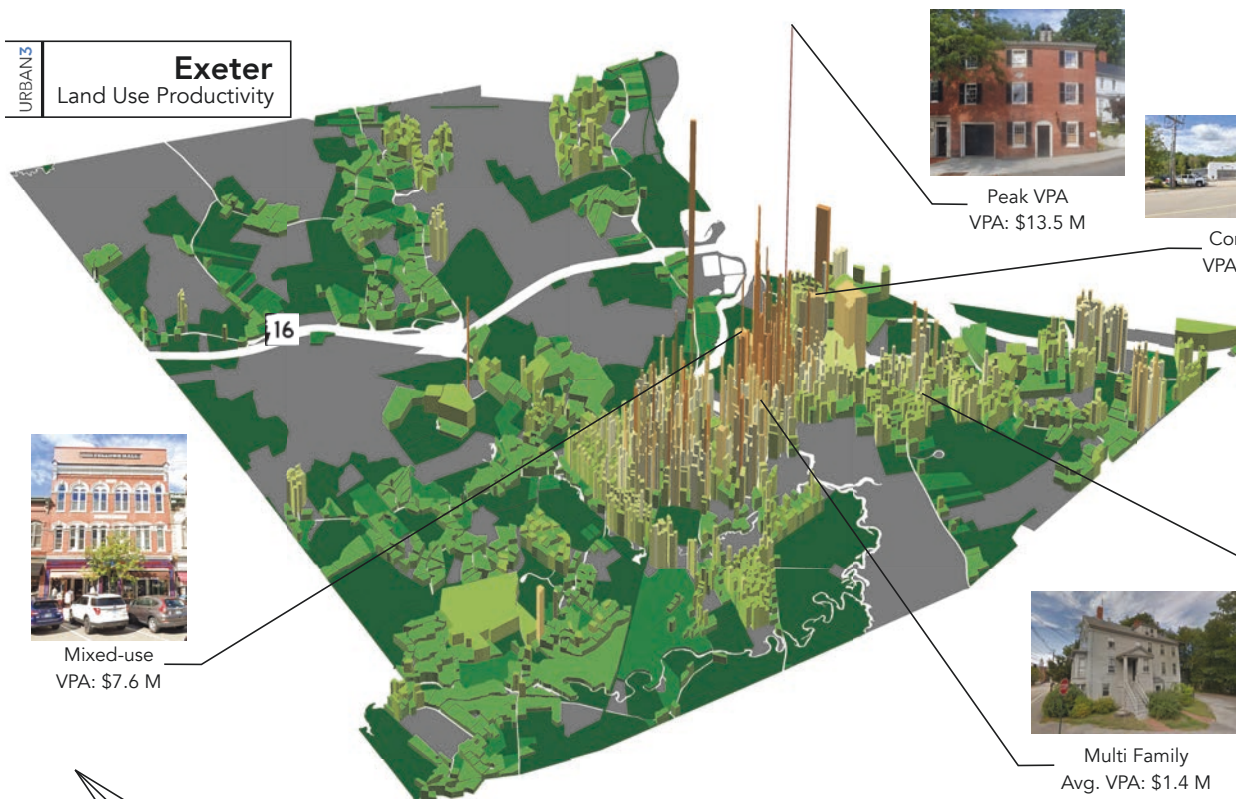


Exeter

Land Use Productivity



Mixed-use
VPA: \$7.6 M



Peak VPA
VPA: \$13.5 M



Commercial
VPA: \$0.97 M



Multi Family
Avg. VPA: \$1.4 M



Single Family
Avg. VPA: \$0.91 M

Avg. VPA: \$197,142

Source: New Hampshire Department of Revenue Administration 2019

Lebanon

Land Use Productivity



Multi Family
Avg. VPA: \$1.2 M



Top VPA
VPA: \$14.4 M



Mixed-use
VPA: \$6.2 M



Single Family
Avg. VPA: \$0.51 M



Commercial
VPA: \$1.1 M



Avg. VPA: \$90,509

Source: New Hampshire Department of Revenue Administration 2019



Dover

Land Use Productivity



Multi Family
Avg. VPA: \$1.9 M



Mixed-use
VPA: \$9.6 M



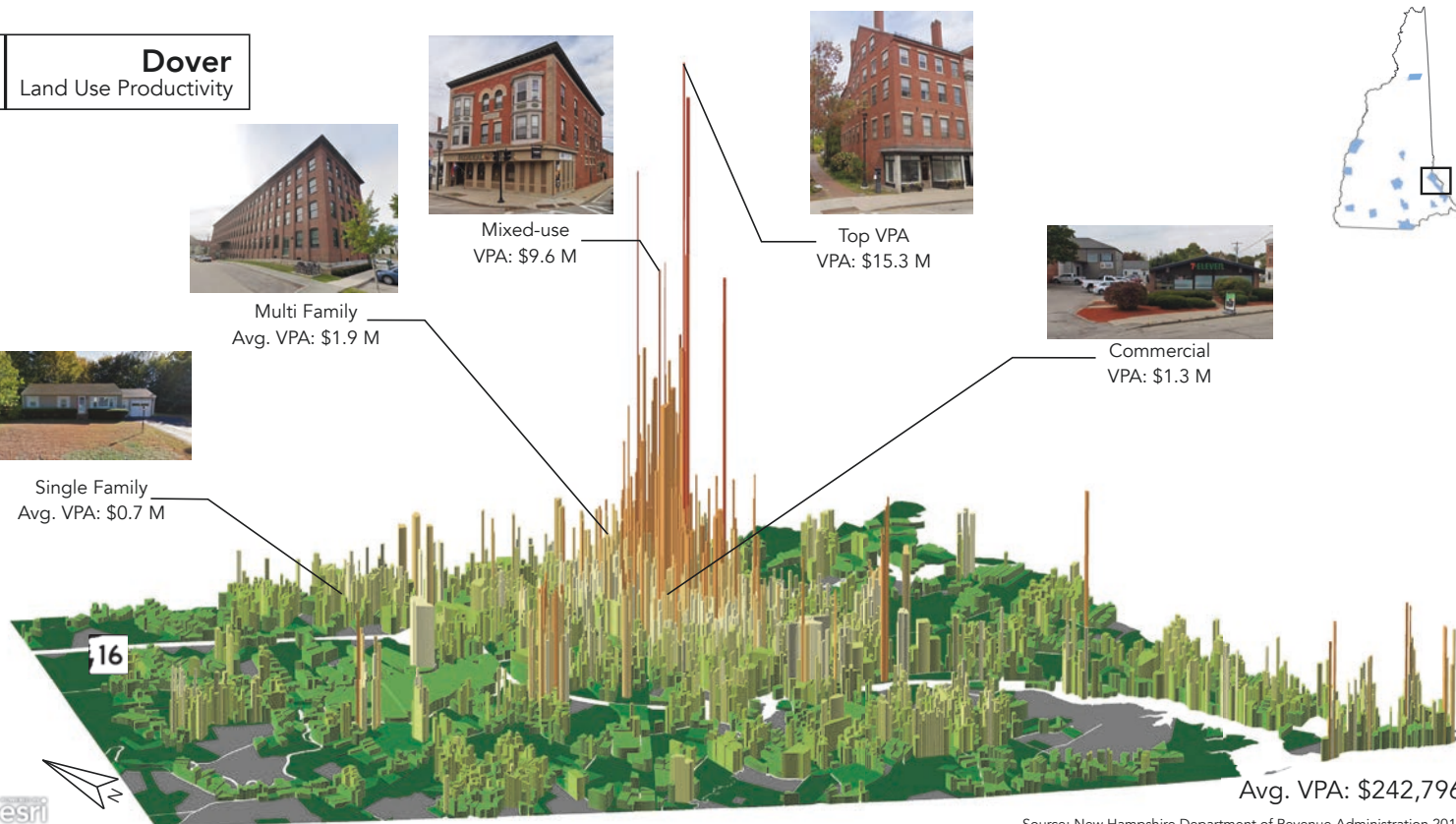
Top VPA
VPA: \$15.3 M



Commercial
VPA: \$1.3 M



Single Family
Avg. VPA: \$0.7 M



Avg. VPA: \$242,796

Source: New Hampshire Department of Revenue Administration 2019





Debt Financing

How Infrastructure Costs are Funded

The Cycle of Debt Lebanon, NH

Bad Roads



The Cycle of Debt

Lebanon, NH

Bad Roads



Take out
\$10M Bond



Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

The Cycle of Debt

Lebanon, NH

Bad Roads



Take out
\$10M Bond



Pay
~\$500,000 +
interest every
year for 20
years



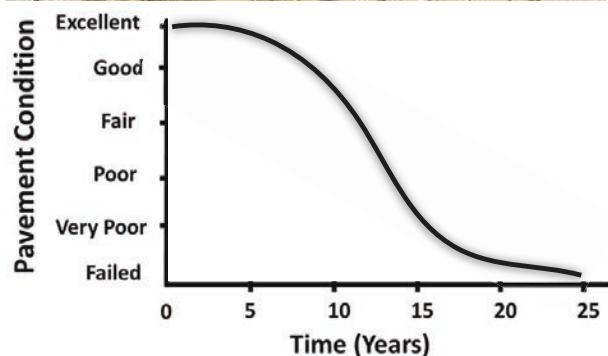
2017 - 2022 CAPITAL IMPROVEMENT PROGRAM
PROJECT: STREETS REHABILITATION AND RECONSTRUCTION
ESTIMATED DEBT SERVICE:

Year	Principal	General Fund Interest	Total
2021	\$315,000	\$201,075	\$516,075
2022	\$422,500	\$248,171	\$670,671
2023	\$492,500	\$276,058	\$768,558
2024	\$492,500	\$243,825	\$736,325
2025	\$492,500	\$214,275	\$706,775
2026	\$492,500	\$184,725	\$677,225
2027	\$492,500	\$155,175	\$647,675
2028	\$492,500	\$125,625	\$618,125
2029	\$492,500	\$96,075	\$592,575
2030	\$492,500	\$66,525	\$563,025
2031	\$492,500	\$36,975	\$533,475
2032	\$492,500	\$7,425	\$503,925
2033	\$492,500	\$0	\$492,500
2034	\$492,500	\$0	\$492,500
2035	\$492,500	\$0	\$492,500
2036	\$492,500	\$0	\$492,500
2037	\$492,500	\$0	\$492,500
2038	\$492,500	\$0	\$492,500
2039	\$492,500	\$0	\$492,500
2040	\$492,500	\$0	\$492,500
2041	\$492,500	\$0	\$492,500
2042	\$492,500	\$0	\$492,500
Total	\$9,850,000	\$1,121,628	\$10,971,628

Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

The Cycle of Debt

Lebanon, NH



Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

The Cycle of Debt

Lebanon, NH



Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

The Cycle of Debt

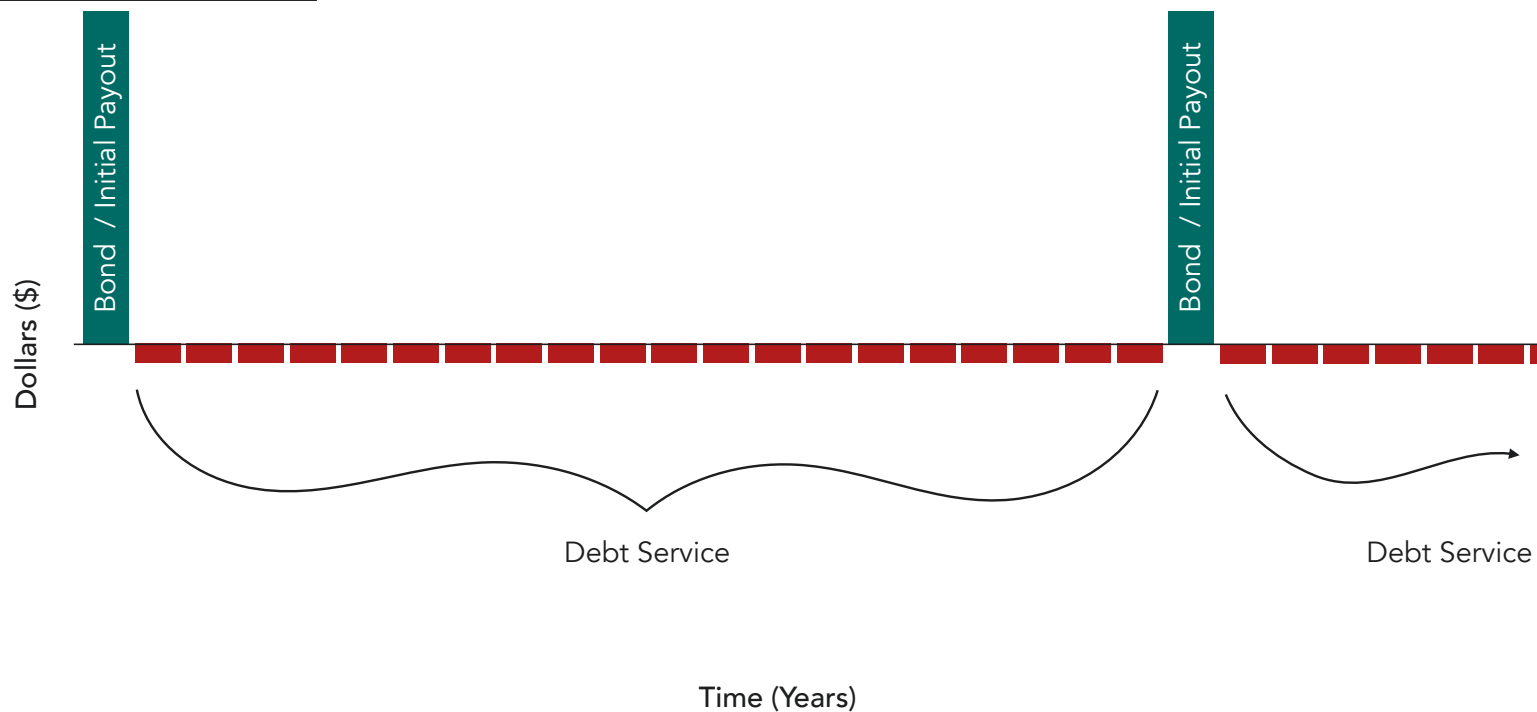
Lebanon, NH



Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

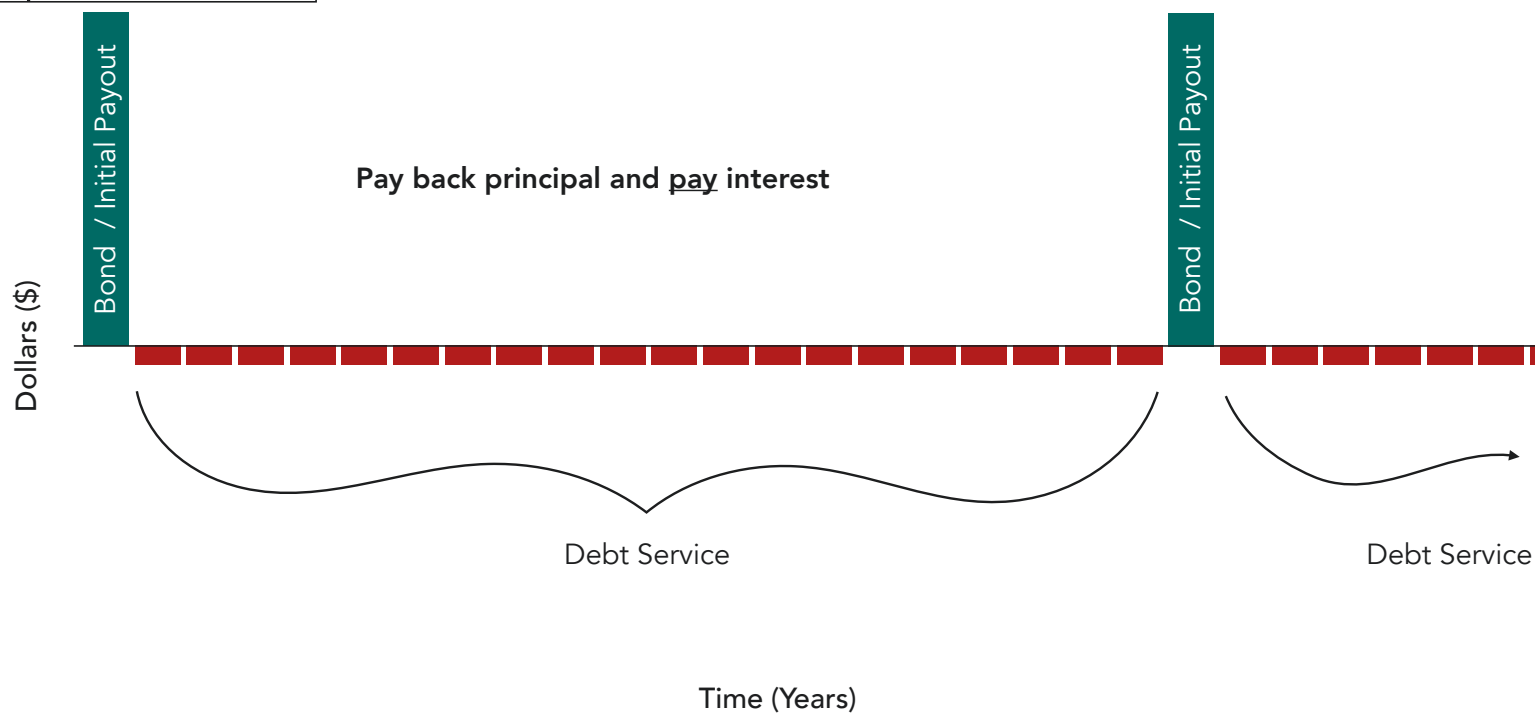
Debt Financing

New Hampshire



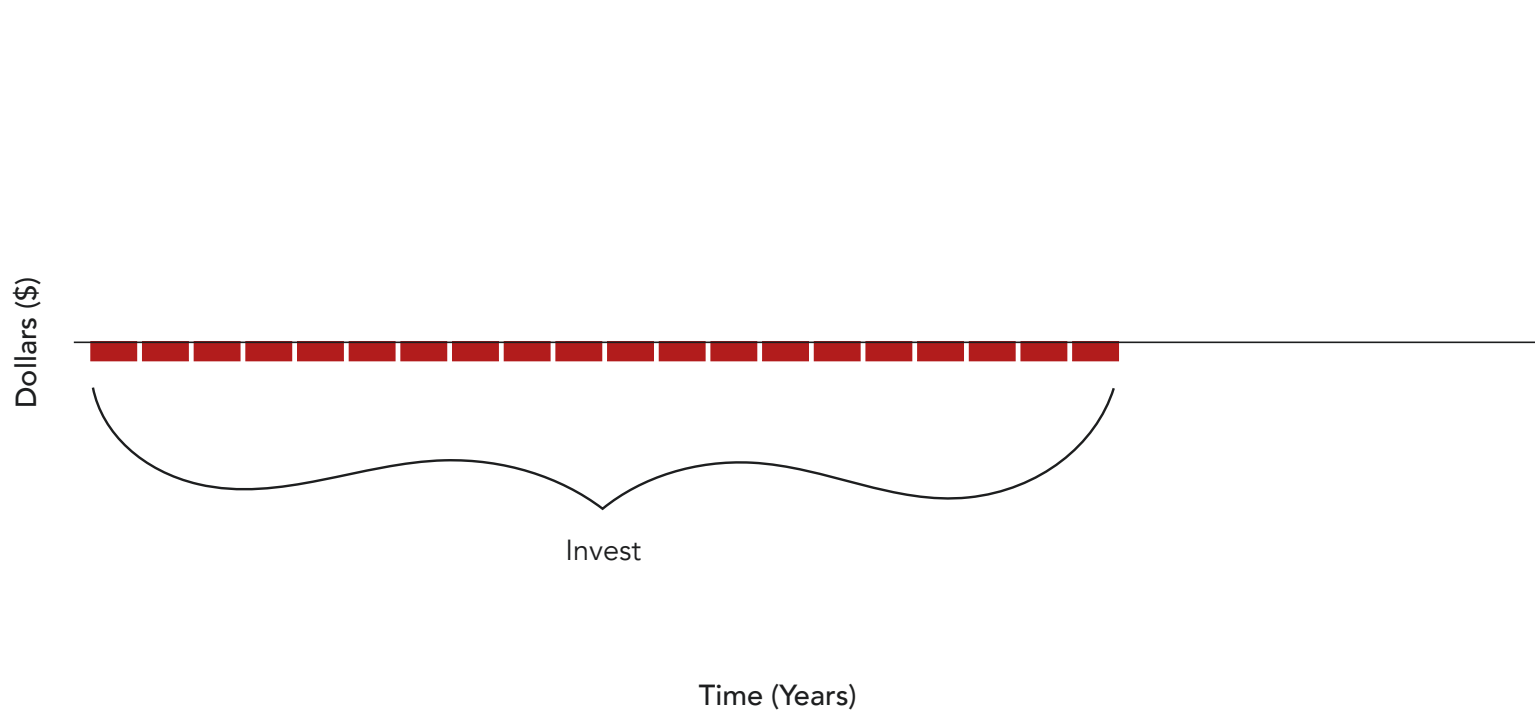
Debt Financing

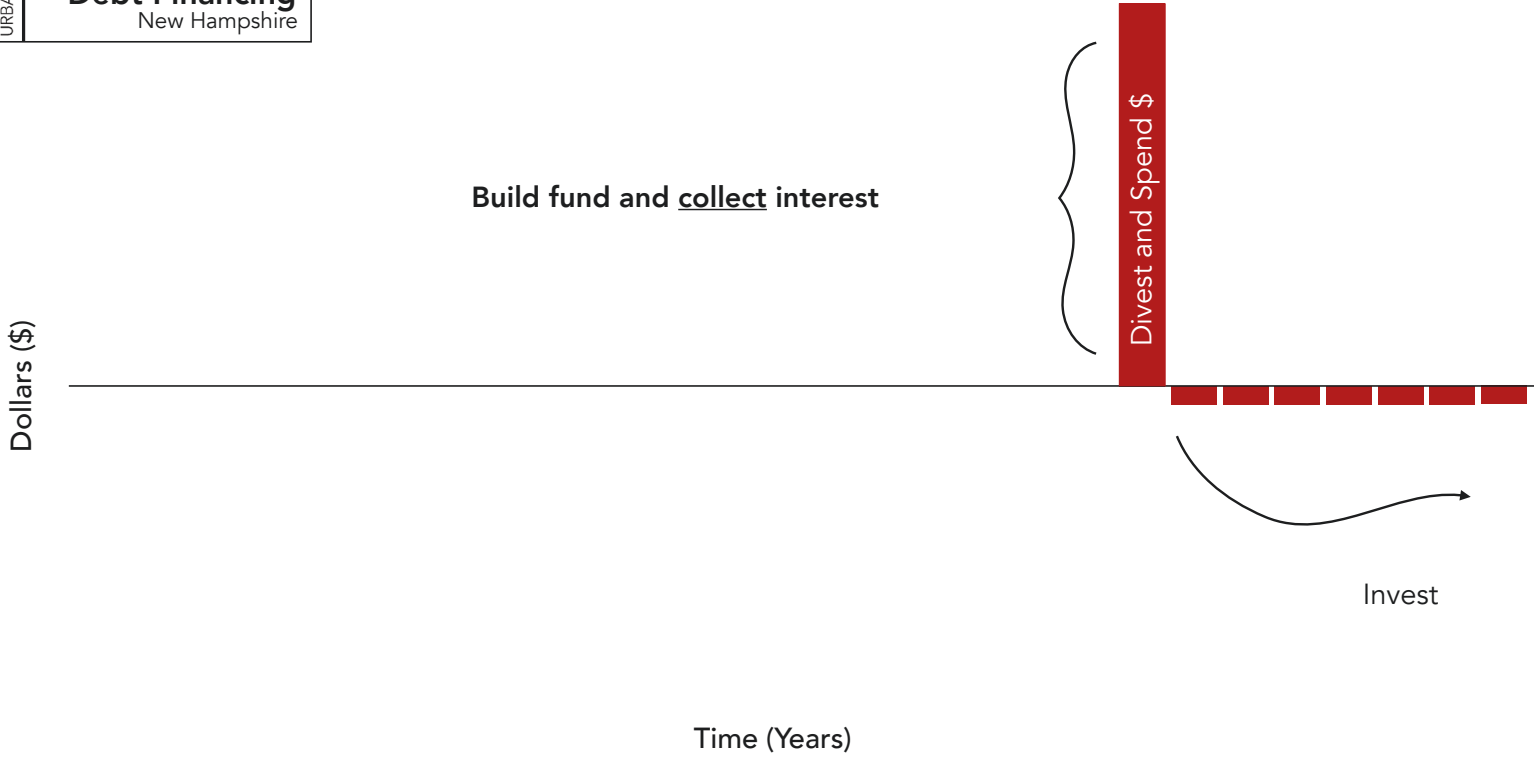
New Hampshire



Debt Financing

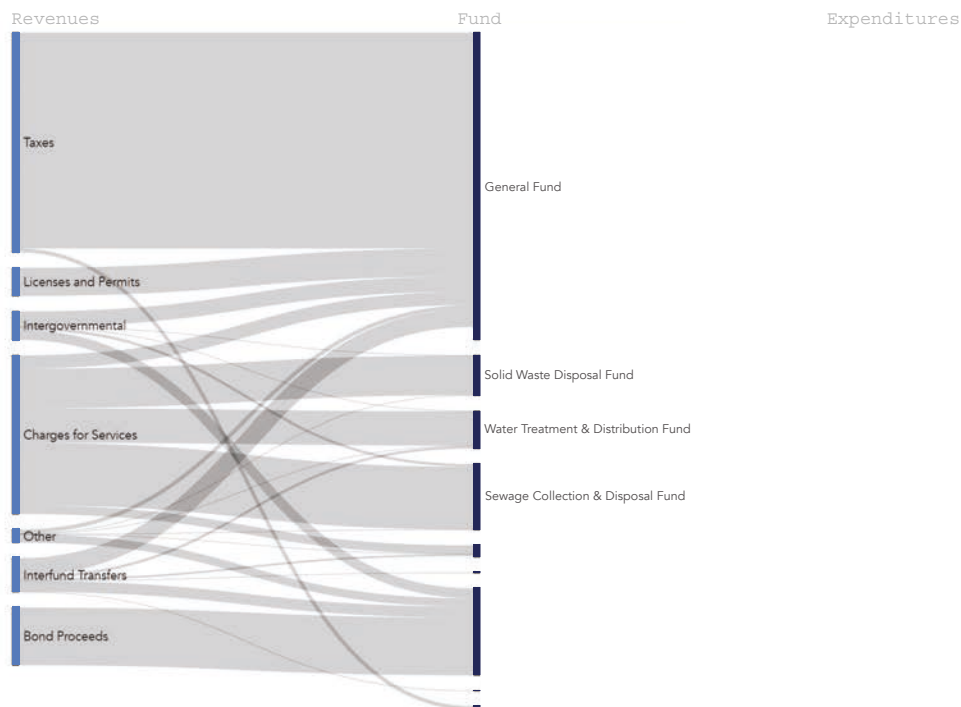
New Hampshire





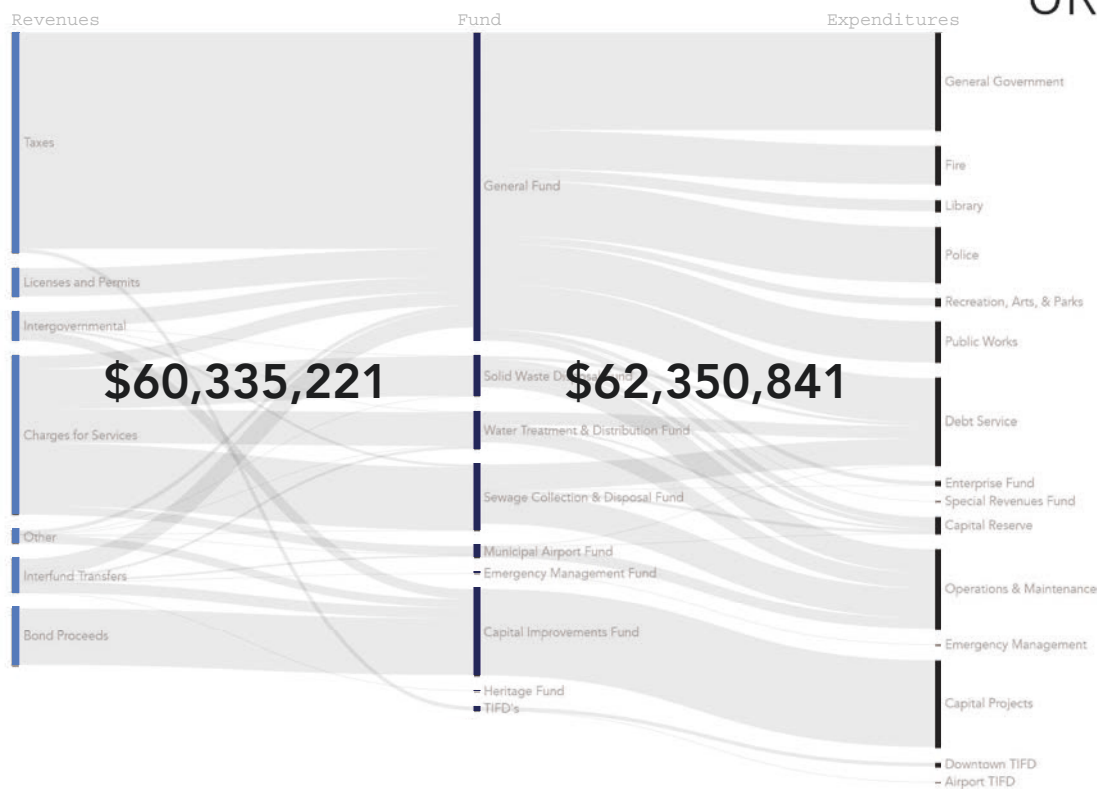
Revenues on the Map

2021 Budget Lebanon, NH



Sources: Comprehensive Annual Financial Report for Lebanon (FY 2021), Proposed Budget FY2022

2021 Budget Lebanon, NH

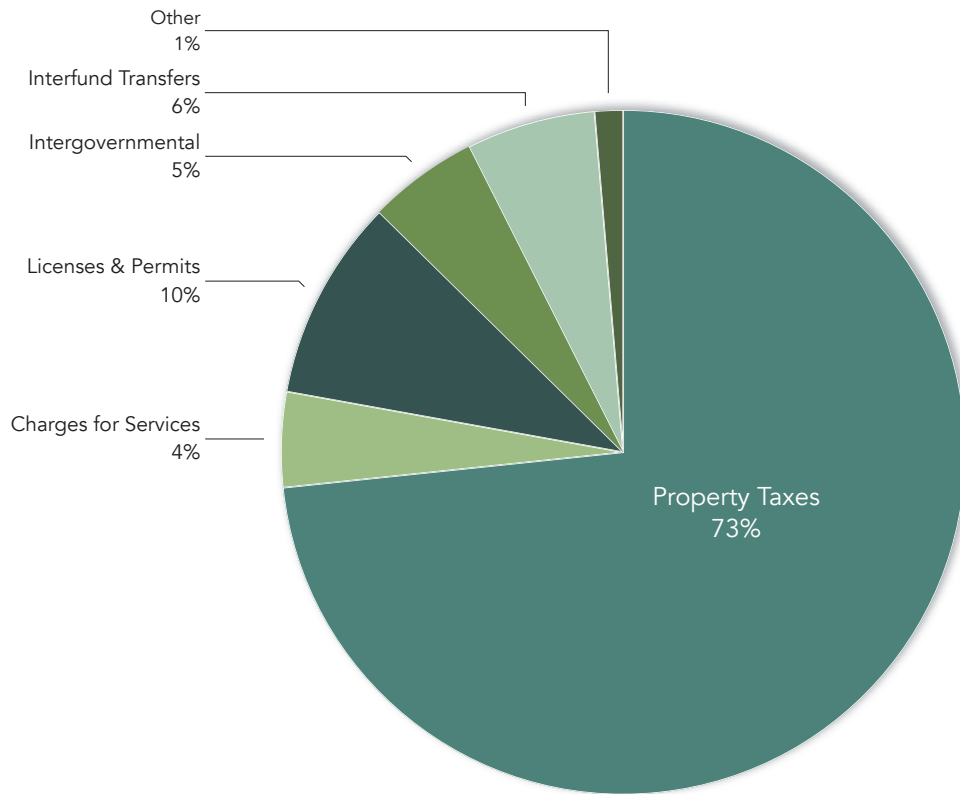


Sources: Comprehensive Annual Financial Report for Lebanon (FY 2021), Proposed Budget FY2022

URBAN3

General Fund Revenues

Lebanon, NH



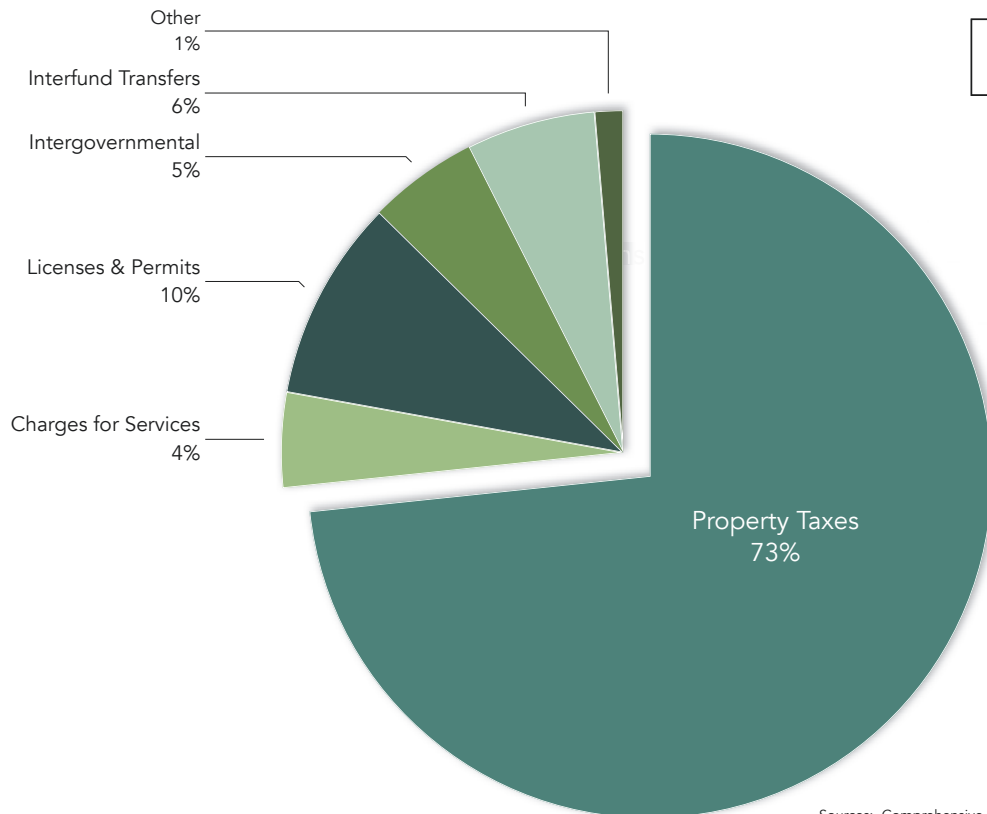
General Fund Revenues FY 2021:
\$32,976,300

Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

URBAN3

General Fund Revenues

Lebanon, NH

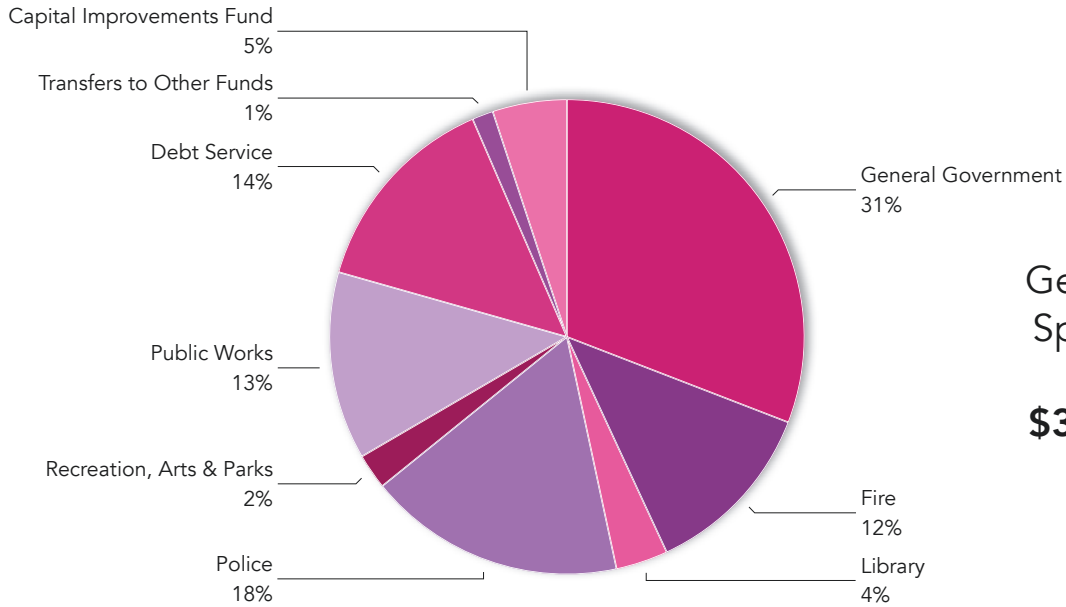


General Fund Revenues FY 2021:
\$32,976,300

Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

General Fund Spending

Lebanon, NH

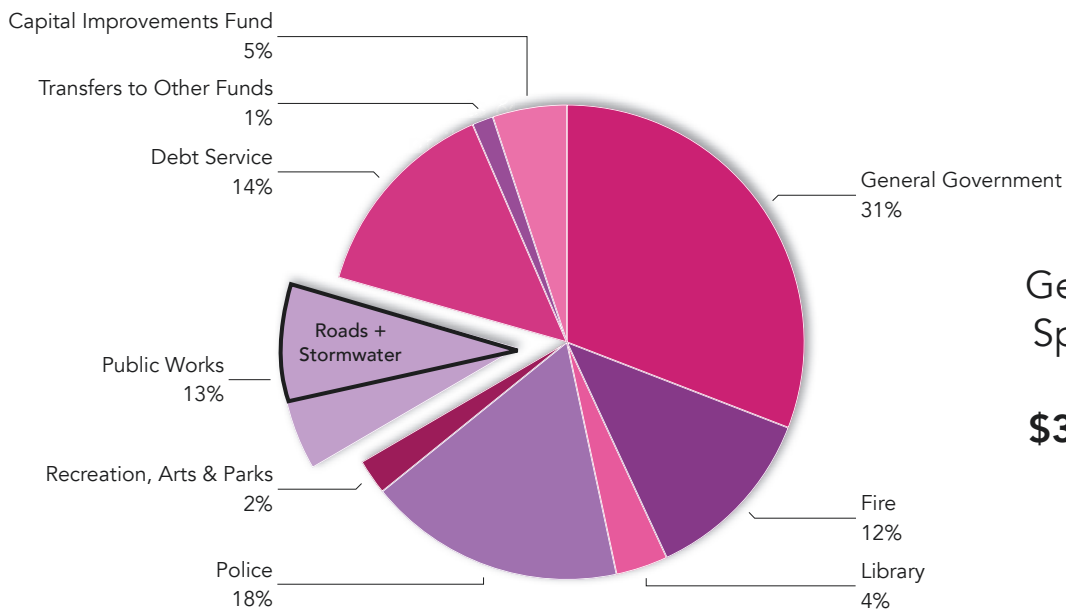


General Fund
Spending FY
2021:
\$35,461,290

Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

General Fund Spending

Lebanon, NH



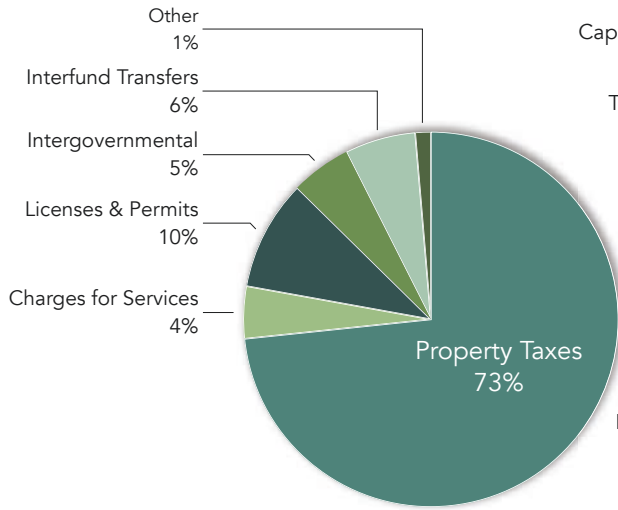
General Fund
Spending FY
2021:
\$35,461,290

Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022

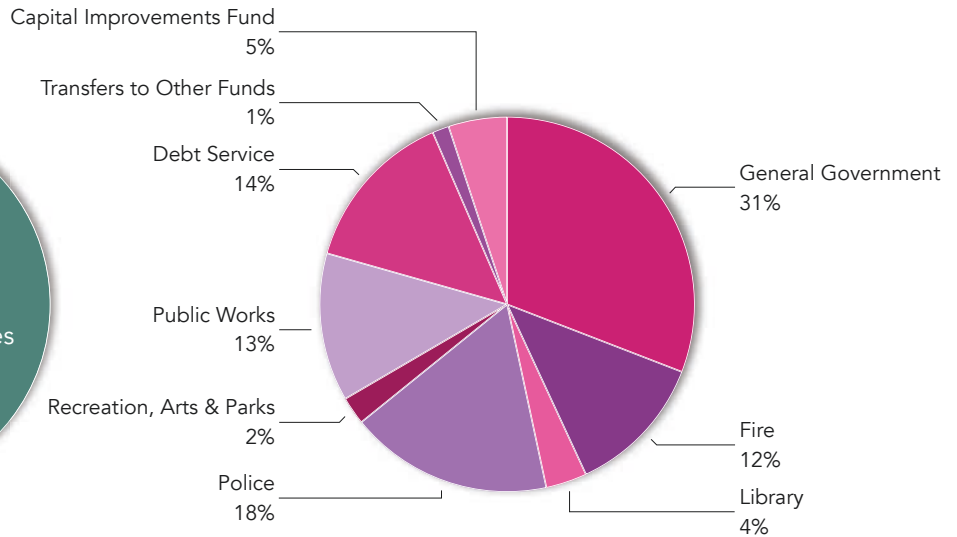
General Fund Spending

Lebanon, NH

Revenues: \$32.9M



Expenses: \$35.5M



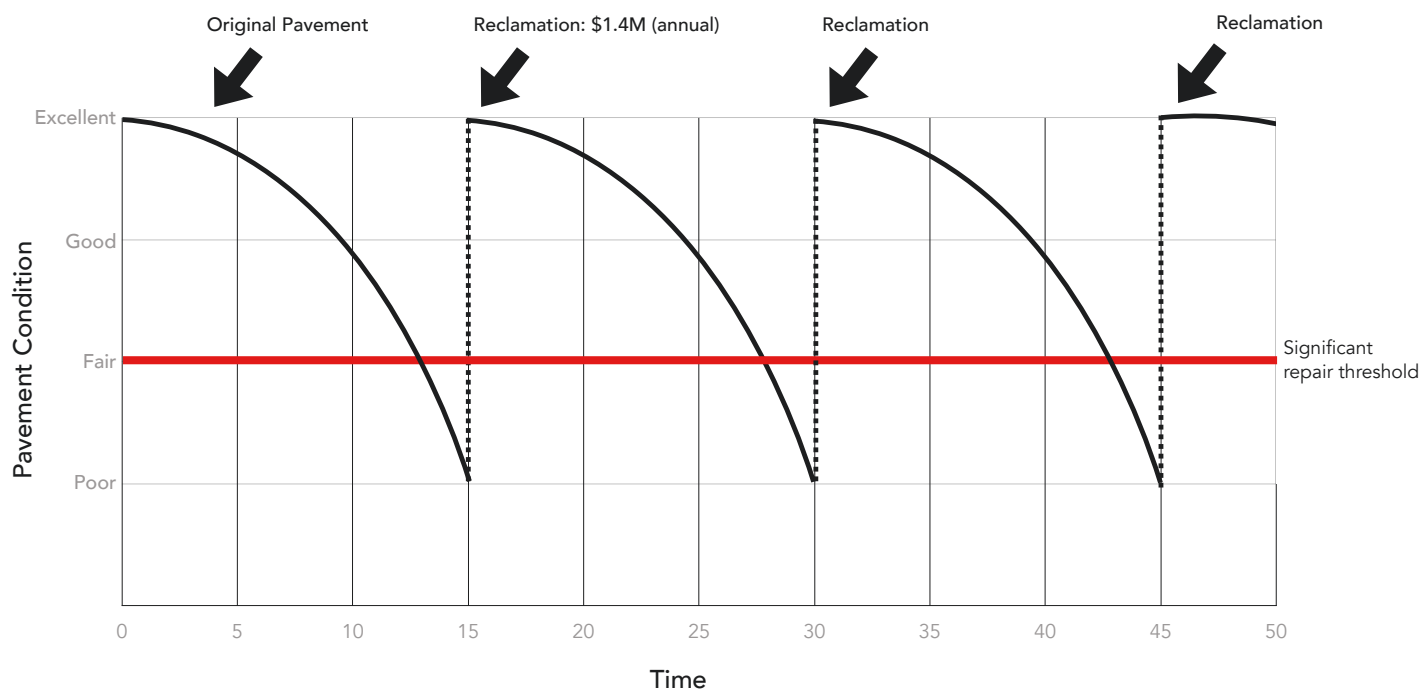
Sources: Comprehensive Annual Financial Report for Lebanon (FY 2020), Proposed Budget 2022



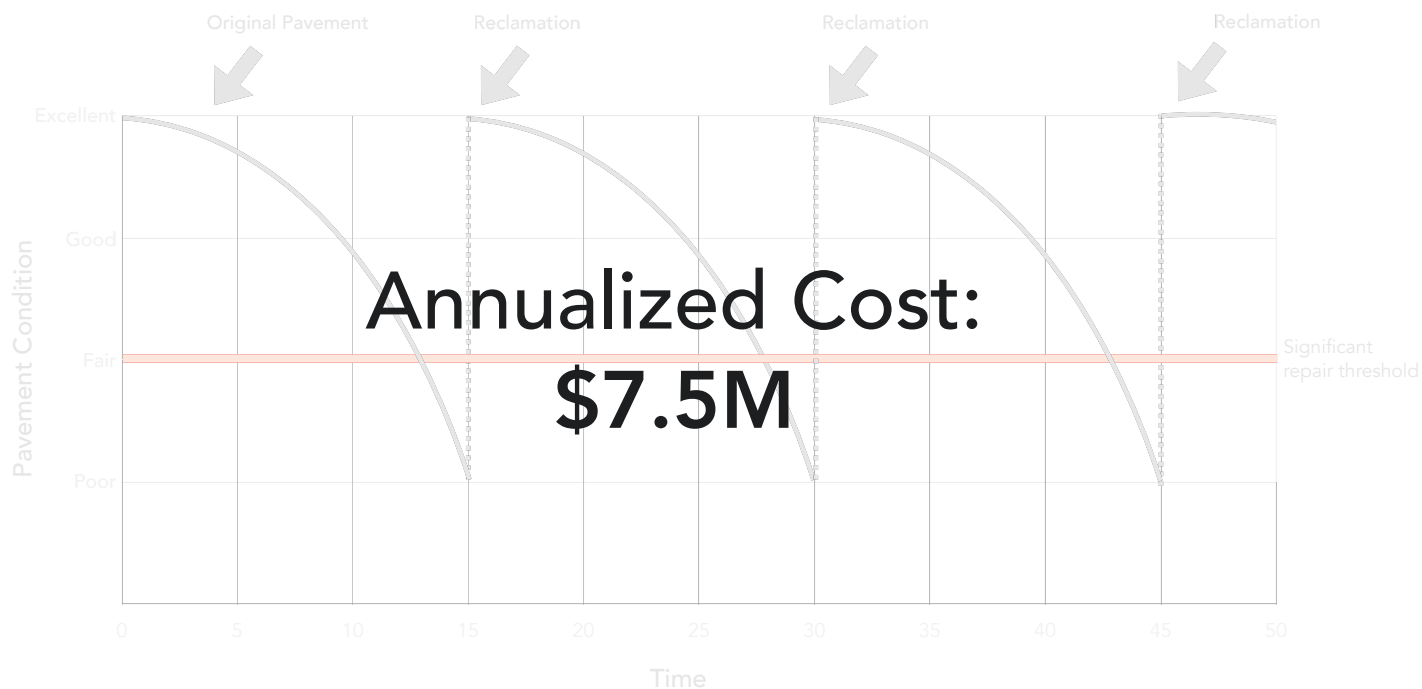
Road Maintenance Strategies

Rehabilitation vs Preservation maintenance.

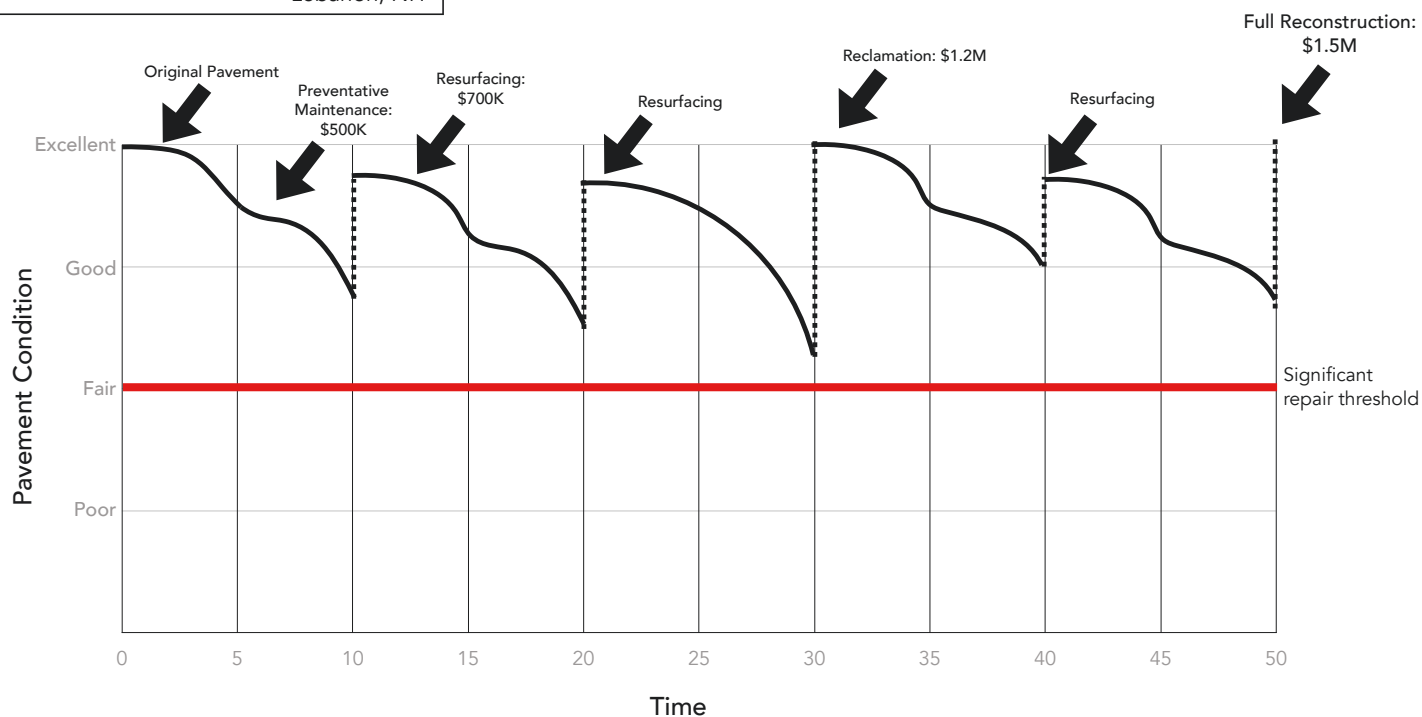
Rehabilitation Maintenance Lebanon, NH



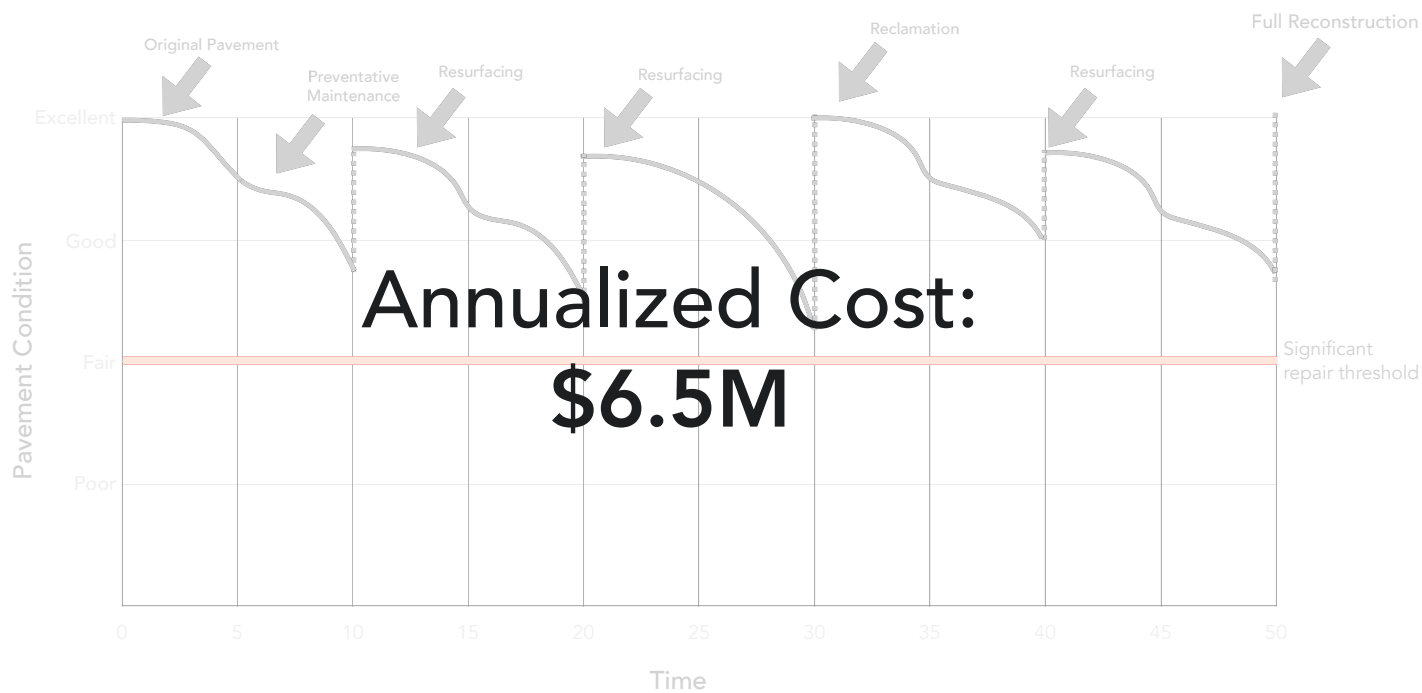
Rehabilitation Maintenance Lebanon, NH



Preservation Maintenance Lebanon, NH



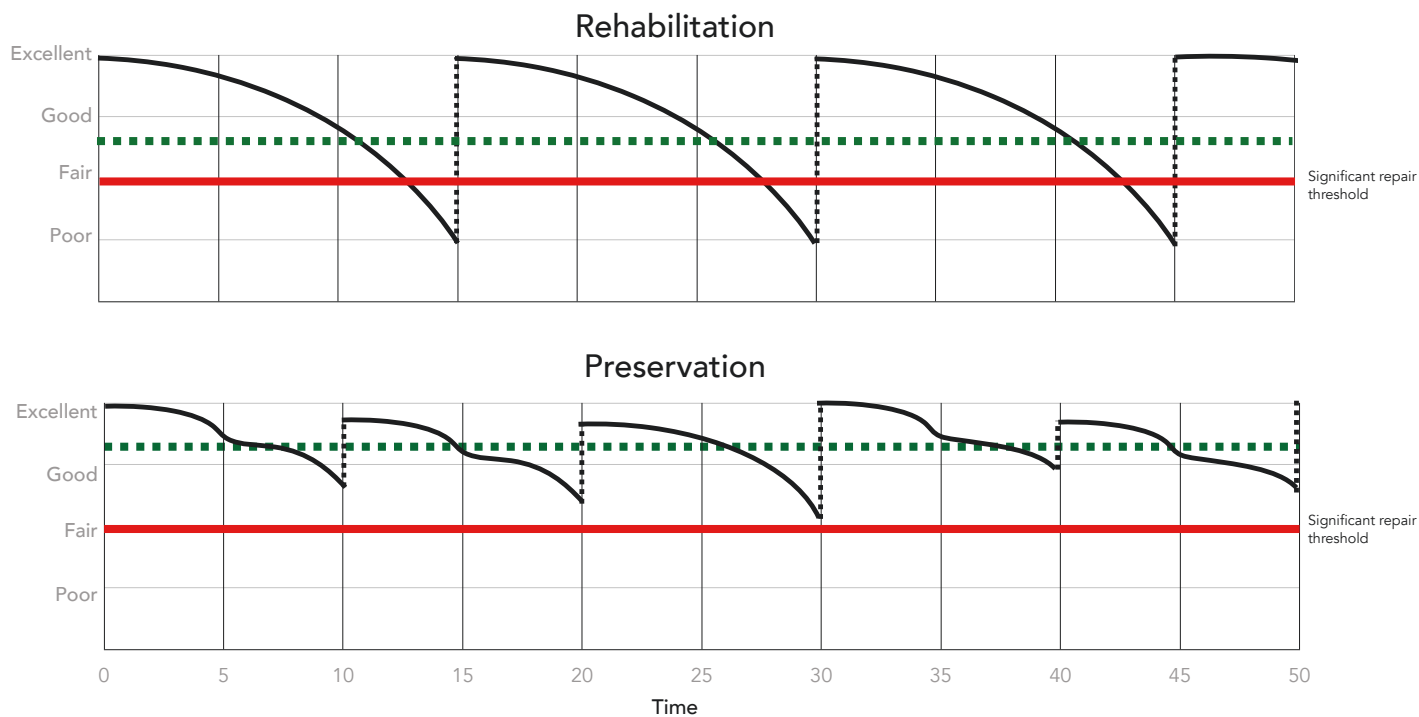
Preservation Maintenance Lebanon, NH



Maintenance Comparison

Lebanon, NH

Average road quality



Maintenance Comparison

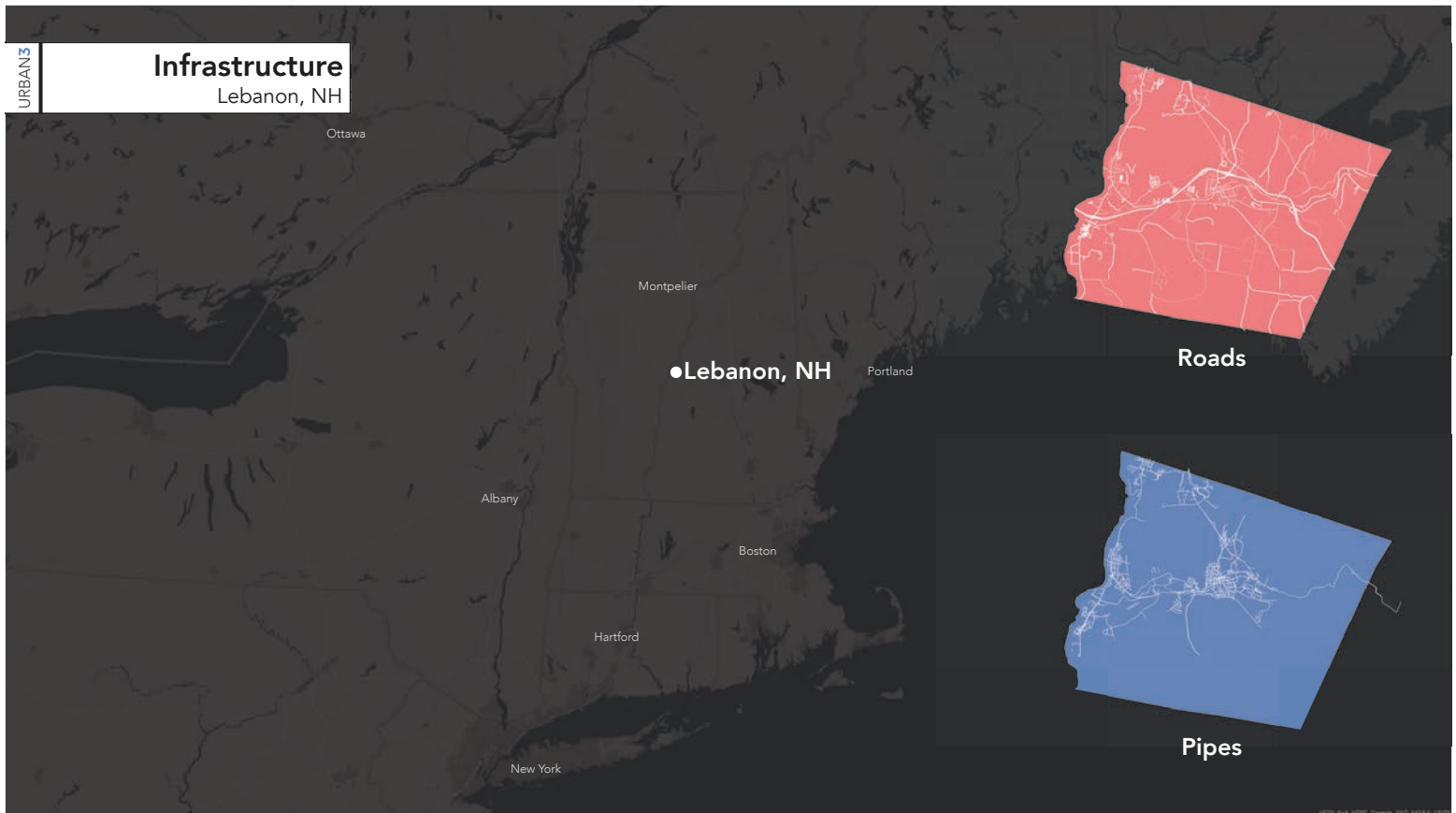
Lebanon, NH

Average road quality





Costs Estimated Over Time and on the Map

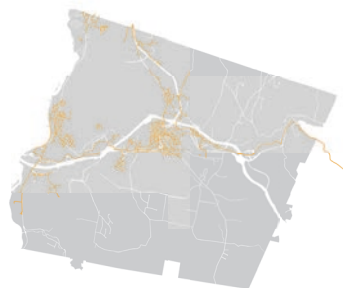




Mapping Budget Expenses

Lebanon, NH

City of Lebanon
41.3 sq mi



Sewer
63.4 miles



Water
78.7 miles



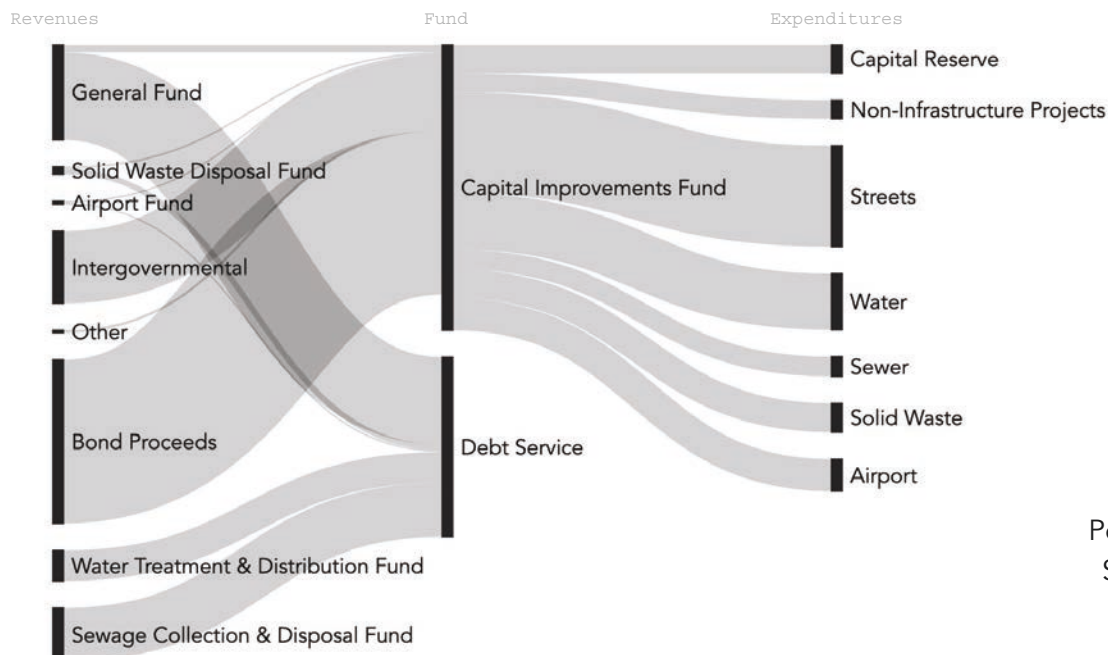
Roads + Sidewalks
99 + 36 miles



Storm Water
35.6 miles

Lebanon, NH Capital Improvement Budget (FY2022)

