



**LEBANON CITY COUNCIL
DECEMBER 14, 2022 - 6:00 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: 952 076 250#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The December 14, 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. 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) and designating the City Manager as authorized representative of the City;
 - authorizing the disbursement of Water Investment Fee Funds;
 - expanding the purpose of an existing capital reserve fund; establishing a Public Assistance Revolving Fund; and authorizing the City Manager to transfer unencumbered appropriated fiscal year 2022 general funds to other municipal funds.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 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.

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

6. New Business

- A. PROPOSED CITY CHARTER AMENDMENT – Discussion of non-substantive changes suggested by the Attorney General's Office and order to place proposed charter amendment on the March 14, 2023 ballot.

7. 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.

**AGENDA
LEBANON CITY COUNCIL
DECEMBER 14, 2022**

8. PUBLIC HEARING ITEM:

5.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) and designating the City Manager as authorized representative of the City; authorizing the disbursement of Water Investment Fee Funds; expanding the purpose of an existing capital reserve fund; establishing a Public Assistance Revolving Fund; and authorizing the City Manager to transfer unencumbered appropriated fiscal year 2022 general funds to other municipal funds.

The public hearing was properly noticed in the *Valley News* on November 29, 2022 and December 6, 2022 in accordance with City Code and State Law.

ACTION

Action on the 2023 City Budget will be via the attached Budget Adoption Guide.

Included in this Section:

1. Overview Presentation of Proposed 2023 Annual Budget
2. 2023 City Budget Adoption Guide – December 14, 2022
3. Notice of Public Hearing as Published in the November 29, 2022 and December 6, 2022 Editions of the *Valley News*

Information Available but not included in this section:

1. [2023 Proposed City Manager Budget Information](#)



2023 Budget

CITY OF LEBANON, NH

Public Policy and Resource Allocation

Master Plan

Sustainability
Principles

Business
Plans

Performance
Measurement

Analysis and
Evaluation

Budget Objectives



Ensure

Ensure the municipal tax rate for 2023 increases no more than 2.5%



Meet

Meet the City's Guiding Principles and Sustainability Objectives



Fund

Fund critical Capital Improvement Projects



Maintain

Maintain quality service levels to meet the public's expectations

2022 Initiatives

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...

2022 Initiatives (continued)

Enhance

Emergency Management capability and response

Review

Options for Public Safety software (2023 purchase)



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

Threats

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

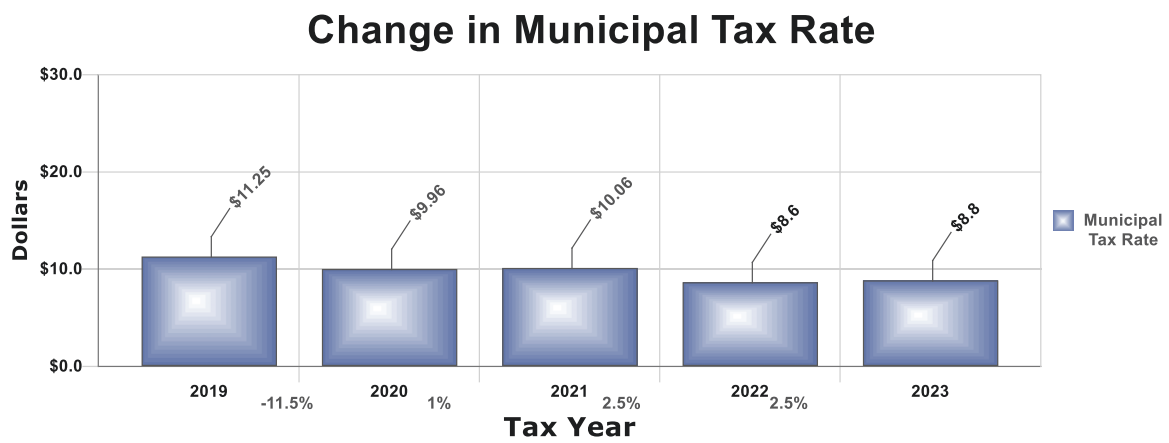
Tax Rate Factors

- 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 & Tax Rate Change

Year	CPI Jun-Jun	CPI Dec-Dec	Tax Rate	Change in T Rate
2017	1.5%	1.7%	\$10.70	3%
2018	2.6%	2.2%	\$10.97	2.5%
2019	1.9%	2.1%	\$11.25	2.5%
2020	0.4%	0.8%	\$9.96	-11.5%
2021	4.0%	6.2%	\$10.06	1%
2022	7.9%	7.9% Estimated	\$8.6 Estimated	2.5% (Revaluation Conversion)
TOTAL Change	18.3%	20.9%		11.5% (does not include 2020)



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%)

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

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**

Cost Increase Drivers (continued)