URBAN3



Total Capital
Projects Spending:
\$14,201,310

Capital Spending
on Infrastructure:
\$9,794,750

Portion of Infrastructure
Spending that's Bond
Funded:
75%

Capital Spending 2022

Lebanon, NH

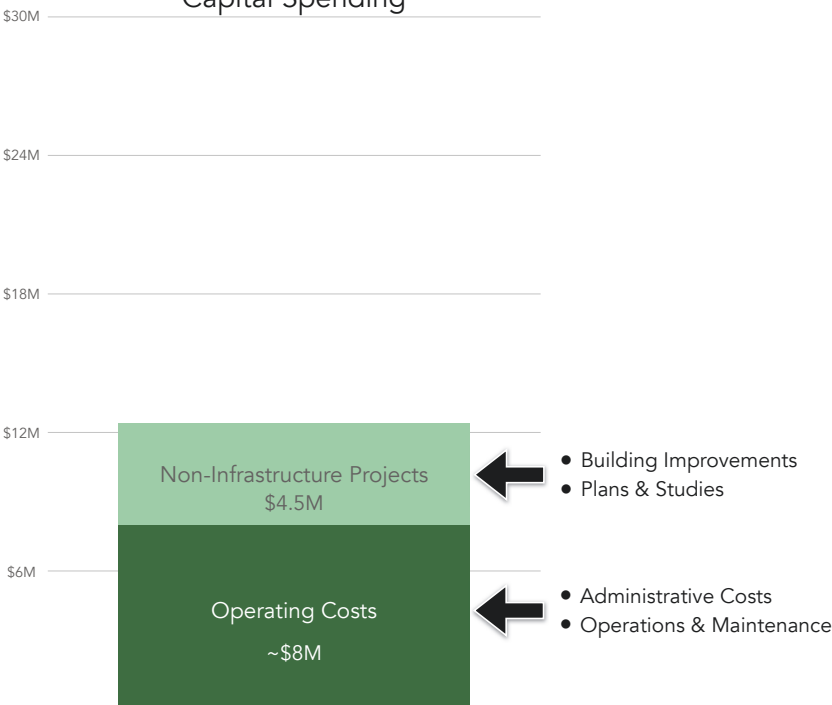
Capital Spending



Capital Spending 2022

Lebanon, NH

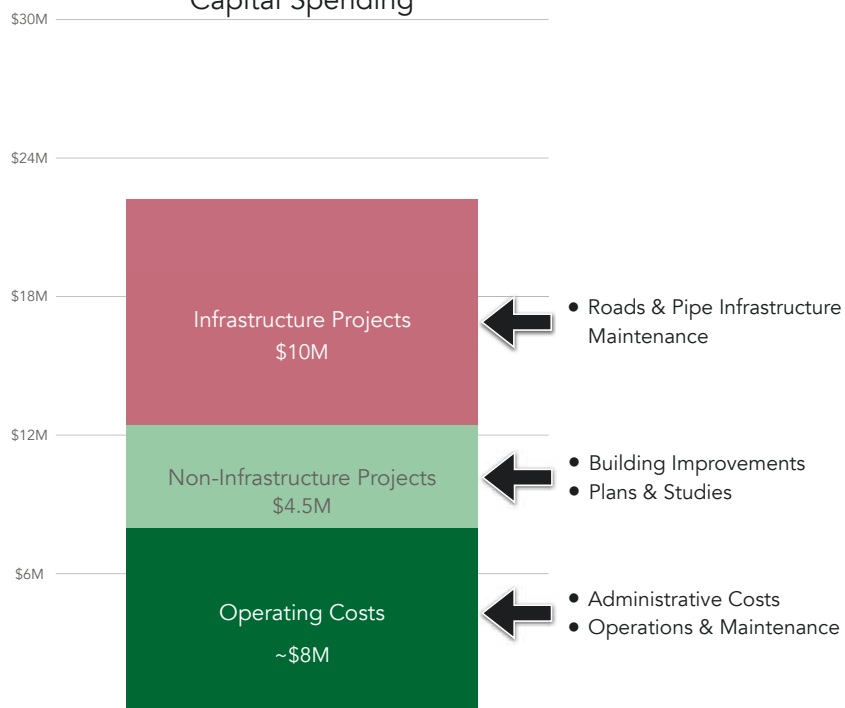
Capital Spending



Capital Spending 2022

Lebanon, NH

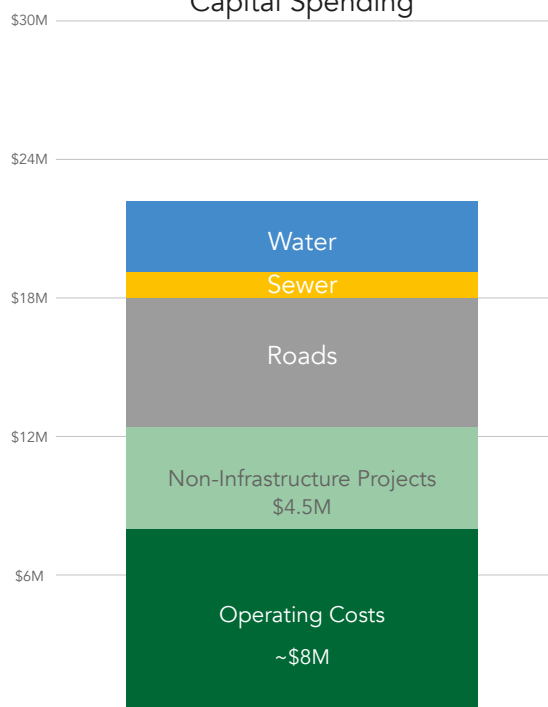
Capital Spending



Capital Spending 2022

Lebanon, NH

Capital Spending

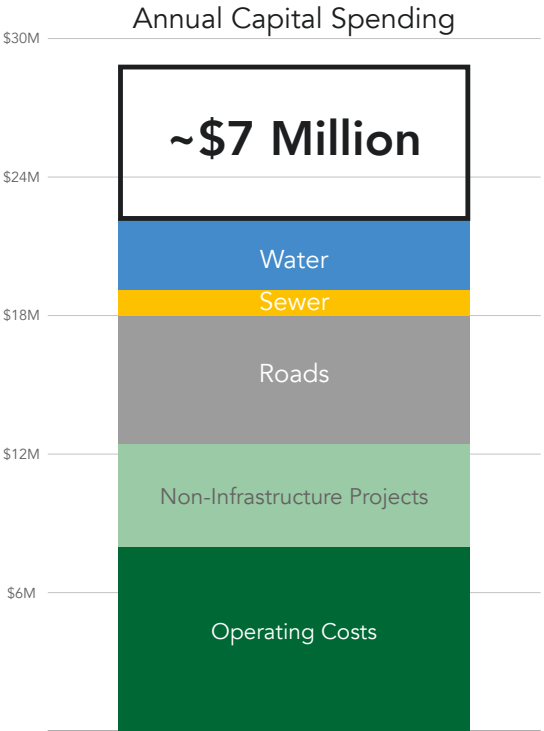


Infrastructure
Lebanon, NH**City Maintained
Roads: ~99 mi****Current Spending: ~\$5M****Annualized Lifecycle Cost: \$7.5M****Infrastructure**
Lebanon, NH**Water Pipe:
79 mi****Current Spending: ~\$3M****Annualized Lifecycle Cost: \$3.5M**

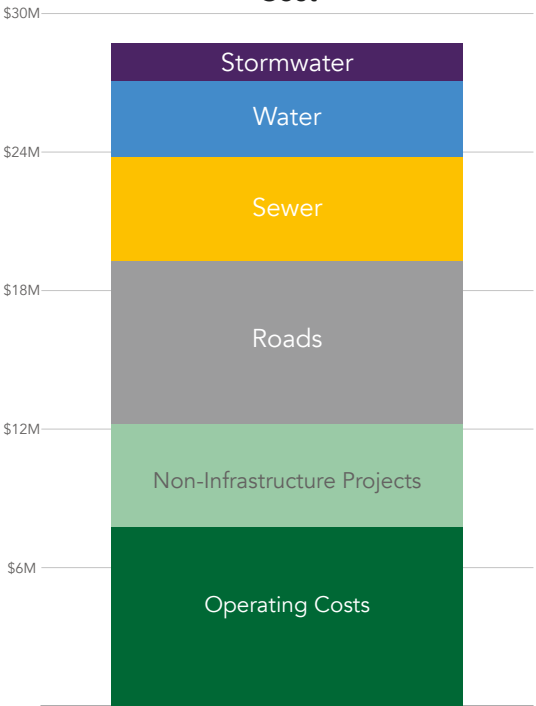
Infrastructure
Lebanon, NH**Sewer Pipe:**
63.4 mi**Current Spending: ~\$1M****Annualized Lifecycle Cost: \$4.5M****Infrastructure**
Lebanon, NH**Stormwater Pipe:**
35.6 mi**Current Spending: ~\$500K****Annualized Lifecycle Cost: \$1.6M**

Annual Capital Spending 2022

Lebanon, NH



Annualized Lifecycle Cost



Mapping Budget Revenues & Expenses

Lebanon, NH



*Operating Revenues & Expenses divided among served parcels

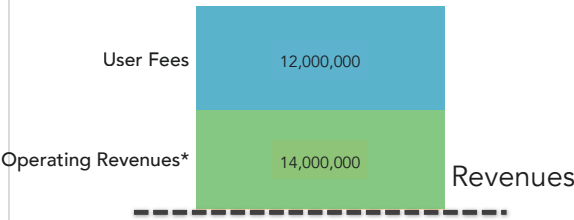


Mapping Budget Revenues & Expenses

Lebanon, NH

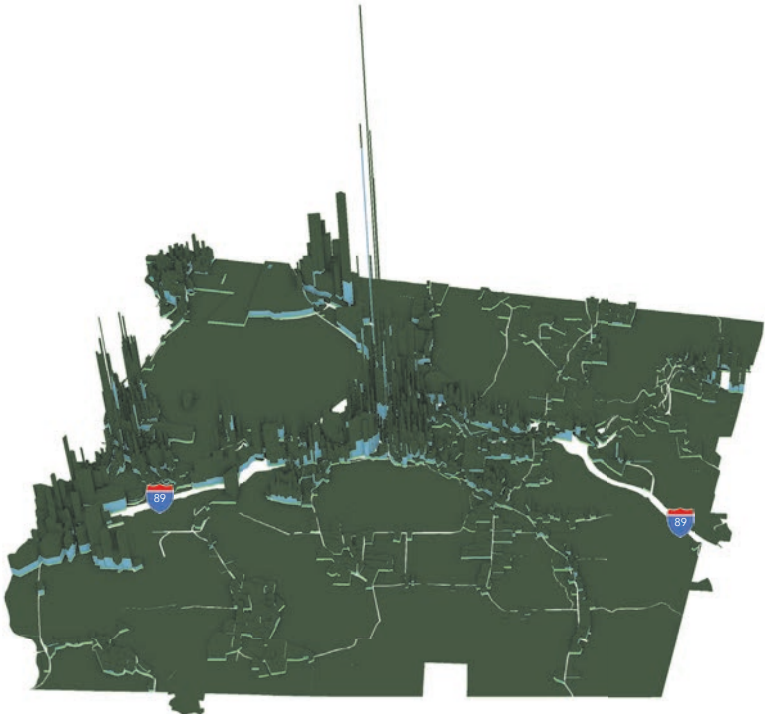


*Operating Revenues & Expenses divided among served parcels

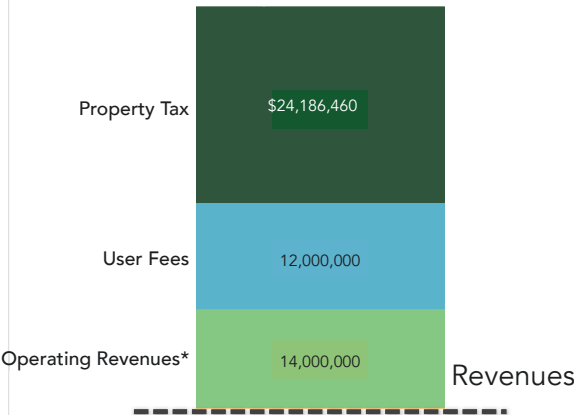


Mapping Budget Revenues & Expenses

Lebanon, NH



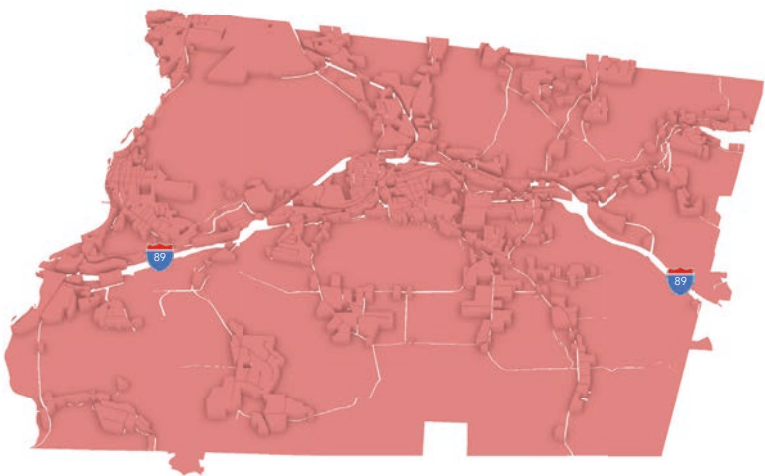
*Operating Revenues & Expenses divided among served parcels



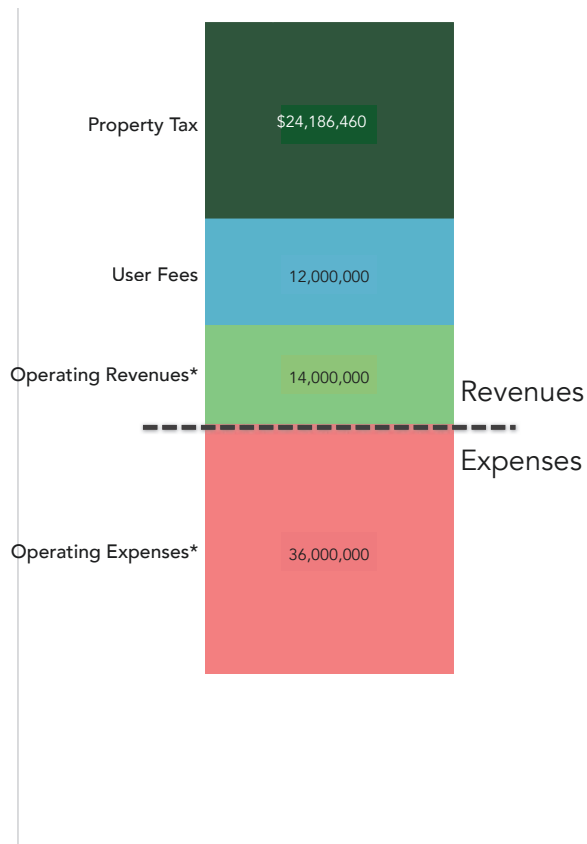
URBAN3

Mapping Budget Revenues & Expenses

Lebanon, NH



*Operating Revenues & Expenses divided among served parcels



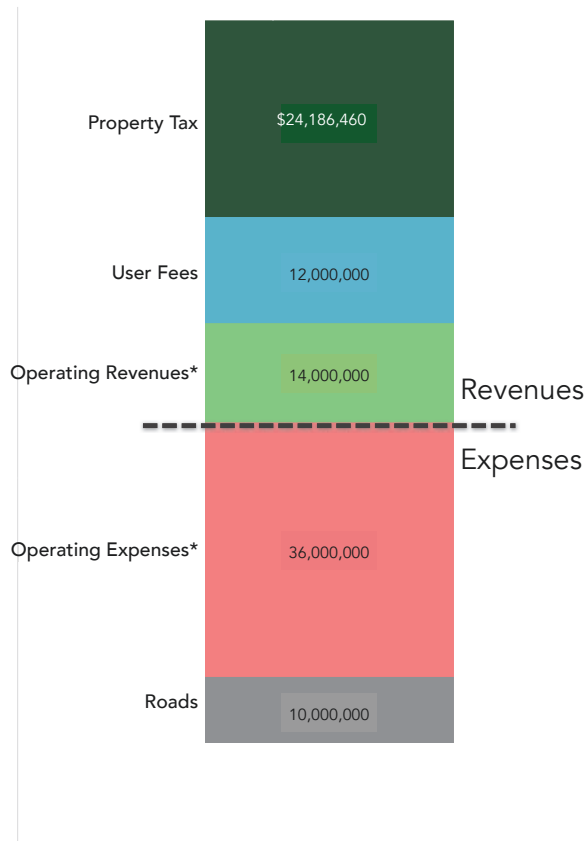
URBAN3

Mapping Budget Revenues & Expenses

Lebanon, NH



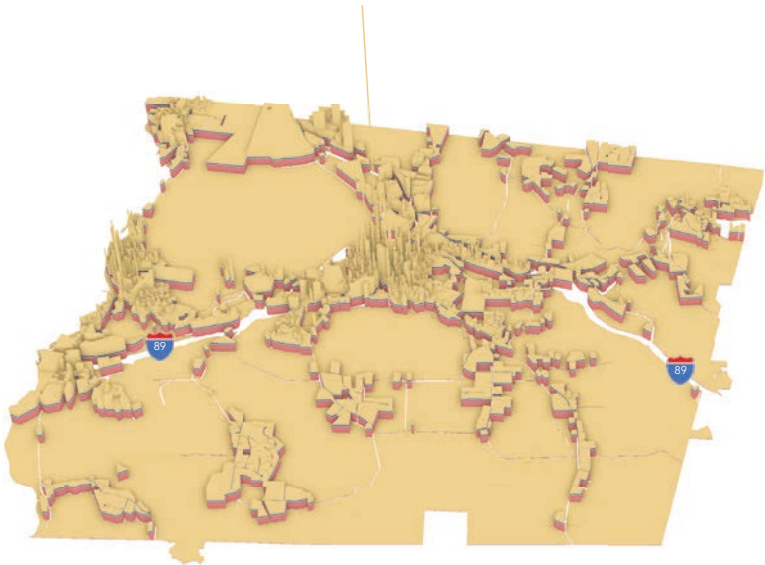
*Operating Revenues & Expenses divided among served parcels