Gasoline
\$37,950

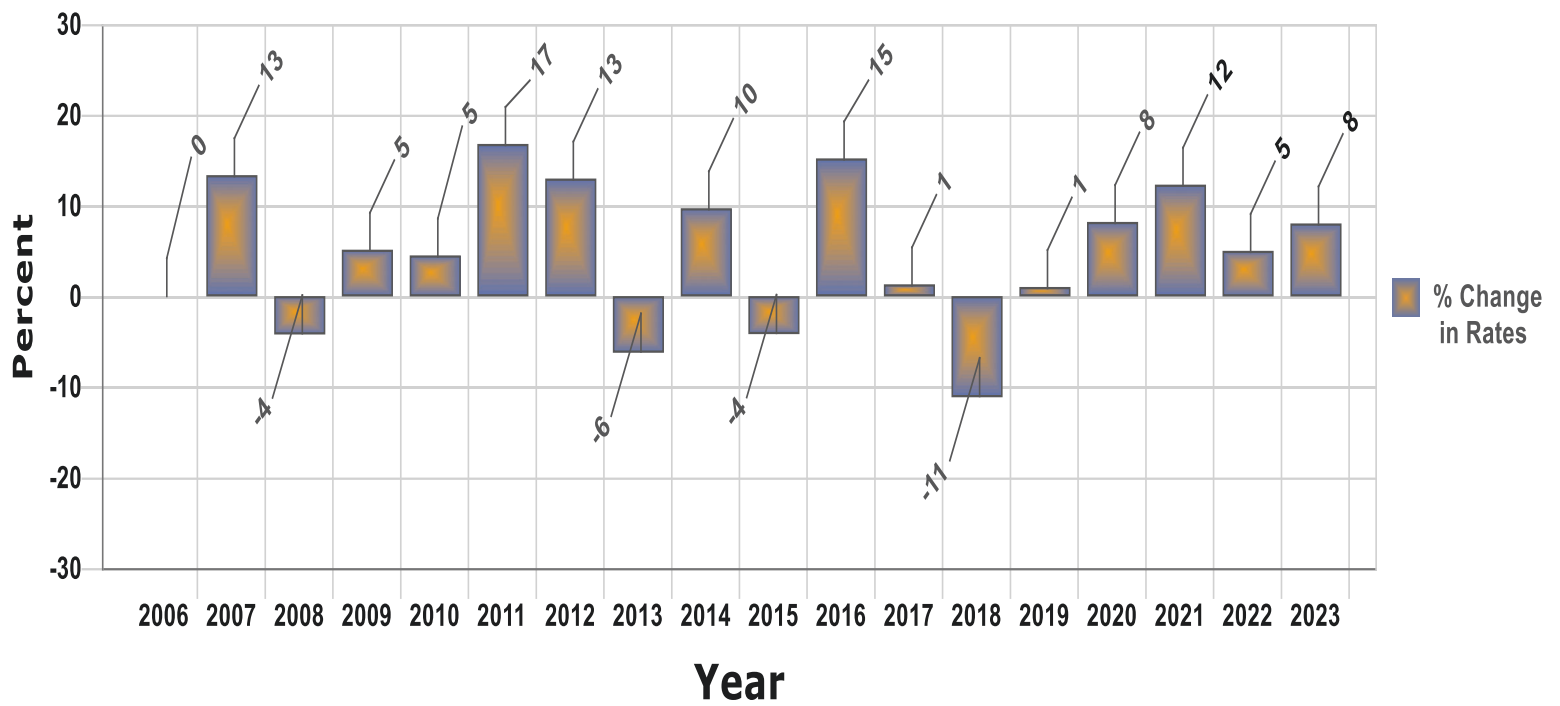
Diesel
\$42,670

Bottled Gas
\$23,470

Heating Oil
\$11,450

Electricity
\$181,160

Health Insurance Rate History





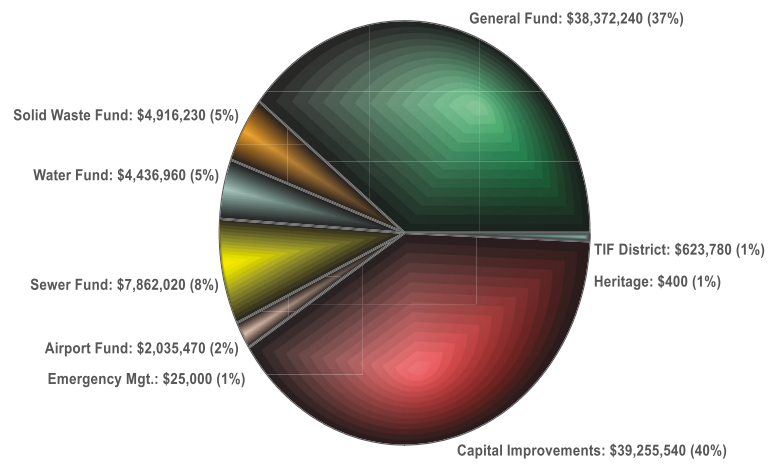
Wage Increases

3% General Wage
Increase (COLA)