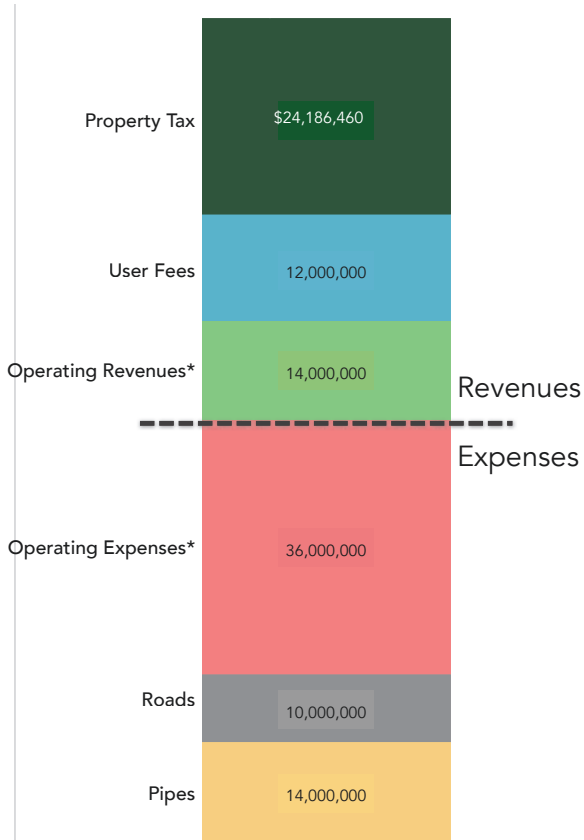
URBAN3

Mapping Budget Revenues & Expenses

Lebanon, NH



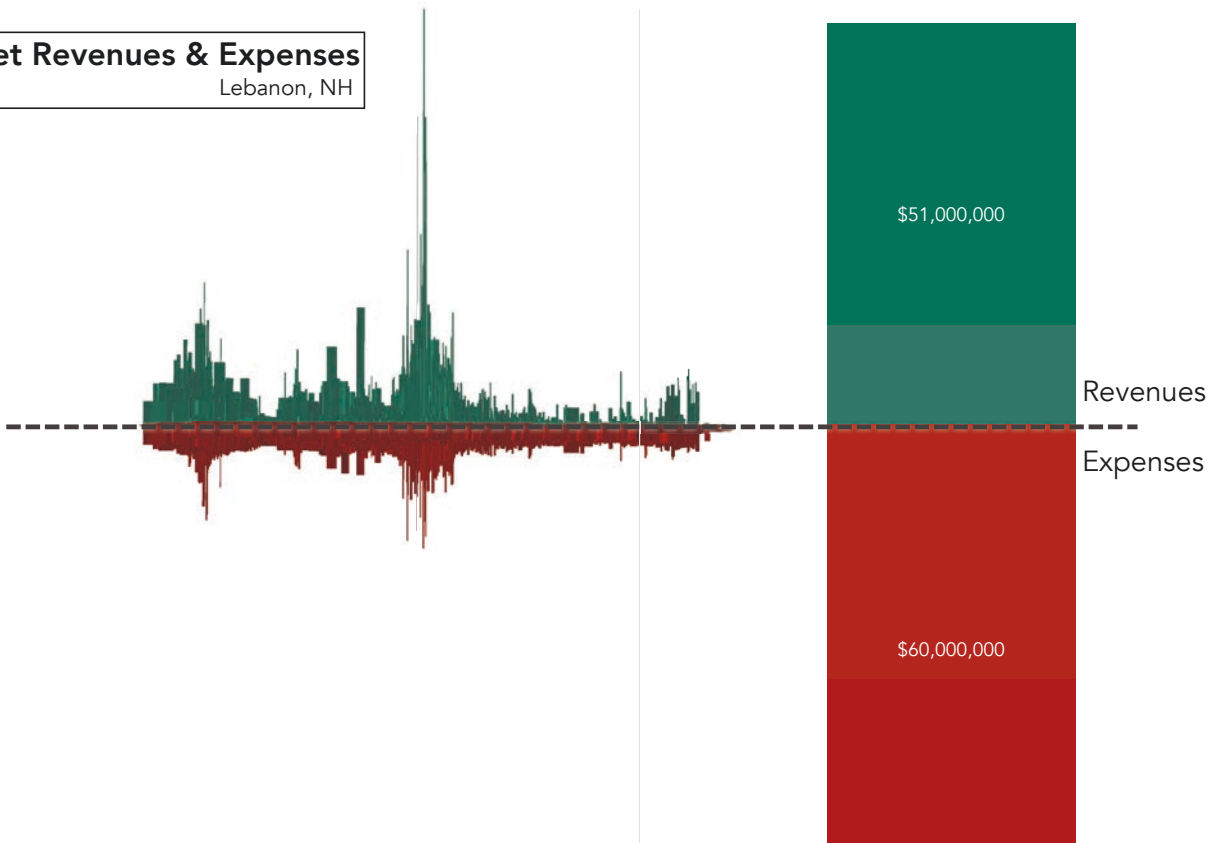
*Operating Revenues & Expenses divided among served parcels



URBAN3

Mapping Budget Revenues & Expenses

Lebanon, NH



Mapping Budget Revenues & Expenses

Lebanon, NH

West Lebanon

Downtown

\$51,000,000

Revenues

Expenses

Downtown

\$60,000,000

Mapping Budget Revenues & Expenses

Lebanon, NH

West Lebanon

Downtown

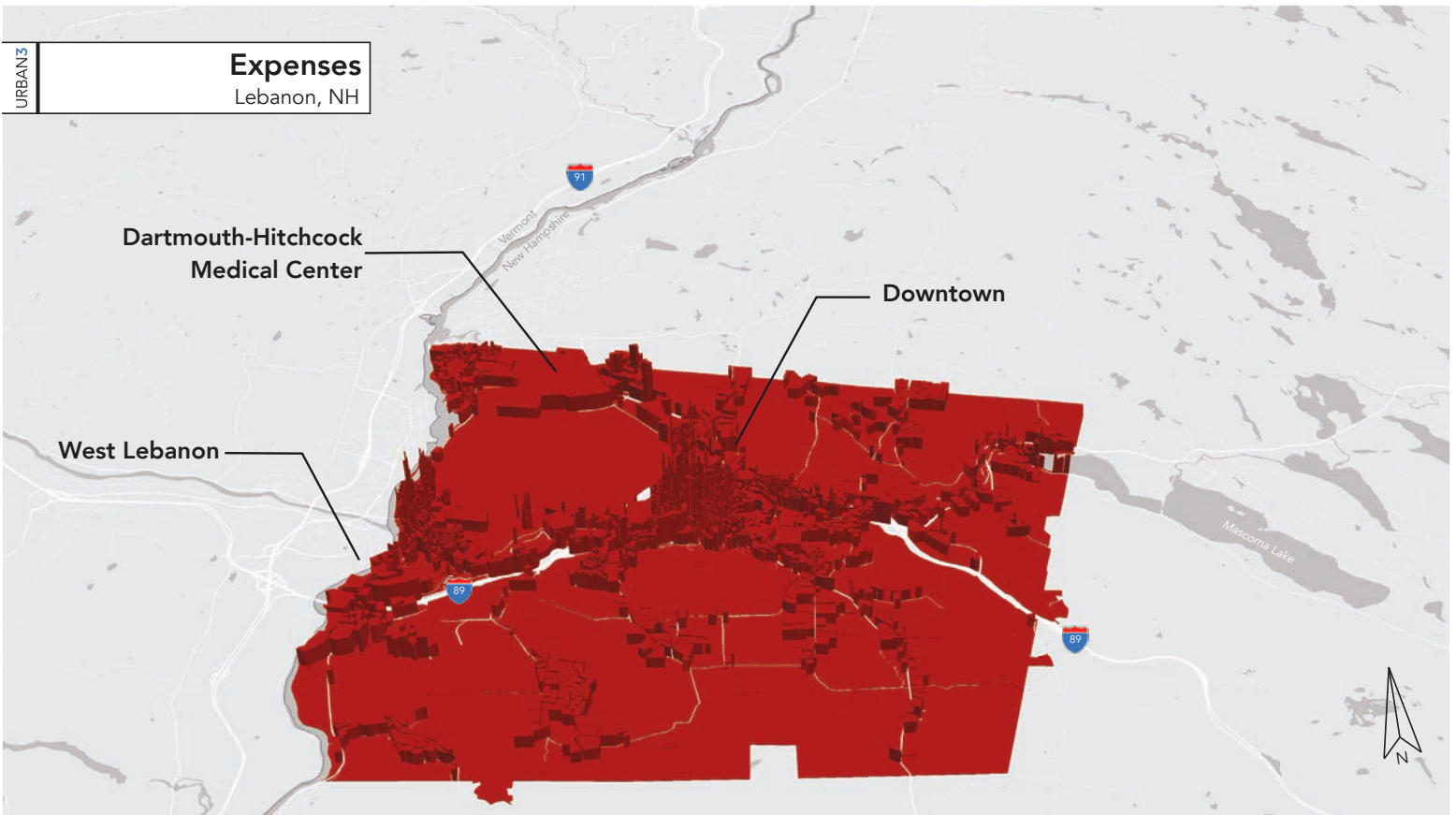
\$51,000,000

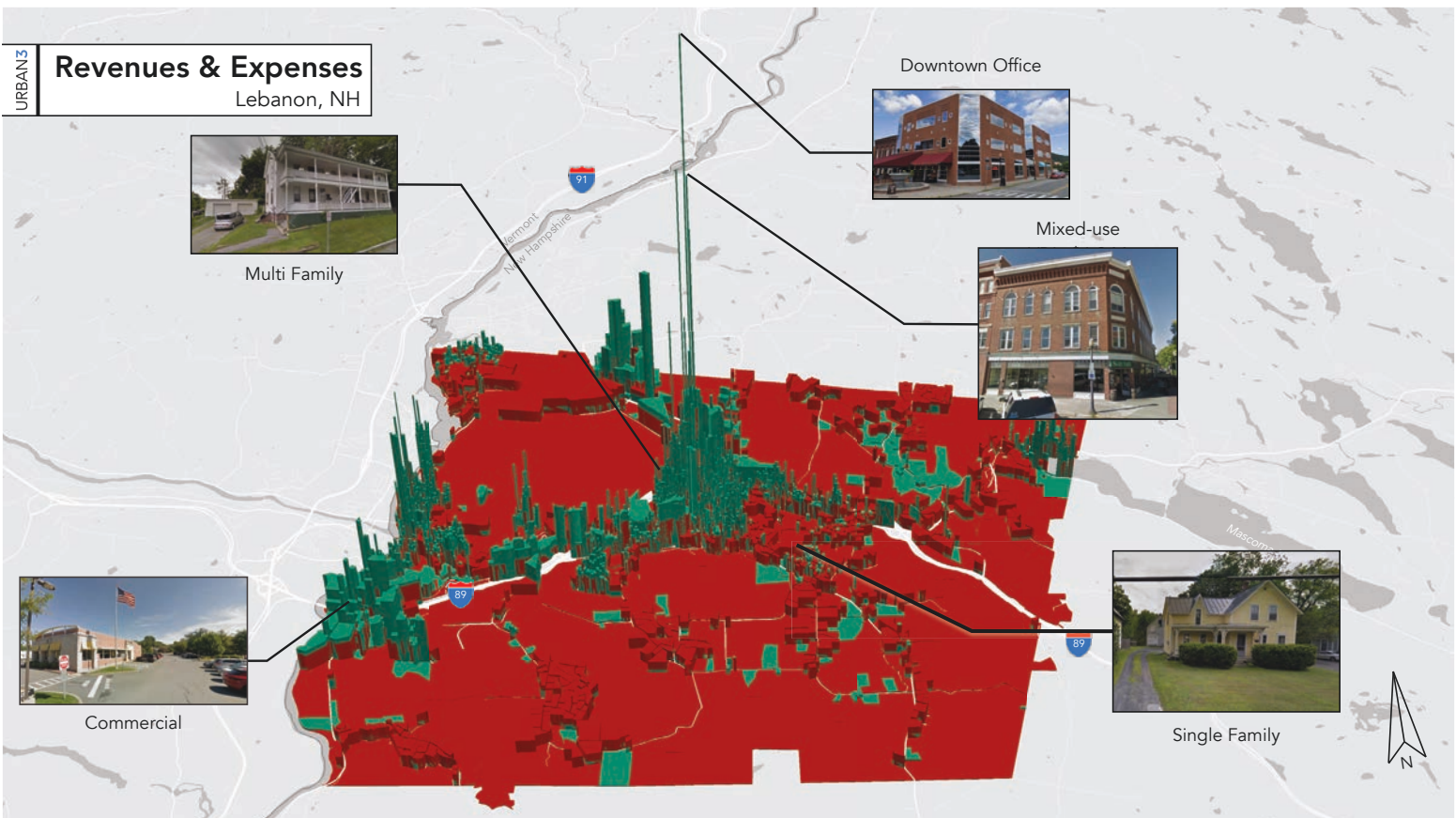
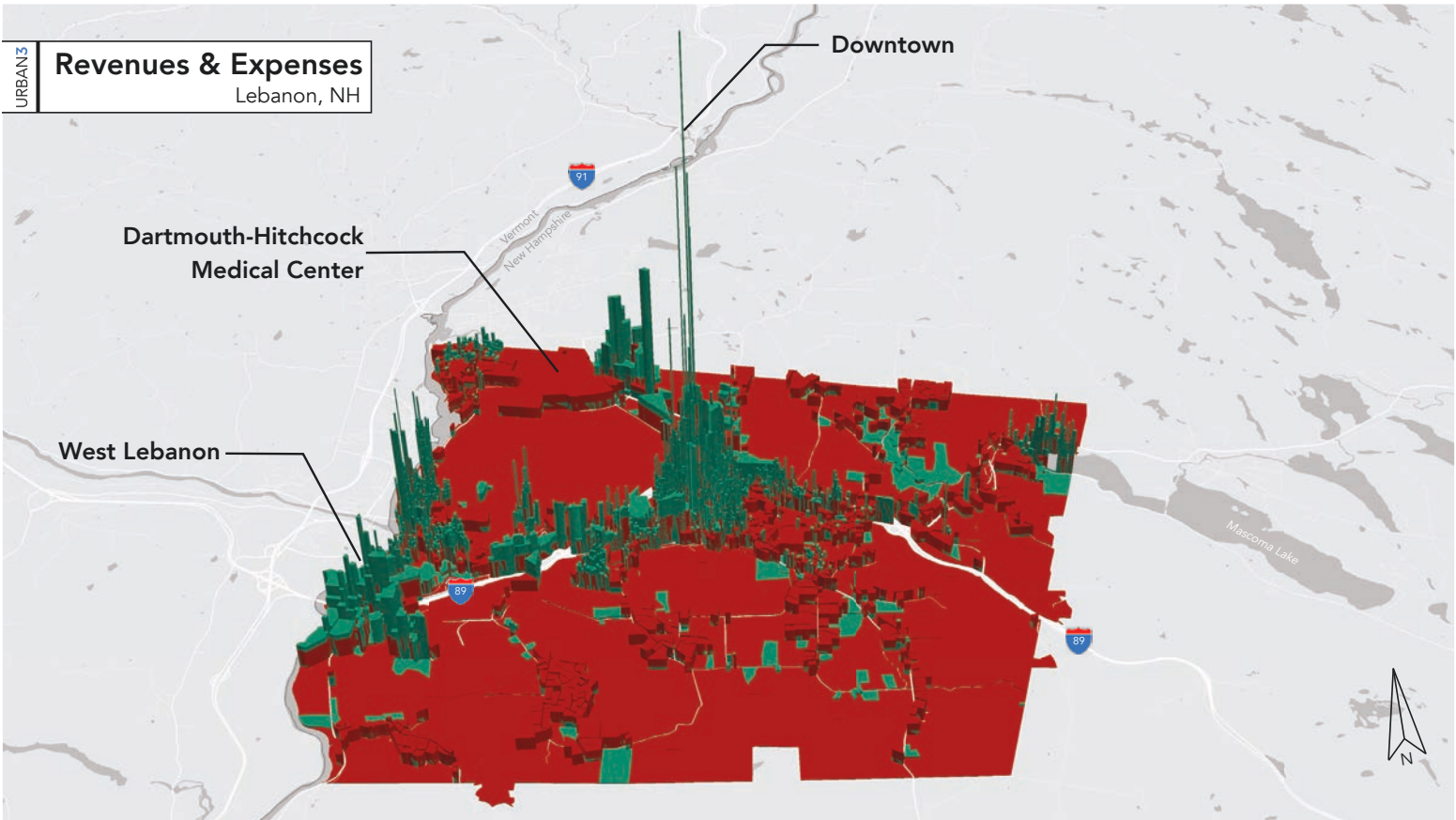
Revenues

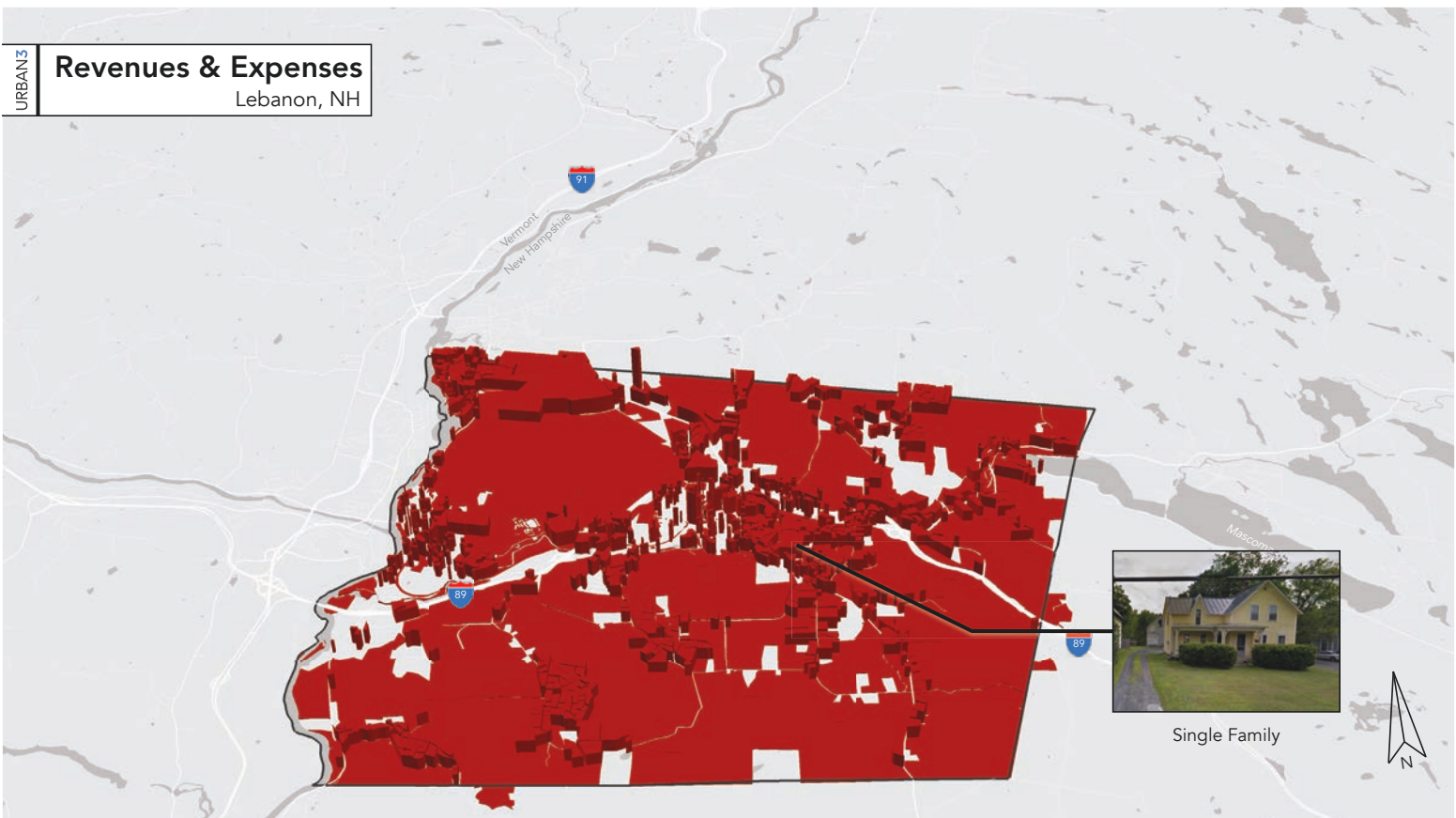
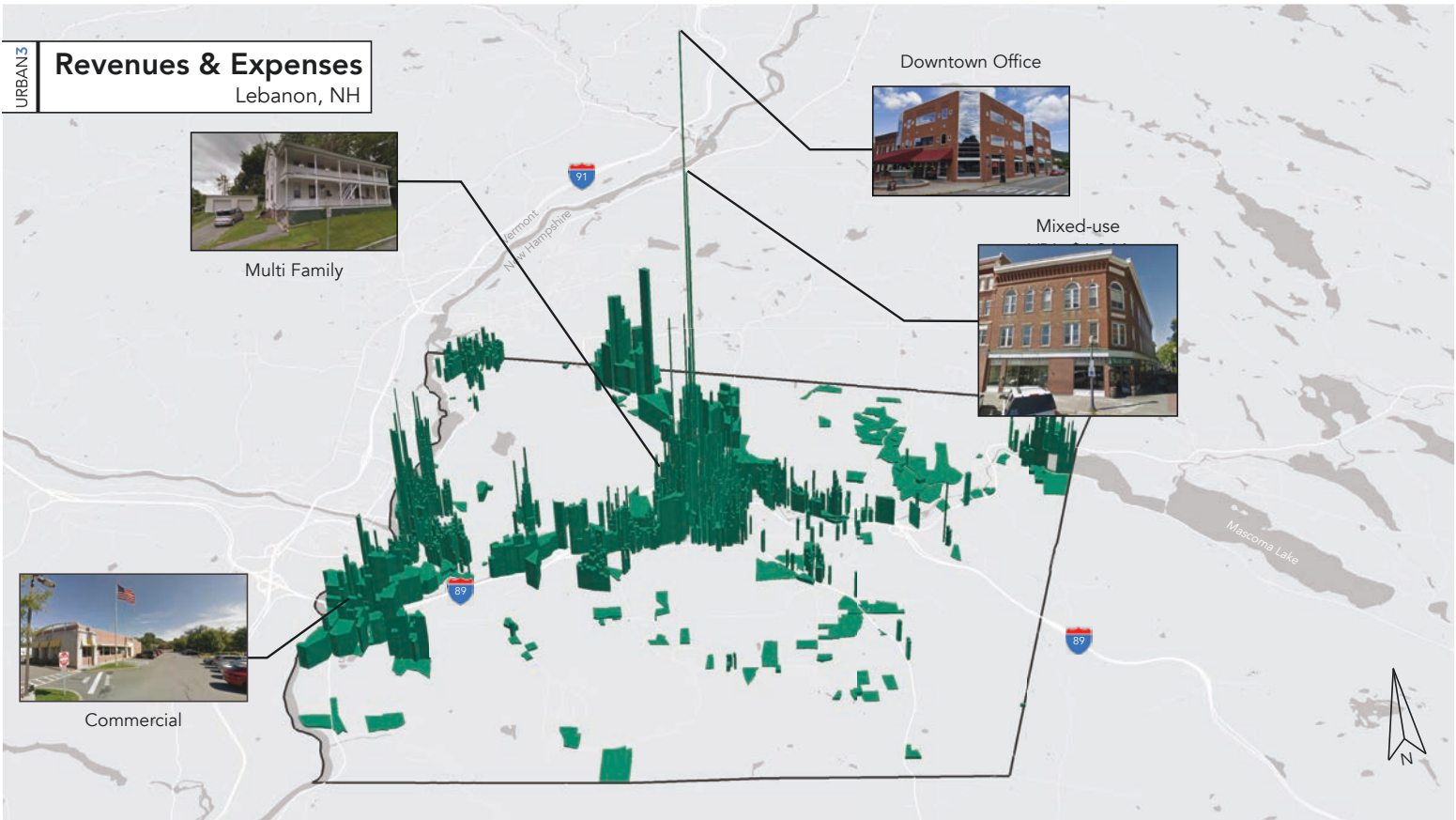
Expenses

Downtown

-\$9,000,000







Question:

OK. So now what?