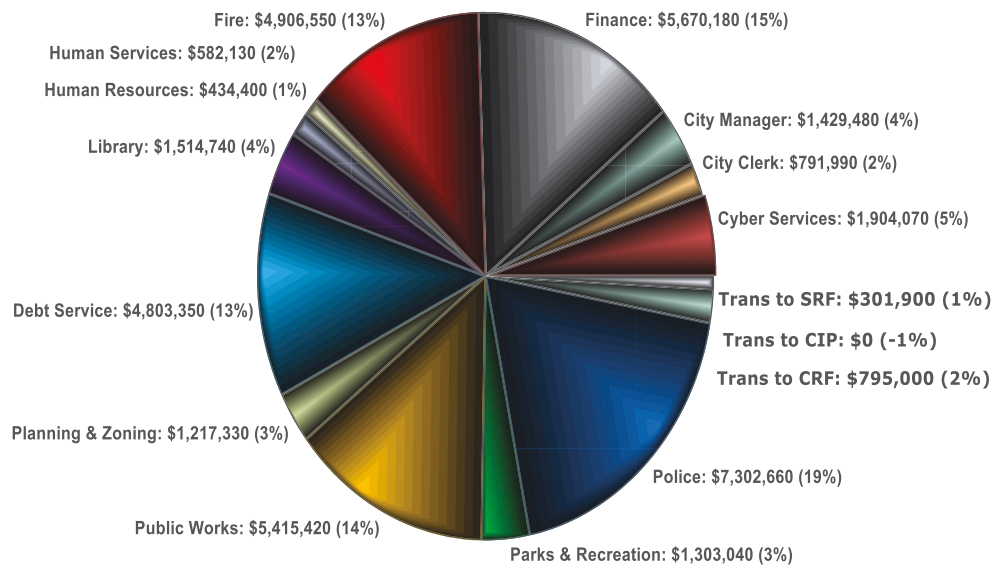
3% Merit or Step
Increase

Consumer Price Index for
New England is **7.9%**

2023 Budget By Fund



2023 Expenditures by Department General Fund





General Fund Revenue Projections

Taxes- **3%** increase in revenues projected.

Licenses & Permits- **11.3%** increase in revenues projected.

Intergovernmental Revenues- **.24%** increase.

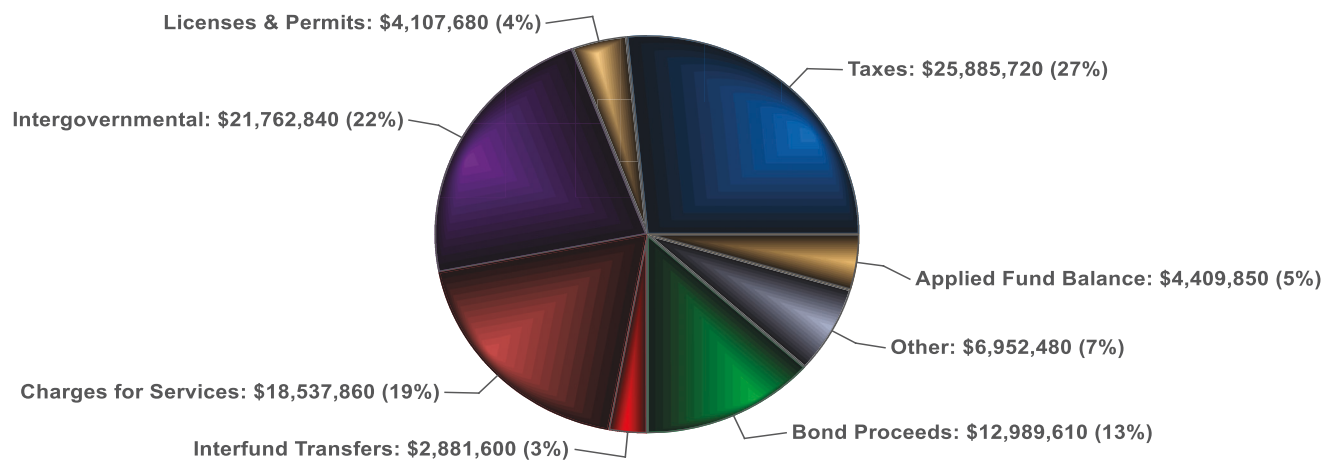
Charges for Services- **35.7%** increase

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



2023 CITY BUDGET ADOPTION GUIDE – DECEMBER 14, 2022

This document is provided as a guide to help facilitate adoption of the 2023 City Budget.

- In conformance with Section C419:41 of the Lebanon City Charter, the Notice of Public Hearing for the 2023 Budget adoption process was published in the Valley News on Tuesday, November 29, and Tuesday, December 6, 2022.
- Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures that are legally restricted to specific uses.
- A majority of City Councilors present and voting, with a quorum of at least **five** members present, is required to approve the annual budget. The issuance or rescission of bonds or notes must be authorized by at least 2/3 (**six**) of the members. The change of purpose for a capital reserve fund must be authorized by at least 3/4 (**seven**) of the members.
- The City Council may act on the amendments as written, or they may be modified. Amendments may perish for lack of movement and seconding, or other amendments may be introduced.
- Once the relevant Resolution (MAIN MOTION) has been moved and seconded, amendments may be introduced by being moved and seconded and voted on. If passed, the vote is then on the MAIN MOTION AS AMENDED.
- Clarity of Resolutions is imperative as the New Hampshire Department of Revenue Administration, and the City's bond counsel review the meeting minutes and actions associated with appropriation and debt issuance authorization for compliance with New Hampshire law.