URBAN3

What you can do:

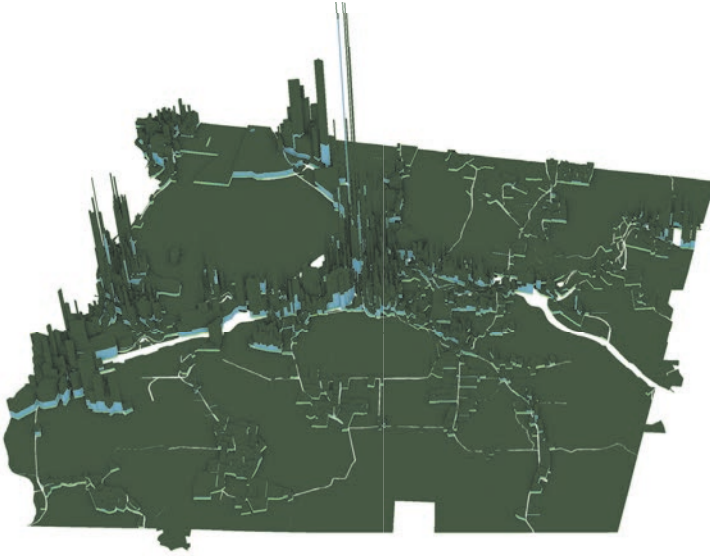
1. Know your costs, and map them!

URBAN3

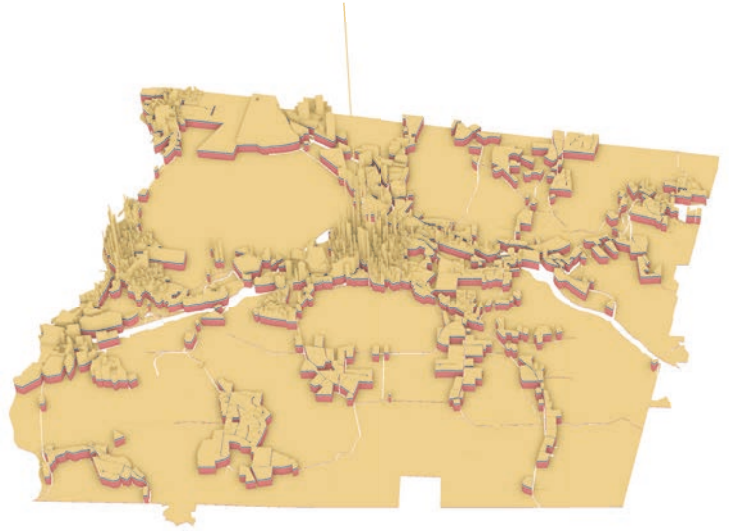
Mapping Budget Revenues & Expenses

Lebanon, NH

Revenues: \$51M

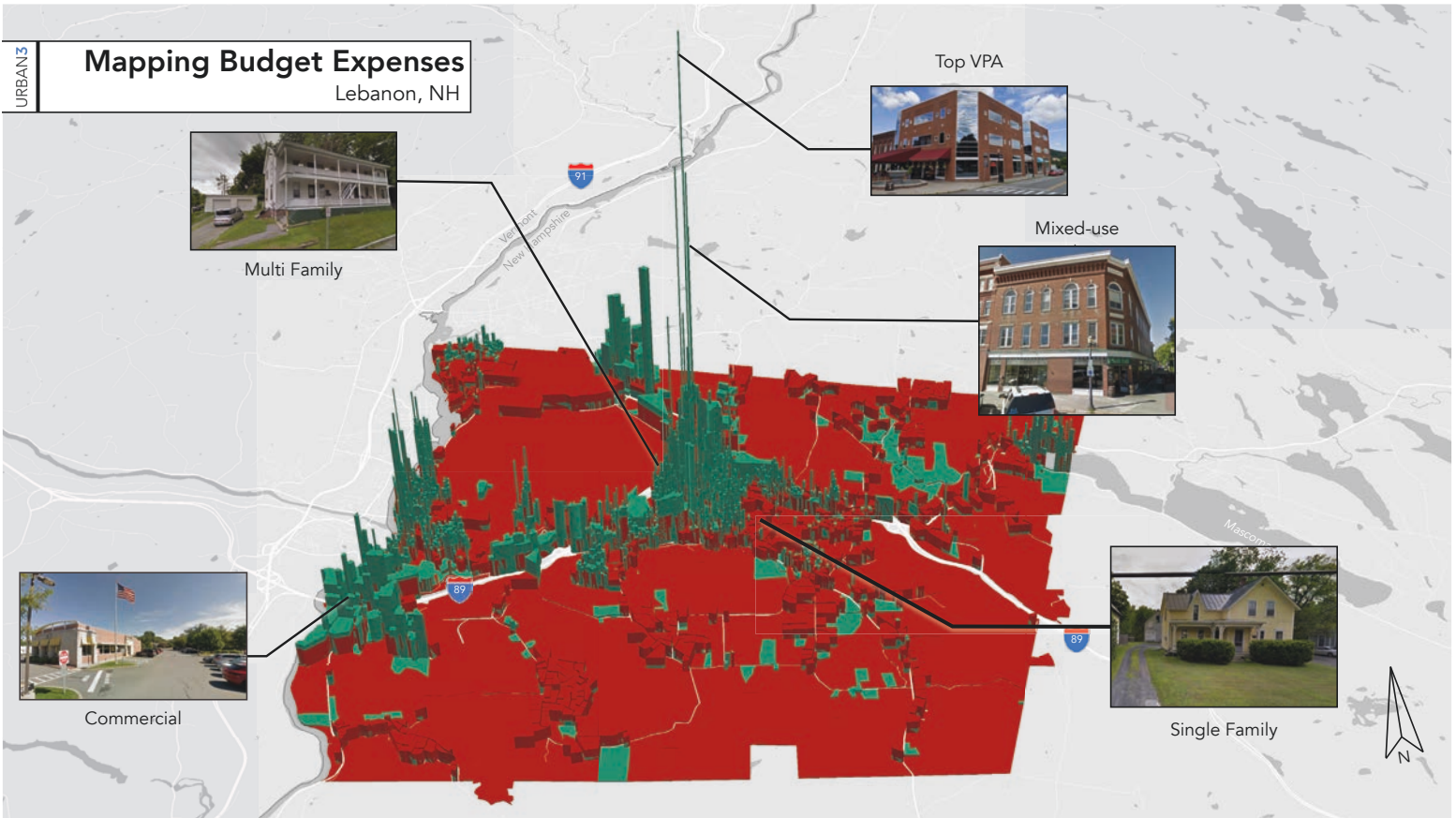


Expenses: \$60M



What we know:

2. Productivity responds to how we build



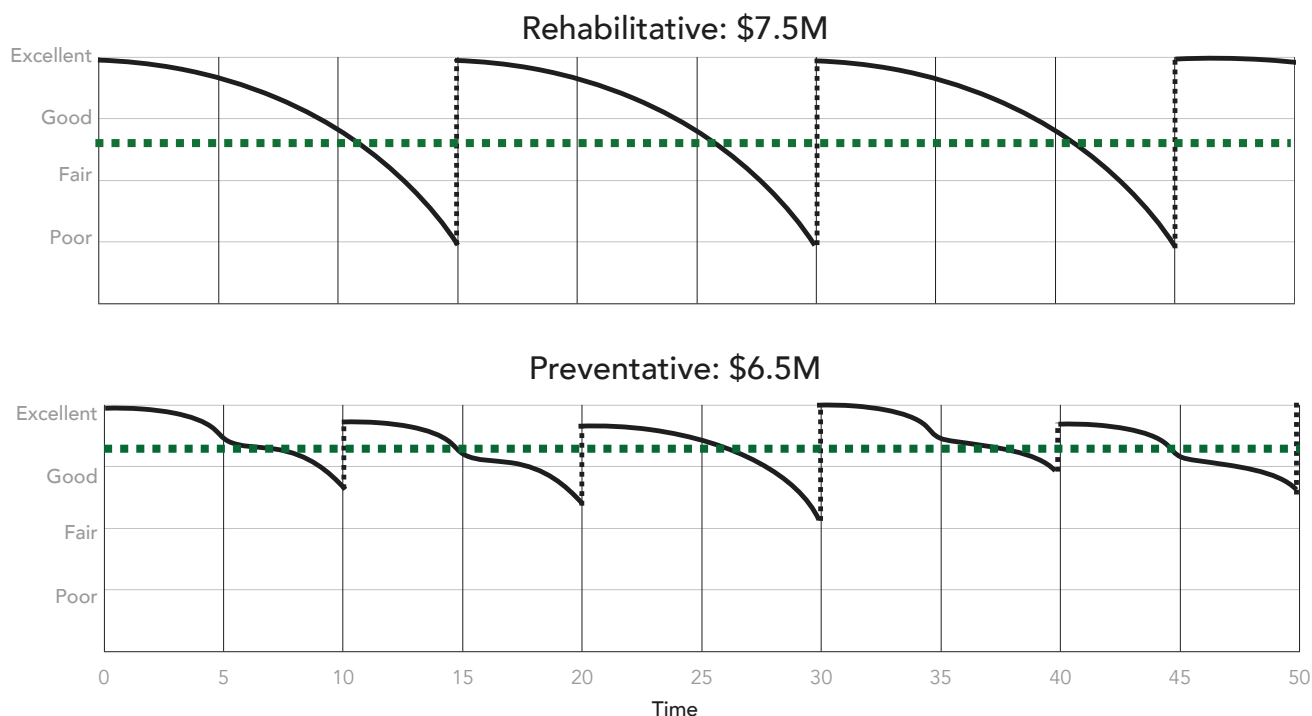
So now:

3. The future exists today! Are you ready?

Maintenance Comparison

Lebanon, NH

..... Average road quality



**If you can't measure it,
you can't
manage it.**

Mayor Michael Bloomberg



URBAN3

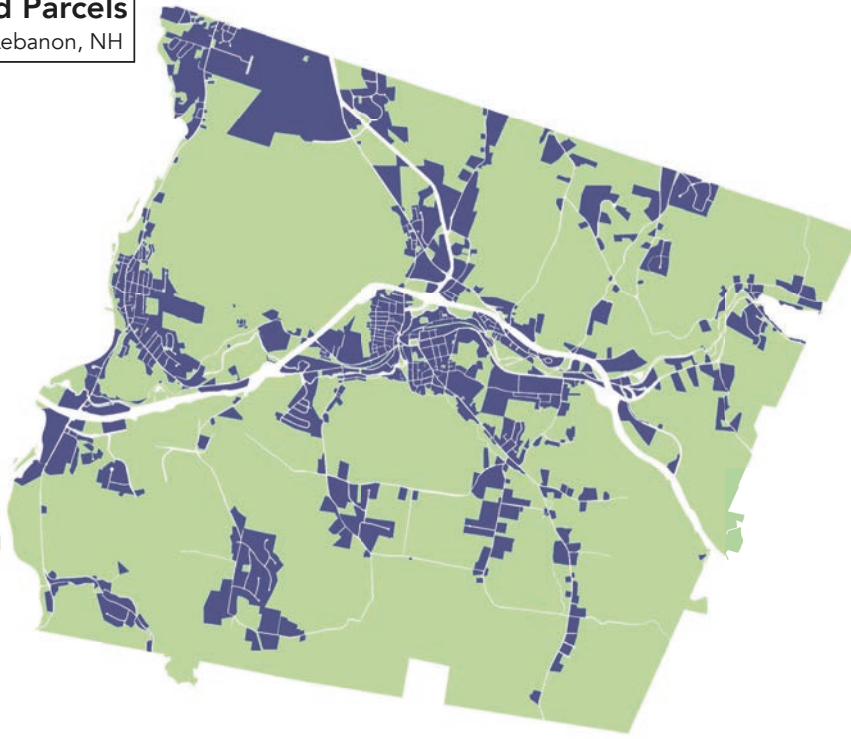
Appendix

Served vs. Unserved Parcels

Lebanon, NH

Served
Unserved**Served Parcels:**

- Are urban or residential areas
- Serviced by pipe system or part of developed communities
- Have a large building footprint relative to the size of their parcel

**Unserved Parcels:**

- Are rural or conserved parcels
- Not serviced by pipe system
- Have a small building footprint relative to the size of their parcel



**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

**10.C – DISCUSSION AND SET PUBLIC HEARING FOR DECEMBER 7, 2022:
ORDINANCE #2022-05 TO AMEND CITY CODE CHAPTER 68, FEES,
TO AUTHORIZE AN INCREASE IN AMBULANCE FEES**

BACKGROUND

A comprehensive review of existing ambulance fees and a comparison to other EMS transport services throughout the state and region was completed by the Lebanon Fire Department in 2021, and an 8% increase in ambulance services rates occurred for 2022. Since then, calls for service have increased 5% and there has been an increase in ambulance amortization schedules and maintenance. Fire Chief Wheatley is proposing a 7.9% increase in ambulance service rates for 2023 bringing the City's fees closer to the average. Please see attached memo from Chief Wheatley for more details.

ACTION

Should the Council wish to move forward with proposed Ordinance #2022-05, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 7, 2022, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2022-05 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an increase in ambulance fees.

Included in this Section:

1. Proposed Ordinance #2022-05
2. October 31, 2022, memorandum from Fire Chief Wheatley regarding Ambulance Service Rate Increase
3. Lebanon Fire Department Ambulance Fee Schedule Change Proposal
4. Ambulance Service Comparative Rate Study

**CITY OF LEBANON
ORDINANCE #2022-05**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, for the purpose of increasing ambulance fees as follows:

E. Ambulance fees shall be as follows:

- (1) Basic Life Support, resident: ~~\$577.37~~ \$622.98
- (2) Basic Life Support, nonresident: ~~\$643.26~~ \$694.08
- (3) Advanced Life Support 1, resident: ~~\$1,062.29~~ \$1,146.20
- (4) Advanced Life Support 1, nonresident: ~~\$1,140.72~~ \$1,230.84
- (5) Advanced Life Support 2, resident: ~~\$1,594.74~~ \$1,720.72
- (6) Advanced Life Support 2, nonresident: ~~\$1,707.95~~ \$1,842.88
- (7) Specialty Care Transport: ~~\$2,083.78~~ \$2,248.40
- (8) Mileage: ~~\$13.88~~ \$14.98
- (9) Co-pay Waiver, resident: ~~\$108.70~~ \$117.29
- (10) Advanced Life Support, no transport: ~~\$489.15~~ \$527.79

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective January 1, 2023.



MEMORANDUM

Date: October 31, 2022

To: David Brooks, Deputy City Manager

From: Jim Wheatley, Fire Chief

Reference: Ambulance Service Rate Increase

In 2021 a comparative analysis was conducted to measure our ambulance billing rates against other EMS transport services throughout the state and region as well as our cost for providing services. At that time, we increased rates by 8% which kept us well below the state average. We have seen an 5% increase in calls for service over 2022 coupled with an increase to ambulance amortization schedules and maintenance fees. We are proposing an additional increase to our rates by 7.9% in 2023. This request will bring us closer to the average and should assist in offsetting increased service demands. I'm happy to discuss this further should you have any questions.

Lebanon Fire Department Ambulance Fee Schedule Change Proposal

	Current Rate	Proposed Rate Effective Jan-2023
Basic Life Support Resident	\$577.37	\$622.98
Basic Life Support, nonresident:	\$643.26	\$694.08
Advanced Life Support 1, resident:	\$1,062.29	\$1,146.20
Advanced Life Support 1, nonresident:	\$1,140.72	\$1,230.84
Advanced Life Support 2, resident:	\$1,594.74	\$1,720.72
Advanced Life Support 2, nonresident:	\$1,707.95	\$1,842.88
Specialty Care Transport:	\$2,083.78	\$2,248.40
Mileage:	\$13.88	\$14.98
Co-pay Waiver, resident:	\$108.70	\$117.29
Advanced Life Support, no transport:	\$489.15	\$527.79

Comparative Rate Study

Charge	Average	Derry 2019 Current	Derry 2021 Resident Proposed	Derry 2021 Non-Resident (+20%)	Concord	Laconia	Epping
BLS-Non Emerg		\$800.00	\$1,000.00	\$1,200.00	\$895.48	\$950.00	\$1,205.00
BLS Emerg	\$1,114.42	\$800.00	\$1,000.00	\$1,200.00	\$895.48	\$950.00	\$1,205.00
ALS1	\$1,602.35	\$1,495.00	\$1,539.85	\$1,847.82	\$1,312.19	\$1,130.00	\$1,950.00
ALS2	\$2,335.24	\$2,094.00	\$2,261.52	\$2,713.82	\$1,913.74	\$1,635.00	\$3,010.00
SCT	\$2,672.42	\$2,322.00	\$2,600.64	\$3,120.77	N/A	\$1,950.00	\$3,462.62
ALS Treat/Release	\$331.80	\$300.00	\$330.00	\$396.00	\$153.00	\$100.00	N/A
Mileage	\$29.83	\$35.00	\$36.75	\$44.10	\$14.00	\$18.00	\$32.00
Bariatric Transport		N/A	N/A	N/A	N/A	N/A	N/A
Assist the Invalid/Lift Assist		\$100.00	\$110.00	N/A	N/A	\$100 after 3	N/A
Paramedic Intercept		N/A	N/A	N/A	\$549.00	N/A	N/A
Oxygen		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
IV Therapy		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Expandable supplies		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Defibrillation		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Cardiac Monitor		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Adv. Airway		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Immobilization		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base

Charge	Average	Bow Fire	Hooksett Fire	Goffstown	Pelham	Salem	Windham
BLS-Non Emerg		\$800.00	\$871.46	\$877.90	\$596.89	N/A	\$1,553.00
BLS Emerg	\$1,114.42	\$800.00	\$871.46	\$878.00	\$596.89	\$1,313.12	\$1,533.00
ALS1	\$1,602.35	\$1,150.00	\$1,133.43	\$1,174.00	\$1,089.12	\$1,775.63	\$2,420.00
ALS2	\$2,335.24	\$1,700.00	\$1,640.48	\$1,985.80	\$1,631.73	\$2,666.06	\$3,571.00
SCT	\$2,672.42	N/A	N/A	\$2,190.15	\$1,795.68	N/A	\$4,094.00
ALS Treat/Release	\$331.80	N/A	N/A	N/A	N/A	N/A	N/A
Mileage	\$29.83	\$18.00	\$18.42	\$16.25	\$16.60	\$40.00	\$37.31
Bariatric Transport		N/A	\$400.00	N/A	N/A	N/A	N/A
Assist the Invalid/Lift Assist		N/A	N/A	N/A	N/A	N/A	N/A
Paramedic Intercept		\$550.00	\$549.00	\$300.00	N/A	N/A	N/A
Oxygen		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
IV Therapy		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base