Summary of City Manager's Proposed 2023 City Budget: (amendments to be introduced where applicable during proposed action)

<u>Fund</u>	<u>2023 Budget</u>	<u>\$ Chg. v. '22</u>	<u>Source of Revenues</u>	<u>2023 Budget</u>	<u>\$ Chg. v. '22</u>
General	\$38,372,240	\$1,481,120	Taxes	\$25,855,720	\$985,110
Solid Waste Disposal	\$4,916,230	\$709,780	Licenses and Permits	\$4,107,680	\$713,310
Water Treatment and Distribution	\$4,436,960	\$295,670	Intergovernmental	\$21,762,840	\$15,012,910
Sewage Collection and Disposal	\$7,862,020	\$597,690	Charges for Services	\$18,537,860	\$983,250
Municipal Airport	\$2,035,470	\$556,160	Miscellaneous Sources	\$6,952,480	\$4,748,520
Emergency Management	\$25,000	\$0	Interfund Transfers	\$2,881,600	\$542,560
Heritage Fund	\$400	\$0	Bond Proceeds	\$12,989,610	\$3,498,700
Capital Improvements	\$39,255,540	\$22,890,200	Total	<u>\$93,117,790</u>	<u>\$26,484,360</u>
TIFD	<u>\$623,780</u>	<u>\$238,070</u>	Applied/(Realized) Fund Balance	<u>\$4,409,850</u>	<u>\$284,330</u>
Total	<u>\$97,527,640</u>	<u>\$26,768,690</u>	Total Revenues and Fund Balance	<u>\$97,527,640</u>	<u>\$26,768,690</u>

The estimated 2023 Municipal Tax Rate is \$8.84 per \$1,000 of assessed real estate value, an increase of \$0.22 or 2.5% from the 2022 tax rate. A single-family home assessed for \$250,000 will have an estimated 2023 municipal tax bill of about \$2,210, an increase of \$55. Four rates make up the Total Tax Rate: Municipal, School: Local and State, and County. *This budget concerns the Municipal portion only.* **Increases of 8.0% and 7.2% to water and sewer service rates, respectively, are factored into the budget.**

2023 CITY BUDGET ADOPTION GUIDE – DECEMBER 14, 2022

ORDER OF BUSINESS:

1. OPEN PUBLIC HEARING
2. CLOSE PUBLIC HEARING
3. ENACT RESOLUTIONS TO ADOPT 2023 BUDGET

Proposed Resolutions include the following:

<u>Resolution</u>	<u>Page</u>	<u>Purpose of Action</u>
No. 1	3	To Vote on the General Fund Budget
No. 2	3	To Vote on the Solid Waste Disposal Fund Budget
No. 3	3	To Vote on the Water Treatment and Distribution Fund Budget
No. 4	4	To Vote on the Sewage Collection and Disposal Fund Budget
No. 5	4	To Vote on the Municipal Airport Fund Budget
No. 6	4	To Vote on the Emergency Management Fund Budget
No. 7	5	To Vote on the Heritage Fund Budget
No. 8A&B	5	To Vote on the Tax Increment Finance Districts Budgets
No. 9	6	To Vote on the Capital Improvements Fund Budget
No. 10	7	To Vote on the Authorization of the Issuance of Bonds or Notes to Finance 2023 Capital Improvements
No. 11	8	To Vote on Authorizing the City Manager to Apply for New Hampshire Clean Water State Revolving Fund Loans for up to \$1,387,250 and to Designate the City Manager as Authorized Representative of the City.
No. 12	9	To Vote on Authorizing the City Manager to Apply for New Hampshire Drinking Water State Revolving Fund Loans for up to \$3,103,500 and to Designate the City Manager as Authorized Representative of the City.
No. 13	10	To Vote to Authorize the disbursement of Water Investment Fee Funds in the amount of \$175,000 to partially fund the New Source Water Supply Study
No. 14	10	To Vote to Expand the Purpose of an existing Capital Reserve Fund in accordance with NH RSA 34:11
No. 15	11	To Vote to Establish a Public Assistance Revolving Fund in accordance with NH RSA 31:95-H
No. 16	11	To Vote to Authorize the Transfer of Unencumbered Appropriated Fiscal Year 2022 General Funds to Other Municipal Funds

1. OPEN PUBLIC HEARING:

PUBLIC HEARING ITEM:

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;

2023 CITY BUDGET ADOPTION GUIDE – DECEMBER 14, 2022

authorizing the City Manager to apply for NH Drinking Water and/or Clean Water State Revolving Fund Loan(s) and designating the City Manager as authorized representative of the City; authorizing the disbursement of Water Investment Fee Funds; expanding the purpose of an existing capital reserve fund; establishing a Public Assistance Revolving Fund; and authorizing the City Manager to transfer unencumbered appropriated fiscal year 2022 general funds to other municipal funds.