Comparative Rate Study

Expandable supplies		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Defibrillation		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Cardiac Monitor		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Adv. Airway		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base
Immobilization		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base

Charge	Average	Hampton	Exeter	Bedford	Keene	Londonderry	Portsmouth
BLS-Non Emerg		\$544.77	\$486.00	\$1,245.52	\$860.00	\$509.00	\$695.00
BLS Emerg	\$1,114.42	\$544.77	\$508.00	\$1,245.52	\$1,376.00	\$509.17	\$765.00
ALS1	\$1,602.35	\$968.99	\$603.00	\$1,991.22	\$1,634.00	\$604.63	\$1,270.00
ALS2	\$2,335.24	\$1,591.23	\$873.00	\$3,073.46	\$2,366.00	\$875.13	\$1,480.00
SCT	\$2,672.42	\$1,742.35	\$961.00	\$3,391.49	\$2,797.00	\$982.29	N/A
ALS Treat/Release	\$331.80	N/A	N/A	N/A	\$506.00	N/A	N/A
Mileage	\$29.83	\$10.67	\$10.50	\$40.00	\$27.00	\$9.93	\$22.00
Bariatric Transport		N/A	N/A	N/A	N/A	N/A	N/A
Assist the Invalid/Lift Assist		N/A	N/A	N/A	N/A	N/A	N/A
Paramedic Intercept		N/A	N/A	N/A	Incl. in Base	N/A	N/A
Oxygen		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$75.00	Incl. in Base
IV Therapy		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$150.00	Incl. in Base
Expandable supplies		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$50.00	Incl. in Base
Defibrillation		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$150.00	Incl. in Base
Cardiac Monitor		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$150.00	Incl. in Base
Adv. Airway		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$140.00	Incl. in Base
Immobilization		Incl. in Base	Incl. in Base	Incl. in Base	Incl. in Base	\$75.00	Incl. in Base

Comparative Rate Study

Charge	Average	Hartford VT	Hanover
BLS-Non Emerg		NA	\$900.00
BLS Emerg	\$1,114.42	\$650.00	\$900.00
ALS1	\$1,602.35	\$900.00	\$900.00
ALS2	\$2,335.24	\$1,200.00	\$1,300.00
SCT	\$2,672.42	\$1,000.00	\$1,300.00
ALS Treat/Release	\$331.80	N/A	\$150.00
Mileage	\$29.83	\$16.25	\$20.00
Bariatric Transport		N/A	N/A
Assist the Invalid/Lift Assist		N/A	N/A
Paramedic Intercept		\$375.00	\$350.00
Oxygen		Incl. in Base	Incl. in Base
IV Therapy		Incl. in Base	Incl. in Base
Expandable supplies		Incl. in Base	Incl. in Base
Defibrillation		Incl. in Base	Incl. in Base
Cardiac Monitor		Incl. in Base	Incl. in Base
Adv. Airway		Incl. in Base	Incl. in Base
Immobilization		Incl. in Base	Incl. in Base

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

10.D – DISCUSS AND SET PUBLIC HEARING FOR DECEMBER 7, 2022:

ORDINANCE #2022-06 TO AMEND CITY CODE

CHAPTER 72, FIRE PREVENTION

BACKGROUND

Fire Chief Wheatley is requesting that the Council take action to update the current fee structure for certain fire prevention inspections.

For further explanation, please see the attached memorandum dated October 31, 2022, from Fire Chief Wheatley. Chief Wheatley will be present to discuss the proposed fees and answer any questions Council may have.

ACTION

Should the Council wish to move forward with proposed Ordinance #2022-06, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing beginning at 7:00pm on December 7, 2022 in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2022-06 to amend City Code Chapter 72, Fire Prevention, by updating the current fee schedule.

Included in this Section:

1. Proposed Ordinance #2022-06
2. October 31, 2022, memorandum from Fire Chief Wheatley re: Fire Prevention Inspection Fee Schedule Updates
3. October 2022 Fire Inspection Comparative Fee Schedule

**CITY OF LEBANON
ORDINANCE #2022-06**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 72, Fire Prevention, Article V, Fees, by amending §72-43, Fire Prevention Fees.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 72, Fire Prevention, Article V, Fees, by amending §72-43, Fire Prevention Fees, for the purpose of increasing fire prevention fees as follows:

Service	Fee
Plan Review	
PURD (Site Plan)	\$125
PUD (Site Plan)	\$125
Commercial (Site Plan)	\$125
Special Hazards Plan Review (At discretion of AHJ)	\$340
New Fire Protection System Plan Review	
Water Spray or Foam Systems:	
5,000 square feet or less	\$225
5,001 to 10,000 square feet	\$370
Greater than 10,001 square feet	\$600
Sprinkler Systems	
13D Systems	\$0
13R Systems	\$135
13 Systems:	
10,000 square feet or less	\$275
10,001 to 25,000 square feet	\$400
25,001 to 52,000 square feet	\$600
New Fire Alarm Systems:	
0 to 49 devices	\$150
50 to 99 devices	\$300
Greater than 99 devices	\$450
Other Fire Suppression Systems:	
Pre-engineered	\$200
Engineered	\$300
New Fire Pump Plan Review	\$350
New Underground Cistern Plan Review	\$250
Modifications to Existing Systems Plan Review	
Water Spray or Foam:	

Service	Fee
1 to 6 heads	\$40
7 to 20 heads	\$150
Greater than 21 heads	\$300
Sprinkler Systems:	
1 to 6 heads	\$50
7 to 20 heads	\$150
Greater than 21 heads	\$300
Existing Fire Alarm:	
1 to 10 devices	\$75
11 to 100 devices	\$150
Greater than 100 devices	\$300
Fire Prevention Permits:	
Annual Flammable Liquid Permit:	
Greater than 2,500 gallons	\$475
Annual Flammable Gas Permit (CNG, LNG, LPG):	
3,000 to 30,000 water capacity gallons aggregate	\$150
Greater than 30,000 water capacity gallons aggregate	\$300
Annual Poisonous Gas:	
Greater than 60 gallons	\$160
Hot Work Permit	\$75
Blasting Permit:	
Initial Fee	\$100 <u>\$150 up to 31 days</u>
Renewal	\$50 <u>\$150</u>
Fire Prevention Inspections	
Oil Burners:	
Residential	\$0
Commercial	\$125
Propane Furnaces:	
Residential	\$0
Commercial	\$125
Underground Fuel Storage Tanks:	
Residential	\$0
Commercial	\$125
<u>New or Replacement LPG cylinders (20-499 gallons)</u>	<u>\$35</u>
<u>Above Ground 500 gallon and above</u>	<u>\$50</u>
Airport Fuel Farm Inspection	\$140
Day Care and Foster Care:	
Family, 1 to 6 children	\$0
Group, 7 to 12 children	\$0
Day Care Centers 13+ children	\$75

Service	Fee
Foster Care Inspections	\$0
Annual Place of Assembly Inspection:	\$110
Annual Rooming/Lodging House Inspection:	
12 rooms or greater	\$180
Fire Alarm/Suppression Acceptance Testing	\$100 \$300 per hour
Tents and Membrane Structure Inspections:	
Greater than 200 square feet	\$40
Greater than 400 square feet	\$80

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective January 1, 2023.



MEMORANDUM

Date: October 31, 2022

To: David Brooks, Deputy City Manager

From: Jim Wheatley, Fire Chief

Reference: Fire Prevention Inspection Fee Schedule Updates

The fire prevention inspection fees under Chapter 72-43, Fire Prevention, Article V, Fire Prevention Fees in the Lebanon Fire Prevention Code, have not been updated since the 2015 revision. Since the completion of that review, we have seen a significant increase on service demands in specific areas and are requesting rate adjustments as well as the addition of new fees to compensate of the increase of service delivery.

Fire Alarm and Sprinkler Retest Inspections:

The volume and size of construction has increased significantly in the city since 2015. This requires additional staff hours to complete fire Alarm and sprinkler testing inspections. We currently charge \$100 per hour for this service. On many occasions we have encountered violations that require us to return for re-inspections. We are requesting a flat re-inspection fee of \$300 to offset the required staff hours to complete these inspections.

Above Ground Propane Storage Tanks:

There is currently no charge for above ground propane storage tank inspections. We are currently conducting on average 45 of these per month. We are requesting new fees be added to the code to offset the staff hours required to complete these inspections. The following rates are requested to be added to the code under fire inspections.

- | | |
|--|---------|
| • New or Replacement LPG cylinders: 20-499 gallons | \$35.00 |
| • Above Ground 500 gallon and above inspection | \$50.00 |

- **Blasting Permits:**

We are seeing an increase of blasting permits related to new land development. We are requesting the following increases to the fee schedule.

- Current initial permit \$100
- Renewal \$50

Requested Change:

- Initial permit \$150 up to 31 days
- Renewal \$150

Fire Inspection Comparative Fee Schedule
Oct 2022

	Lebanon Current	Lebanon Proposed	Nashua	Concord	Claremont	Portsmouth
Fire Alarm and Sprinkler Retest:						
	\$0.00	\$300.00	\$0.00	\$0.00	\$300.00	\$300.00

Above Ground Propane:						
New or Replacemnet 20-499 Gallons	\$0.00	\$35.00	\$0.00	\$80.00	\$0.00	\$0.00
New or Replacemnet 500 gallons or above	\$0.00	\$50.00	\$100.00	\$105.00	\$0.00	\$0.00

Blasting Permits:						
Initial	\$150.00	\$150.00 Up to 31 days	\$200.00 Valid for 7 days	\$155.00 (Valid for 5 Days)	\$0.00	\$0.00
Renewal	\$50.00	\$150.00	\$20.00 per day after 7	\$5.00 per day after 5	\$0.00	\$0.00

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

**10.E – DISCUSSION & SET PUBLIC HEARING FOR DECEMBER 7, 2022:
ORDINANCE #2022-07 TO AMEND CITY CODE CHAPTER 97, LANDFILL
REGULATIONS, APPENDIX A, FEE SCHEDULE**

BACKGROUND

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule is to be reviewed annually for possible updates based on current market rates.

Attached please find the fee schedule proposed to be effective January 1, 2023.

ACTION

Should the Council decide to move forward with Ordinance 2022-07 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 7, 2022, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2022-07, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule.

Included in this Section:

1. Proposed Ordinance #2022-07

**CITY OF LEBANON
ORDINANCE #2022-07**

AN ORDINANCE TO AMEND Chapter 97, Landfill Regulations of the Code of the City of Lebanon, Appendix A, Fee Schedule.

BE IT ORDAINED, by the City Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule for Disposal at the Landfill Solid Waste Facility, is amended as follows:

Item	Fee
MSW – Commercial	\$76.50/ton <u>\$78.80/ton</u>
MSW – Residential	\$1.50 <u>\$2.00</u> /household bag \$3 <u>\$4.00</u> /contractor bag \$15 <u>\$20.00</u> per punch card
Minimum Load – Scale Use (200lbs)	MSW - \$10.00 (6 <u>5</u> punches) C&D - \$15.00 <u>\$16.00</u> (10 <u>8</u> punches) Bulky - \$12.00 (8 <u>6</u> punches)
Construction and demolition debris – commercial NOTE: This does not include mixed aggregates	\$150/ton
Construction and demolition debris – residential	1 punch = 20 lbs of C&D 1 card = 200 lbs of C&D
Mattresses	\$9 per item (6 punches) <u>\$10 per item (5 punches)</u> \$120/ton (oversized bulky waste rate)
Furniture	\$9 per item (6 punches) <u>\$10 per item (5 punches)</u> \$120/ton
Tires	\$7.50/tire <u>\$10.00/tire</u> (5 punches) \$175/ton <u>farm/construction tires</u>
Yard trimmings and brush	\$15/ton for loads larger than 2 cubic yards
Bulk loads of glass, asphalt, brick and concrete and mixed aggregate	\$30/ton
Electronic waste – monitors and TVs	\$21/item (14 punches) <u>\$20/item (10 punches)</u> \$0.30/lb on CRTs larger than 27"
Electronic waste – solar panels	\$30/panel <u>\$40/panel (20 punches)</u>
Electronic devices – DVD, VCR, stereo, etc.	\$9/item (6 punches) <u>\$10/item (5 punches)</u>
Freon-containing devices	\$21/unit (14 punches) <u>\$20/unit (10 punches)</u>
Fluorescent bulbs	\$0.15/ft.
Compact fluorescent lamps (CFLs)	\$0.60/each
Cover materials	\$15/ton
Food waste	\$50/ton
Food scraps – household	1 punch card (10 punches) until June 30 ½ punch card (5 punches) July 1 and after <u>No charge for food scrap composting</u>
Pressurized cylinders – fire extinguishers and propane tanks	\$12/tank
Small pressurized tanks	\$1.50/each

Equipment Assist	\$50
<u>Scale Use Fee</u>	<u>\$10</u>

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decisions shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date.

This ordinance shall become effective January 1, 2023.

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

**10.F – DISCUSSION AND SET PUBLIC HEARING FOR DECEMBER 7, 2022:
PROPOSED CITY CHARTER AMENDMENT RELATIVE TO CAPITALIZATION
OF THE TERM “CITY MANAGER” THROUGHOUT THE CHARTER**

BACKGROUND

On November 2, 2022, the City Council reviewed and discussed the proposed amendment to make the language of the City Charter gender neutral. As part of the Council’s motion to set the public hearing on the gender-neutral language changes, the Council also requested that the proposed amendments include “changes to capitalize the first letters of city and manager where the term City Manager is a replacement in this draft.”

Following the Council meeting, the City Manager’s Office further researched the request and consulted with legal counsel about adding the requested capitalization changes to the public hearing already set for the gender-neutral changes. According to NH RSA 49-B:5, I(c), “Each amendment [to the charter] shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.” The subject of the original Charter amendment proposal is the replacement of gender-specific terms with gender-neutral terms. The City’s attorney is of the opinion that including a global change of “city manager” to “City Manager” would not be germane to the gender-neutral subject.

As a result, if the Council wishes to make a global change to capitalize the term “City Manager” throughout the Charter, this would need to be done as a second amendment to the Charter, which would have to be separate from the amendments related to gender-neutral terminology.

As requested by the Council, the City Manager’s Office has prepared a redline version of the Charter identifying all instances where “city manager” would be changed to “City Manager” in the existing Charter. If the Council wishes to proceed with this second amendment, it will need to schedule another public hearing for December 7, 2022, at which time the Council will be asked to consider adoption of the proposed resolution offered below.

However, it should be noted that the statutory timelines set forth in NH RSA 49-B may not allow this second proposed amendment to be placed on the March 14, 2023 ballot. As required, following the public hearing, a report must be filed with the City Clerk containing the final draft of the proposed amendments. The City Clerk must then file a certified copy of the report with the NH Secretary of State, NH Attorney General, and the Commissioner of the NH Department of Revenue Administration. According to NH RSA 49-B:4-a, the state agencies are allowed 45 days to review and comment on the proposed amendments to ensure they are consistent with the general laws of the state. If the state agencies take the full 45 days for review, then their comments will not be received by the City in time for the Council to take action to have the proposed amendments formally placed on the ballot at least 60 days prior to March 14, 2023.

Since the timeline for a second amendment to the Charter may not comply with the statutory requirements of NH RSA 49-B, and because there are, in fact, other terms within the Charter that should be amended if the Council is concerned about capitalization, the City Manager recommends that the Council should not proceed with the process of amending the Charter to

address capitalization of terms at this time, and should not schedule a public hearing for December 7, 2022 on this matter.

RESOLUTION

BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed amendment to the Lebanon City Charter to delete the term “city manager” and replace it with “City Manager” is necessary and appropriate.

Proposed City Charter Amendment: Amend the City Charter as follows:

Amend Section I, The City Established, §C419:3 by deleting “city manager” and replacing it with “City Manager”.

Amend Section III, Administration, §C419:26, §C419:29-30, §C419:37, §C419:39, and §C419:42 by deleting “city manager” and replacing it with “City Manager”.

Amend Section VI, Miscellaneous Provisions, §C419:67 by deleting “city manager” and replacing it with “City Manager”.

Explanation: The purpose of these amendments is to replace the term “city manager” with a capitalized term “City Manager” throughout the City Charter.

BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City Manager to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment to replace the term “city manager” with the capitalized term “City Manager” in the Sections referenced above as summarized in the agenda packet materials for the City Council’s November 16, 2022 meeting, after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be filed with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration.

This change will be effective July 1, 2023, if passed by voters at the March 14, 2023 Municipal Election.

ACTION

If the City Council wishes to move forward with the proposed amendment process, the following motion is offered for the Council’s consideration.

MOVED, that the Lebanon City Council hereby schedules a public hearing beginning at 7:00 pm on December 7, 2022, for the purpose of receiving public input and taking action on a resolution to initiate the process to place proposed amendment to Section I, The City Established, §C419:3; Section III, Administration, §C419:26, §C419:29-30, §C419:37, §C419:39, and §C419:42; and Section VI, Miscellaneous Provisions, §C419:67, of the City Charter on the ballot of the March 14, 2023 Municipal Election.

Included in this Section:

1. Draft Proposed Charter Amendment Language

Chapter C

CHARTER

CITY OF LEBANON, NEW HAMPSHIRE

CHAPTER 419

AN ACT TO ESTABLISH THE CITY OF LEBANON

Be it enacted by the Senate and House of Representatives in General Court convened:

I
THE CITY ESTABLISHED

§ C419:1. Establishment.

The inhabitants of the town of Lebanon, in the county of Grafton, shall continue to be a body corporate and politic, under the name of the "City of Lebanon."

§ C419:2. Transfer of Property, Special Districts Abolished.

All existing property and assets now of said town of Lebanon and all precincts and districts within said town including Lebanon Center Fire precinct, Lebanon Water Works, and West Lebanon Village Fire District shall be vested in said city under the provisions of this chapter. Lebanon Center Fire Precinct, Lebanon Water Works and West Lebanon Village Fire District are hereby abolished. All bonded indebtedness of the Lebanon Center Fire Precinct existing at the time of the adoption of this charter shall be reassessed upon residents living within the bounds of said former precinct until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the Lebanon Water Works existing at the time of adoption of this charter shall be reassessed upon residents living within the bounds of said former Lebanon Water Works until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the West Lebanon Fire and Water District at the time of the adoption of this charter shall be reassessed upon the residents living within the bounds of said former district until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council.

§ C419:3. School District. [Amended 12-3-1968]

The school district of the town of Lebanon as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the ~~city manager~~ City Manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency.

II ELECTIONS

§ C419:4. Wards Defined. [Amended 3-8-1977; 6-17-1992; 3-8-2005; 3-13-2012¹]

The City of Lebanon shall consist of three wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and such ward lines are to follow easily identifiable physical features such as streets, railroad tracks, surface waters or power lines.

At least as often as each recurring federal census, the City Council shall review the ward boundaries and, if necessary to comply with a Constitutional requirement to equalize populations, shall, by ordinance, make adjustments to the City's ward boundaries. A public hearing on the proposed ward boundaries shall be held not more than 30 days before adoption by the City Council, at such time and place as the City Council shall determine. Notice of the public hearing shall be published at least 10 days in advance of the hearing by the City Clerk.

Until passage of an ordinance for future realignment of the City's ward boundaries, ward lines shall remain as approved by the voters of Lebanon on March 13, 2012. Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of this amendment shall continue in said offices until the end of the terms for which they were elected.

The three wards shall be divided as follows:

WARD 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Hibbard Brook; thence northerly along said brook until its western tributary meets Poverty Lane; thence northerly along said road to the intersection of Slayton Hill Road, thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning ninety (90) degrees and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

WARD 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Rt 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence northerly along said center

1. Editor's Note: This amendment was adopted by voters on the 3-13-2012, to become effective 5-1-2012.

line to the center line of North Park Street; thence westerly along said center line; and through the Lebanon Mall until it merges with Hanover Street; thence northerly along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Rt 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

WARD 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.

(Ward lines changed by Lebanon City Council on September 15, 1982, June 17, 1992, and March 8, 2005 and March 13, 2012)

§ C419:5. Representatives to General Court. [Amended 11-2-1971, effective 4-1-1972]

Representatives to the general court from the city of Lebanon shall be elected at large.

§ C419:6. City Election. [Amended 3-14-1978; 3-11-1997]

The city election shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers, or, if none, on the second Tuesday of March. The polls shall be open not earlier than six o'clock in the forenoon of the day of the election nor later than eight o'clock in the evening, and shall be open not less than four hours on a schedule as the City Council shall determine at least thirty days prior to said election.

§ C419:7. Members of the Council. [Amended 11-6-1973]

The council consists of nine members, each with a two year term. One member shall be elected annually from each ward by the voters in the ward. One member shall be elected from the city at large in odd numbered years and two members shall be elected from the city at large in even numbered years. The term of office begins on the third Wednesday after the city election at which the member is elected, and ends two years from the date the term begins.