2. CLOSE PUBLIC HEARING

3. ENACT RESOLUTIONS TO ADOPT 2023 BUDGET

RESOLUTION NO. 1

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 1 TO APPROPRIATE \$38,372,240 FOR GENERAL CITY OPERATIONS:

RESOLVED, for the purpose of authorizing and financing the General Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$38,372,240.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 2

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 2 TO APPROPRIATE \$4,916,230 FOR SOLID WASTE DISPOSAL:

RESOLVED, for the purpose of authorizing and financing the Solid Waste Disposal Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$4,916,230.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 3

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 3 TO APPROPRIATE \$4,436,960 FOR WATER TREATMENT AND DISTRIBUTION:

RESOLVED, for the purpose of authorizing and financing the Water Treatment and Distribution Fund budget.

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BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$4,436,960.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 4

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 4 TO APPROPRIATE \$7,862,020 FOR SEWAGE COLLECTION AND DISPOSAL:**

RESOLVED, for the purpose of authorizing and financing the Sewage Collection and Disposal Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$7,862,020.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 5

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 5 TO APPROPRIATE \$2,035,470 FOR MUNICIPAL AIRPORT OPERATIONS:**

RESOLVED, for the purpose of authorizing and financing the Municipal Airport Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$2,035,470.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 6

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 6 TO APPROPRIATE \$25,000 FOR EMERGENCY PREPAREDNESS:**

RESOLVED, for the purpose of authorizing and financing the Emergency Management Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$25,000.

This resolution shall be effective January 1, 2023.

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SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 7

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 7 TO APPROPRIATE \$400 FOR HISTORIC RESOURCES & PRESERVATION EFFORTS:

RESOLVED, for the purpose of authorizing and financing the Heritage Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$400.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 8A

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 8A TO APPROPRIATE \$623,770 FOR THE DOWNTOWN LEBANON TAX INCREMENT FINANCE DISTRICT:

RESOLVED, for the purpose of financing the Downtown Lebanon Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$623,770.

DOWNTOWN TAX INCREMENT FINANCING DISTRICT		
Revenue:		
Property Taxes	\$	623,770
Expenditures:		
Transfer to General Fund	\$	279,600
Future Operations & Maintenance	\$	344,170
	\$	623,770

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 8B

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 8B TO APPROPRIATE \$10 FOR THE LEBANON AIRPORT-TECH PARK TAX INCREMENT FINANCE DISTRICT:

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RESOLVED, for the purpose of financing the Lebanon Airport-Tech Park Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$10.

LEBANON AIRPORT-TECH PARK TAX INCREMENT FINANCING DISTRICT		
Revenue:		
Property Taxes	\$	10
Expenditures:		
Future Operations & Maintenance	\$	10

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 9

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 9 TO APPROPRIATE \$39,255,540 FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS:**

RESOLVED, for the purpose of authorizing and financing the Capital Improvements Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be appropriated in the amount of \$39,255,540 for expenditure in connection with the following Capital Improvements and Acquisitions:

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Department	Project Name	2023	Bonds/Note Proceeds/Debt	Existing Funds from CRF	Transfers to CIP	Other (SAD, sale proceeds, DHMC PILOT, etc)	Inter- governmental Grants
AIRPORT FUND							
AIR	Runway Safety Area Improvements_18-36	\$7,040,000			\$352,000		\$6,688,000
AIR	North Air Carrier Apron Rehabilitation	\$1,100,000			\$55,000		\$1,045,000
AIR	Localizer Relocation Construction Oversight Services	\$200,000			\$10,000		\$190,000
	TOTAL AIRPORT	\$8,340,000	\$0	\$0	\$417,000	\$0	\$7,923,000
GENERAL FUND							
FACILITIES							
FIRE	Public Safety Facilities 2	\$40,000		\$40,000			
FLEET & EQUIPMENT							
FIRE	Ambulance Replacements	\$450,000		\$450,000			
FIRE	Staff Vehicle Replacement	\$60,000		\$60,000			
FIRE	Ladder #1 Replacement	\$1,700,000	\$1,700,000				
DPW	Fleet Replacement	\$420,000		\$420,000			
ROADS & BRIDGES							
DPW	Trues Brook Road Bridge Replacement #066-059	\$920,000	\$46,000				\$874,000
DPW	South Main Street Bridge Replacement #062-117	\$10,828,840	\$3,315,970				\$7,512,870
DPW	Kimball Street and Forest Avenue Reconstruction	\$910,000	\$910,000				
DPW	Mechanic / High / Mascoma Intersection	\$336,000	\$336,000				
DPW	Mechanic St/Slayton Hill Rd Intersection	\$0					
DPW	Mount Support Road/Lahaye Drive Intersection	\$4,350,000	\$316,640			\$4,033,360	
PLN	West Lebanon Main Street Streetscape Improvement	\$3,646,000	\$1,346,000				\$2,300,000
DPW	Water System Improvements-Miracle Mile SRF	\$223,000	\$223,000				
DPW	Estabrook Circle and Maple St Stormwater Improvement	\$85,250	\$85,250				
	TOTAL GENERAL FUND	\$23,969,090	\$8,278,860	\$970,000	\$0	\$4,033,360	\$10,686,870
WATER FUND							
DPW-WATER	Kimball Street and Forest Avenue Reconstruction	\$780,000	\$780,000				
DPW-WATER	New Source Water Supply Study Investigation Phase 1	\$175,000				\$175,000	
DPW-WATER	Water System Improvements-So. Main Bridge SRF	\$200,000	\$200,000				
DPW-WATER	Water System Improvements-Miracle Mile SRF	\$2,077,000	\$2,077,000				
DPW-WATER	Hanover Water Interconnection	\$720,000				\$560,000	\$160,000
DPW-WATER	Estabrook Circle and Maple St Stormwater Improvement	\$46,500	\$46,500				
	TOTAL WATER FUND	\$3,998,500	\$3,103,500	\$0	\$0	\$735,000	\$160,000
SEWER FUND							
DPW-SEWER	Fleet and Equipment Replacement	\$220,000	\$220,000				
DPW-SEWER	Bakers Crossing Sewer Forcemain Replacement	\$890,000	\$890,000				
DPW-SEWER	Sewer Improvements-So. Main Bridge SRF	\$5,000	\$5,000				
DPW-SEWER	Kimball Street and Forest Avenue Reconstruction	\$910,000	\$469,000				\$441,000
DPW-SEWER	Estabrook Circle and Maple St Stormwater Improvement	\$23,250	\$23,250				
	TOTAL SEWER FUND	\$2,048,250	\$1,607,250	\$0	\$0	\$0	\$441,000
SOLID WASTE FUND							
DPW-SOLID	Fleet and Equipment Replacement	\$255,000			\$255,000		
DPW-SOLID	Landfill Phase 3-4 Design and Permitting	\$500,000			\$500,000		
DPW-SOLID	Landfill Gas Collection & Control System	\$144,700			\$144,700		
	TOTAL SOLID WASTE FUND	\$899,700	\$0	\$0	\$899,700	\$0	\$0
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM		\$39,255,540	\$12,989,610	\$970,000	\$1,316,700	\$4,768,360	\$19,210,870

BE IT FURTHER RESOLVED, by the City of Lebanon, that the City Manager is authorized to take steps necessary and appropriate to apply for and secure maximum federal and state grant funding assistance.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/_____.

RESOLUTION NO. 10

* MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 10 TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2023 CAPITAL IMPROVEMENTS:

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond

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issues in an amount not to exceed \$17,022,970 (Seventeen Million Twenty-Two Thousand Nine Hundred Seventy Dollars) as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
GENERAL FUND				
FLEET & EQUIPMENT				
FIRE	Ladder #1 Replacement	20 Years	Property Taxes	\$1,700,000
ROADS & BRIDGES				
DPW	Trues Brook Road Bridge Replacement #066-059	20 Years	Property Taxes	\$46,000
DPW	South Main Street Bridge Replacement #062-117	20 Years	Property Taxes	\$3,315,970
DPW	Kimball Street and Forest Avenue Reconstruction	20 Years	Property Taxes	\$910,000
DPW	Mechanic / High / Mascoma Intersection	20 Years	Property Taxes	\$336,000
DPW	Mount Support Road/Lahaye Drive Intersection	20 Years	Property Taxes	\$316,640
DPW	Mount Support Road/Lahaye Drive Intersection	20 Years	Special Assessment District	\$4,033,360
PLN	West Lebanon Main Street Streetscape Improvements	20 Years	Property Taxes	\$1,346,000
DPW	Water System Improvements-Miracle Mile SRF	20 Years	Property Taxes	\$223,000
DPW	Estabrook Circle and Maple St Stormwater Improvements	20 Years	Property Taxes	\$85,250
WATER FUND				
DPW-WATER	Kimball Street and Forest Avenue Reconstruction	20 Years	Water User Fees	\$780,000
DPW-WATER	Water System Improvements-So. Main Bridge SRF	20 Years	Water User Fees	\$200,000
DPW-WATER	Water System Improvements-Miracle Mile SRF	20 Years	Water User Fees	\$2,077,000
DPW-WATER	Estabrook Circle and Maple St Stormwater Improvements	20 Years	Water User Fees	\$46,500
SEWER FUND				
DPW-SEWER	Fleet and Equipment Replacement	20 Years	Sewer User Fees	\$220,000
DPW-SEWER	Bakers Crossing Sewer Forcemain Replacement	20 Years	Sewer User Fees	\$890,000
DPW-SEWER	Sewer Improvements-So. Main Bridge SRF	20 Years	Sewer User Fees	\$5,000
DPW-SEWER	Kimball Street and Forest Avenue Reconstruction	20 Years	Sewer User Fees	\$469,000
DPW-SEWER	Estabrook Circle and Maple St Stormwater Improvements	20 Years	Sewer User Fees	\$23,250
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM				\$17,022,970

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s) / issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____ VOTE ON THE MOTION ____/____.