§ C419:8. Ward Officials. [Amended 3-14-1978]

Each ward shall at municipal elections choose by ballot a moderator, clerk and three supervisors of the checklist who shall hold office for two years and until their successors are elected and qualified. Said supervisors shall perform all the duties required by law of selectmen of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers shall be considered and be the selectmen of their wards. No other selectmen shall be chosen. No person shall continue to perform as a ward official whose name appears on the ballot for an office other than that of a ward official.

§ C419:9. Ward Checklists.

The selectmen of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be selectmen of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law. They shall seasonably prepare checklists for their respective wards and perform all duties respecting the same required by law. The supervisors of the checklist in each ward shall fix the polling place therein and give notice thereof.

§ C419:10. Preparation of Ballots. [Amended 3-4-1976]

The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilor. Such filing shall take place not before nine o'clock in the morning of the forty-second day before the election nor later than five o'clock in the afternoon of the twenty-eighth day before the election. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate himself at the time that the petition is filed. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with preference to municipal elections as has the secretary of state with preference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

§ C419:11. Qualifications of Voters. [Amended 3-4-1976]

Persons who would be qualified voters in a biennial election if held on the day of such municipal election shall be qualified voters therein. Municipal elections thereunder 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 chapter.

§ C419:11a. Absentee Voting. [Amended 3-8-1977]

Any legal voter of the city of Lebanon who is absent from the city on the day of any regular or special municipal election, or who, by reason of physical disability, is unable to vote in person at said election, may vote at said election by so-called absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the city, provided that the city clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

§ C419:12. Procedure.

The qualified voters in each ward, at said election, shall give in to the moderator their votes which shall be received, sorted, counted and declared, and the ward clerk shall

make a true and certified copy of the record of the votes and said record, certified also by a majority of the supervisors and the moderator, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

§ C419:13. Ballots Preservation.

All the ballots cast at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast, upon order of any court or the city council.

§ C419:14. Canvass. [Amended 3-4-1976]

The city council shall meet on the Thursday following the election to canvass the votes. The city clerk shall lay before the council the record of votes received in each ward for each person voted for on the ballots. The council shall examine the record of votes, and it shall declare the persons having the largest number of votes to be elected as councilors and shall cause them to be notified of their election.

§ C419:15. Recounts and Contested Elections. [Amended 3-14-1978]

Upon request of any candidate for an elective office made within seven days after the canvass, the council shall recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers. Any amendment to the Charter which is carried or lost by 1% or less of the vote shall be subject to an automatic recount.

III Administration

§ C419:16. The Council. [Amended 3-4-1976; 3-8-1977]

The entire administration of all fiscal, prudential and municipal affairs of the City of Lebanon shall, except as otherwise provided, be vested in a City Council of nine Councilors, elected as provided in Section 7. Vacancies occurring in the office of councilor at any time after the election of a candidate thereto, and from a failure to elect thereto, shall be filled by the remaining councilors, who, by majority vote and within thirty days, shall appoint some qualified person to fill the vacant seat until the next municipal election, at which time a councilor shall be elected to fill the unexpired term. The office of any ward council member shall be deemed vacant if he/she takes up residence in any ward other than the one from which he was elected. The city clerk shall act as clerk of council.

§ C419:17. Mayor. [Amended 11-6-1973]

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and he or she may speak and vote at those meetings. The mayor shall be head of the city for all ceremonial purposes. The mayor and council voting as a unit, neither with a veto over the other, shall make appointments of members of the Lebanon Housing Authority and the Zoning Board of Adjustment. All other administrative duties prescribed by the general statutes shall be exercised by the manager. Nothing in this section shall be construed to take away from the manager his or her power to appoint all administrative officers listed in Section 32 of this chapter, or his or her power to appoint a member of the personnel advisory board under Section 53 of this chapter, or his or her power to appoint an administrative official of the city to the Planning Board, or his or her general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

§ C419:18. Qualifications. [Amended 3-4-1976]

Any person may be a candidate for election as councilor provided he or she is a duly qualified voter in the city and has been a resident of the city for at least two years immediately preceding the election. No person in default to the city shall be eligible for election to the council.

§ C419:19. Compensation. [Amended 3-4-1976]

No councilor, shall, while in office, receive any pay or compensation of any sort, either as councilor or for any other personal services rendered for the benefit of the city, or be employed by the city, or any department or branch thereof, for any compensation, excepting that this provision shall not apply to compensation of call members of the fire department.

§ C419:20. Dealings Of Council With City. [Amended 3-4-1976]

No councilor, or other official of the city, shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

§ C419:21. Meetings. [Amended 3-14-1978 and 3-10-1998]

All meetings of the council shall be public and in compliance with the New Hampshire Right-to-Know Law, RSA Chapter 91:A. Nonpublic sessions may be held only as permitted under RSA Chapter 91:A. 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 resolutions direct, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilor by the city clerk at the request of the mayor, the manager or a majority of the councilors. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business.

§ C419:22. Ordinances. [Amended 3-8-1977]

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 Lebanon ordains" and the effective date of each ordinance shall be specified in it. 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 the city clerk. Each ordinance shall be reviewed by the city council every five years, and revised where determined necessary. Ordinances shall be published and compiled in such manner and at such time as the council shall determine.

§ C419:23. General Powers.

The city council created by this act shall, except as here in otherwise provided, have all the powers and do and perform in reference to each other or otherwise, all the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required to do and perform, either separately or otherwise, except insofar as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except insofar as a contrary intention appears in this act or insofar as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager.

§ C419:23a. Citizens Binding Initiative. [Adopted 11-2-1982, effective 1-1-1983]

Citizens may propose a measure with an initiative petition signed by qualified voters equal in number to ten percent of the votes cast in the last gubernatorial election. When said petition is complete, as certified by the city clerk to have met the above requirements, said proposed measure, shall be submitted to the city council requesting the city council to pass proposed measure without alteration; if said proposed measure be not passed without alteration within twenty days after the date of the Clerk's certification, then such proposed measure without alteration shall be submitted by the city council to the vote of qualified voters at the next municipal election. If a majority of the qualified

voters voting on any proposed measure, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.

§ C419:23b. Citizens Non-binding Initiative. [Amended 3-13-1984, effective 9:1984]

In lieu of proposing a binding initiative, citizens may propose a non-binding measure providing they file a petition signed by qualified voters equal in number to 10 percent of the votes cast in the last gubernatorial election. If a majority of the qualified voters voting on any non-binding measure shall vote in favor thereof, then such vote shall constitute an advisory opinion to the city council. The provision of any ordinance passed by the city council dealing with binding initiative petitions shall also apply to non-binding initiative petitions.

§ C419:24. Salaries.

The city council of the City of Lebanon is hereby empowered to fix a scale of salaries to be paid to all officials and agents of the City of Lebanon in accordance with the provisions of Section 52 in this Charter.

§ C419:25. Procedure To Fix Salaries. [Amended 3-14-1978]

No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had three separate presentations in said council, only one presentation at any meeting of said council, and shall have received the votes of at least two-thirds of all members elected to said council upon its final passage.

§ C419:26. Manager. [Amended 3-8-1977]

The city council shall appoint an officer of the City of Lebanon who shall have the title of ~~city manager~~ City Manager and who shall have the powers and duties hereinafter provided. He shall be appointed for an indefinite term by the votes of two-thirds of the members of the council.

§ C419:27. Qualifications. [Amended 3-8-1977]

The manager shall be chosen solely on the basis of his executive and administrative qualifications but he need not be a resident of the city or state at the time of his appointment. During his tenure of office he shall reside within the city. No person who has within three years held elective or appointive office in the City of Lebanon shall be chosen manager.

§ C419:28. Removal. [Amended 3-14-1978]

The manager may be removed by a two-thirds vote of the members of the council as herein provided. At least 90 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten 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 resolution, the council

may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension, the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. If the manager chooses to leave the city's employ of his own volition, he shall notify the council at least 90 days before his planned departure. The action of the council in removing the manager shall be final.

§ C419:29. Non-interference By The Council. [Amended 11-4-1986, effective 1-1-1987]

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or his removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the ~~city manager~~ City Manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.

§ C419:30. Powers And Duties Of Manager. [Amended 3-14-1978]

The ~~city manager~~ City Manager shall be the chief executive and administrative officer of the city government, and shall carry out the policies laid down by the city council. He shall be responsible to the city council for the proper administration of all affairs of the city, except the school department, but including the preservation of the public health, the public safety of all citizens and their property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. He shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as are or here after may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

§ C419:31. Power To Appoint And Remove.

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a certain department or office responsible to him to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom he proposes to appoint as the head of any department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objection to

the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten day period. All appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

§ C419:32. Certain Officers. [Amended 3-8-1977 and 11-14-1986, effective 1-1-1987]

The manager shall appoint a city clerk, fiscal account clerk for the department of finance assessor or assessors, treasurer, tax collector, fire chief, police chief, health officer, civil defense director, and such other officers as he deems necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions, except as herein specifically accepted. The duties of any two or more such officers may be combined in one officer except that the office of fiscal account clerk for the department of finance shall not be combined with the office of the treasurer. The powers and duties of these officers and heads of departments so appointed shall include those prescribed by state law, by this charter or by ordinance.

§ C419:33. Administrative Departments. [Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within six months after assuming office an ordinance dividing the administrative service of the city into departments, divisions and bureaus and defining the functions and duties of each. After the adoption of the ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. Such ordinance shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and the employees therein and shall have 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.

§ C419:34. Commissions.

All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to Section 33 above, but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

§ C419:35. Purchasing Procedure.

The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.

§ C419:36. Municipal Year.

The fiscal and budget year of the city shall begin on the first day of January unless

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another date shall be fixed by ordinance.

§ C419:37. Financial Control. [Amended 3-8-1977]

The department of finances shall maintain accounting control over the finances of the city, make financial reports and perform such other duties as may be required by the administrative code. No bill against the city shall be approved by the ~~city manager~~ City Manager until the department of finance has audited and approved the same and certified that said bill was lawfully contracted, that the prices charged for all goods and materials are reasonable, that the goods or materials were actually received by the city and that it is in favor of a person legally entitled to receive payment for the same.

§ C419:38. False Certification, Penalty. [Amended 3-8-1977]

If the Department of Finance or any member thereof provided for under Section 37 above, shall knowingly make a false certification in any case provided for in Section 37 or approve any bill when the appropriation, as provided for in Sections 42 and 43 of this chapter, for which the same should be paid is exhausted, such false certification shall constitute a misdemeanor, and he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

§ C419:39. Unauthorized Payment, Penalty. [Amended 3-8-1977]

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the ~~city manager~~ City Manager after approval by the department of finance, such unauthorized payment shall constitute a misdemeanor and he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both, and shall be personally bound to refund to the city any sum so paid.

§ C419:40. Budget Procedure. [Amended 3-14-1978]

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 expenditures for the next fiscal year for the departments or activities under his control. The manager shall submit the proposed budget to the council no later than October 31, annually.

§ C419:41. 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, and notice of such public hearing together with a summary of the budget as submitted shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days, including the day of publication, before the public hearing.

§ C419:42. Date Of Final Adoption. [Amended 3-14-1978]

The budget shall be finally adopted no later than December 31, annually. Should the council take no final action on or prior to such day, the budget as submitted by the ~~city manager~~ City Manager shall be deemed to have been finally adopted by the council.

§ C419:43. Appropriations After Budget Is Adopted.

No appropriations shall be made for any purpose not included in the annual budget as adopted unless voted by two-thirds majority of the council after a public hearing held to discuss said appropriation, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. The council shall by resolution designate the source of any money so appropriated.

§ C419:44. Budget Control.

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 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. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as he shall prescribe.

§ C419:45. Transfer Of Appropriations. [Amended 3-14-1978]

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 department with the written approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within his department to another fund or agency within his department. The manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

§ C419:46. Depository. [Amended 3-14-1978]

The council shall designate the depository or depositories for the city funds. The council may provide for such security for the city deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

§ C419:47. Independent Audit. [Amended 3-14-1978]

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 a public accountant licensed by the state of New Hampshire under RSA 309:A:8² to conduct its annual audit. An abstract of the results of such an audit shall be made public. An independent audit shall also be made by an independent auditing firm as required above to make an annual audit of all trust funds established within the city. An annual report of the city's business shall be made available.

2. Editor's Note: Repealed. See now RSA 309:B.

§ C419:48. Official Bonds.

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office but the manager and all officers receiving or disbursing city funds shall be so bonded. 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.

§ C419:49. 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 obligations created thereby. Except in the case of borrowing in anticipation of taxes, borrowing for a term exceeding one year or in an amount of twenty thousand dollars or more shall be authorized by the council only after a public hearing held to discuss such borrowing, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. In no event shall the term of such bonds exceed the limitations imposed by state law.

IV
MERIT PLAN

§ C419:50. Merit Plan – 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 examination of the applicant's fitness so far as practicable examination shall be competitive.

§ C419:51. Rules and Regulations. [Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within three months after assuming office a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period, providing for the establishment of a merit system personnel administration and for the implementation of such portions of that system as are prescribed by this charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after their submission unless vetoed by the council within that period.

§ C419:52. Compensation.

The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided in Sections 24 and 25. In increasing or decreasing items in 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.

§ C419:53. Personnel Advisory Board. [Amended 3-8-1977]

There is hereby established a personnel advisory board of three citizens holding no other political office and appointed, one member by the manager, one by the council, and the third by these two appointees. In the first instance only, the member appointed by the manager shall serve for one year, the member appointed by the council for two years and the third member for three years, in each case beginning on the date of appointment; the term of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. 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 the manager regarding the administration of the merit plan.

§ C419:53a. The Grievance Board. [Amended 3-8-1977]

There is also hereby established the Grievance Board of the City of Lebanon whose duty

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shall be to hear appeals of any employees aggrieved as to their status or condition of their employment. The Grievance Board shall consist of three members: one member shall be appointed by the city council, one member shall be appointed by the employee association, group or union from which the aggrieved employee may come, and the third member shall be appointed by the first two appointees. The member appointed by the city council shall serve for a two year term. The other two members will be appointed at the time of a request for a specific grievance hearing. In case of an unavailability to serve by any member during any grievance procedure, a replacement will be chosen for the term of that procedure in the same manner as the original holder of the appointment.

§ C419:54. Certification Of Compensation.

No compensation shall be paid without Certification by the manager, or such officer as he may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in Section 52. If such officer approves payments not in conformity therewith, he and his surety shall be liable for the amount of such payments.

§ C419:55. Taxpayers Remedy.

A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

V

SPECIAL ASSESSMENTS**§ C419:57. Special Assessments – Council Resolutions.**

The council shall have 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 special assessments shall be levied.

§ C419:58. Procedure Fixed By Ordinance.

The council shall prescribe by general ordinance complete special assessment procedure concerning plans and the 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.

VI
MISCELLANEOUS PROVISIONS

§ C419:59. Oath Of Office. [Amended 3-14-1978]

Every person elected or appointed to any city office or city board, before entering upon the duties of his 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.

§ C419:60. Notice Of Election Or Appointment.

Written notice of election or by appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

§ C419:61. 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, is physically incapacitated, or is judicially declared to be mentally incompetent.

§ C419:62. Disqualification of Councilor, Board Member or Employee. [Amended 3-18-1988, effective 1-1-1989]

A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove himself/herself from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.

§ C419:63. Private Use Of Public Property.

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

§ C419:64. Use Of Streets By Public Utilities.

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

§ C419:65. Liability For Discharge.

The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of

contract, or otherwise.

§ C419:67. Public Records. [Amended 3-10-1998]

All books of account, in relation to the receipt holding or disbursement of money of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from the office. All books pertaining to city affairs kept by the ~~city manager~~ City Manager, city clerk, or any other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city, except that the council may vote to withhold minutes of proceedings of a nonpublic session only in accordance with the New Hampshire Right-to Know Law, RSA Chapter 91-A.

§ C419:68. Trust Funds.

Trust funds of the City of Lebanon, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three years. Said trustees shall invest such funds in securities legal for investment by savings banks of this state.

§ C419:69. Saving Clause.

All special legislation pertaining to water precincts, fire precincts and fire districts shall be hereby repealed, including the following acts of the general court: 1943, Chapter 298; 1941 Chapter 306; 1907, Chapters 191 and 247; 1887, Chapter 223; 1873, Volume 65, Page 155; 1868, Volume 60, Page 95. All ordinances and by-laws of the town of Lebanon pertaining to fire or water districts shall be repealed. All special legislation now in force relating to sewers, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Lebanon or any board or commission thereof being vested in the City of Lebanon, subject, however, to all the provisions of this charter. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

§ C419:70. Saving Clause Municipal Legislation.

All ordinances and by-laws of the town of Lebanon or its selectmen shall continue in force until altered or repealed, except where a contrary intent herein appears.

§ C419:73. Repeal Or Amendment.

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed.

§ C419:73a. Violations. [Adopted 11-7-1967]

Any person who violates any provision of this charter, unless otherwise provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both. The council may provide in any city ordinance that any person who violates that ordinance shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both.

§ C419:74. Separability Clause.

The sections of this charter and the parts thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Adopted: July 17, 1957

Amended:

November 7, 1967

December 3, 1968

November 2, 1971

November 6, 1973

March 4, 1976

March 8, 1977

March 14, 1978

March 10, 1981

November 2, 1982

March 13, 1984

November 4, 1986

March 8, 1988

June 17, 1992

March 11, 1997

March 10, 1998

March 8, 2005

March 13, 2012

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 16, 2022**

10. NEW BUSINESS:

**10.G – DISCUSSION & SET PUBLIC HEARING FOR DECEMBER 7, 2022:
ORDINANCE #2022-08 TO AMEND CITY CODE CHAPTER 68, FEES, ARTICLE III,
MISCELLANEOUS FEES, §68-15, ENUMERATION OF FEES,
TO AUTHORIZE AN 8.0% INCREASE TO THE WATER SERVICE RATE
AND A 7.2% INCREASE TO THE SEWER SERVICE RATE**

BACKGROUND

An increase of 8.0% to the Water Service Rate (base user rate and minimum charge) and 7.2% to the Sewer Service Rate (base user rates, minimum charge, and residential flat rate), effective January 1, 2023, is being requested.

The proposed increases are in-line with projections offered by Raftelis as part of the 2018 Water and Sewer Rate Study and are suggested in order to provide current and future resources to absorb projected operations and maintenance and debt service expenses in both enterprise funds.

ACTION

Should the Council wish to move forward with proposed Ordinance #2022-08, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 7, 2022, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2022-08 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an 8.0% increase to the water service rate and a 7.2% increase to the sewer service rate.

Included in this Section:

1. Proposed Ordinance #2022-08

**CITY OF LEBANON
ORDINANCE #2022-08**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to increase water and sewer service rates.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of effecting changes to water and sewer rates, as follows:

§68-15.B Public Utilities (water/sewer) fees shall be as follows:

§68-15.B(1) Water service rates:

§68-15.B(1)(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: ~~\$3.77~~ \$4.07
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$7.54~~ \$8.14
- [3] Non-residential and non-single-family residential: ~~\$5.66~~ \$6.11

§68-15.B(1)(b) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$19.79~~ \$21.37
- [2] 3/4-inch: ~~\$63.23~~ \$68.29
- [3] One-inch: ~~\$94.02~~ \$101.54
- [4] 1.5-inch: ~~\$165.35~~ \$178.58
- [5] Two-inch: ~~\$273.88~~ \$295.79
- [6] Three-inch: ~~\$704.94~~ \$761.34
- [7] Four-inch: ~~\$2,735.32~~ \$2,954.15
- [8] Six-inch: ~~\$5,215.43~~ \$5,632.66
- [9] Eight-inch: ~~\$10,020.23~~ \$10,821.85

§68-15.B(7) Sewer service rates:

§68-15.B(7)(a) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$29.60~~ \$31.73
- [2] 3/4-inch: ~~\$94.63~~ \$101.44
- [3] One-inch: ~~\$140.71~~ \$150.84
- [4] 1.5-inch: ~~\$247.45~~ \$265.27
- [5] Two-inch: ~~\$409.89~~ \$439.40
- [6] Three-inch: ~~\$1,055.01~~ \$1,130.97
- [7] Four-inch: ~~\$4,093.68~~ \$4,388.42
- [8] Six-inch: ~~\$7,805.46~~ \$8,367.45
- [9] Eight-inch: ~~\$14,996.34~~ \$16,076.08

§68-15.B(7)(b) Per 100 cubic feet of metered water usage: ~~\$11.18~~ \$11.98

§68-15.B(7)(c) Flat rate (limited to consumers who are not provided water service or a meter for computing flow):

[1] Residential: ~~\$365.18~~ \$391.47 per quarter.

[2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection **B(7)(b)** above.

§68-15.B(10) Town of Enfield Sewer Rental Rate

§68-15.B(10)(a) ~~\$13.48~~ \$14.45 per 100 cubic feet.

§68-15.B(10)(b) New or expanded sewer users within the Town of Enfield are subject to the Sewer Development Charge at the same rate charged to sewer users within the City of Lebanon.

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 3: Effective Date

This ordinance shall become effective January 1, 2023.