RESOLUTION NO. 11

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 11 TO AUTHORIZE THE CITY MANAGER TO APPLY FOR NEW HAMPSHIRE CLEAN WATER STATE REVOLVING FUND LOAN(S) UP TO \$1,387,250 (ONE MILLION THREE HUNDRED EIGHTY-SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS), AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY:**

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PROJECT	AMOUNT
Kimball Street and Forest Avenue Reconstruction	\$ 469,000
Sewer System Improvements - So. Main Bridge SRF	\$ 5,000
Estabrook Circle and Maple Street Improvements	\$ 23,250
Baker's Crossing Sewer Forcemain Replacement	\$ 890,000
	\$ 1,387,250

WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution problems, hereby determines that construction of certain works, described as sewer infrastructure improvement projects for Kimball Street and Forest Avenue - \$469,000; South Main Street Bridge - \$5,000, Estabrook Circle and Maple Street - \$23,250, and Baker's Crossing Sewer Forcemain Replacement - \$890,000 are desirable and in the public interest and, to that end, it is desired to apply for assistance from the Clean Water State Revolving Fund for up to \$1,387,250; and

WHEREAS, the City of Lebanon, has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund, and deems it to be in the public interest to file loan applications and to authorize other actions in connection therewith;

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1) The City Manager is hereby authorized on behalf of the City to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapters Env-Wq 500; 2) That if such loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3) That the City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City to qualify for the loan; 4) That the City Manager is hereby designated as the authorized representative of the City for the purpose of furnishing such information, data, and documents pertaining to the City for a loan as may be required, and otherwise to act as the authorized representative of the City in connection with this application; 5) That certified copies of this resolution be included as part of the application to be submitted for a loan; 6) That if such loan be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

RESOLUTION NO. 12

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 12 TO AUTHORIZE THE CITY MANAGER TO APPLY FOR NEW HAMPSHIRE DRINKING WATER STATE REVOLVING FUND LOAN(S) UP TO \$3,103,500 (THREE MILLION ONE HUNDRED THREE THOUSAND FIVE HUNDRED DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY:**

PROJECT	AMOUNT
Kimball Street and Forest Avenue Reconstruction	\$ 780,000
Water System Improvements - So. Main Bridge SRF	\$ 200,000
Water System Improvements – Miracle Mile SRF	\$ 2,077,000
Estabrook Circle and Maple Street Improvements	\$46,500
	\$ 3,103,500

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WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution problems, hereby determines that construction of certain works, described as water infrastructure improvement projects for Kimball Street and Forest Avenue - \$780,000; South Main Street Bridge - \$200,000, Miracle Mile - \$2,077,000, and Estabrook Circle and Maple Street - \$46,500 are desirable and in the public interest and, to that end, it is desired to apply for assistance from the Drinking Water State Revolving Fund for up to \$3,103,500; and

WHEREAS, the City of Lebanon, has examined and duly considered the provisions of New Hampshire Code of Administrative Rules Chapter Env-Dw 1100, which relates to loans from the Drinking Water State Revolving Fund, and deems it to be in the public interest to file loan applications and to authorize other actions in connection therewith;

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1) The City Manager is hereby authorized on behalf of the City to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapters Env-Dw 1100; 2) That if such loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3) That the City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City to qualify for the loan; 4) That the City Manager is hereby designated as the authorized representative of the City for the purpose of furnishing such information, data, and documents pertaining to the City for a loan as may be required, and otherwise to act as the authorized representative of the City in connection with this application; 5) That certified copies of this resolution be included as part of the application to be submitted for a loan; 6) That if such loan be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

This resolution shall be effective January 1, 2023.

RESOLUTION NO. 13

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 13 TO AUTHORIZE THE DISBURSEMENT OF WATER INVESTMENT FEE FUNDS TO PARTIALLY FUND THE NEW SOURCE WATER SUPPLY STUDY:**

RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$175,000 (One Hundred Seventy-Five Thousand Dollars) be disbursed from the Water Investment Fees Fund to the Capital Improvements Fund to partially fund the New Source Water Supply Study.

This resolution shall be effective January 1, 2023.

SECONDED BY COUNCILOR _____. VOTE ON THE MOTION ____/____.

RESOLUTION NO. 14

* **MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 14 TO EXPAND THE PURPOSE OF AN EXISTING CAPITAL RESERVE FUND IN ACCORDANCE WITH NH RSA 34:11:**

RESOLVED, by the City of Lebanon, that the purpose of the Police Department Equipment, Vehicles and Improvements Capital Reserve Fund, established on December 20, 2017, is expanded from

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aggregating resources to effect acquisitions, and capital repairs, maintenance and/or upgrades of Police Department related equipment, vehicles, and facilities, to also include the purchase, use, maintenance, and periodic upgrading of Police Department software; that the Capital Reserve Fund is renamed the Police Department Equipment, Vehicles, Improvements, and Software Capital Reserve Fund; and that the City Manager shall be the agent of the City to carry out the objects of the Fund as established by the City Council.

This resolution is effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

RESOLUTION NO. 15

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 15 TO ESTABLISH A PUBLIC ASSISTANCE REVOLVING FUND IN ACCORDANCE WITH NH RSA 31:95-h:**

RESOLVED, by the City of Lebanon, that a Public Assistance Revolving Fund be established for the purpose of accumulating resources to provide general assistance for housing and emergency shelter, food, fuel, utilities, and other basic necessities of the public welfare function for which the City is responsible in accordance with NH RSA 165, Aid to Assisted Persons; that money in the Public Assistance Revolving Fund shall accumulate from year to year and shall not be considered part of the City's General Fund; and that the City Manager shall be the agent of the City to carry out the objects of the Fund as established by the City Council.

This resolution is effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.

RESOLUTION NO. 16

*** MOTION BY COUNCILOR _____ TO MOVE PASSAGE OF RESOLUTION NO. 16 TO AUTHORIZE THE TRANSFER OF UNENCUMBERED APPROPRIATED FISCAL YEAR 2022 GENERAL FUNDS AS FOLLOWS:**

NOT PART OF THE RESOLUTION – This Resolution involves the transfer of unencumbered appropriated Fiscal Year 2022 general funds. Therefore, unlike other resolutions presented herein, the following Resolution will be effective upon passage.

RESOLVED, by the City of Lebanon, that the City Manager is authorized to transfer unencumbered appropriated funds from the 2022 General Fund to other municipal funds as follows:

- An amount up to, but not exceeding, \$250,000 to the DPW Equipment and Vehicles Capital Reserve Fund;
- An amount up to, but not exceeding, \$500,000 to the Fire Department Equipment and Vehicles Capital Reserve Fund;
- An amount up to, but not exceeding, \$425,000 to the Police Department Equipment, Vehicles, Improvements, and Software Capital Reserve Fund; and
- An amount up to, but not exceeding, \$100,000 to the Public Assistance Revolving Fund.

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This resolution is effective upon passage.

SECONDED BY COUNCILOR _____ . VOTE ON THE MOTION ____/____.



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING 2023 City Budget as Proposed by the City Manager

Starting at 6:00 p.m., Wednesday, December 14, 2022, a public hearing will be held on the 2023 City Budget as proposed by the City Manager. The meeting will be held in Council Chambers, City Hall or REMOTELY VIA VIRTUAL PLATFORM. Citizens are encouraged to attend the public hearing to provide written and oral comments and ask questions. A copy of the proposed budget may be obtained from the City Manager's office or accessed at LebanonNH.gov/Budget.

The estimated 2023 Municipal Tax Rate is \$8.84 per \$1,000 of assessed real estate value, an increase of \$0.22 or 2.5% from the 2022 tax rate. A single-family home assessed for \$250,000 will have an estimated 2023 municipal tax bill of about \$2,210, an increase of \$55. Four rates make up the Total Tax Rate: Municipal, School, Local and State, and County. This budget concerns the Municipal portion only. **Increases of 8.0% and 7.2% to water and sewer service rates, respectively, are factored into the budget.**

1. TO ADOPT NINE BUDGETS:

Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures legally restricted to specific uses. Municipal property tax revenues, and revenues not allocated to other funds, are accounted for in the General Fund; other operating funds (Solid Waste Disposal, Water Treatment and Distribution, and Sewage Collection and Disposal) are primarily supported by user fees.

Fund	2023 Budget	\$ Chg. v. '22	Source of Revenues	2023 Budget	\$ Chg. v. '22
General	\$38,372,240	\$1,481,120	Taxes	\$25,855,720	\$985,110
Solid Waste Disposal	\$4,916,230	\$709,780	Licenses and Permits	\$4,107,680	\$713,310
Water Treatment and Distribution	\$4,436,960	\$295,670	Intergovernmental	\$21,762,840	\$15,012,910
Sewage Collection and Disposal	\$7,862,020	\$597,690	Charges for Services	\$18,537,860	\$983,250
Municipal Airport	\$2,035,470	\$556,160	Miscellaneous Sources	\$6,952,480	\$4,748,520
Emergency Management	\$25,000	\$0	Interfund Transfers	\$2,881,600	\$542,560
Heritage Fund	\$400	\$0	Bond Proceeds	\$12,989,610	\$3,498,700
Capital Improvements	\$39,255,540	\$22,890,200	Total	\$93,117,790	\$26,484,360
TIFD	\$623,780	\$238,070	Applied/(Realized) Fund Balance	\$4,409,850	\$284,330
Total	\$97,527,640	\$26,768,690	Total Revenues and Fund Balance	\$97,527,640	\$26,768,690

The Capital Improvements Fund is where the acquisition or construction of major, expensive, and long-lived capital facilities, equipment, and vehicles are budgeted; it is supported by multiple financing sources, but primarily through the issuance of long-term debt. The City strives to identify anticipated capital expenditures in a six-year Capital Improvement Program (CIP); the first year of the CIP makes up the Capital Improvements budget.

The Lebanon School District and Grafton County are autonomous. The City Budget does not concern expenditures for those entities.

2. TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2023 CAPITAL IMPROVEMENTS:

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$17,022,970 (Seventeen Million Twenty-Two Thousand Nine Hundred Seventy Dollars) as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
GENERAL FUND				
FLEET & EQUIPMENT				
Fire	Ladder #1 Replacement	20 years	Property Taxes	\$1,700,000
ROADS & BRIDGES				
DPW	Trues Brook Road Bridge Replacement #066-059	20 years	Property Taxes	\$46,000
DPW	South Main Street Bridge Replacement #062-117	20 years	Property Taxes	\$3,315,970
DPW	Kimball Street and Forest Avenue Reconstruction	20 years	Property Taxes	\$910,000
DPW	Mechanic / High / Maconna Intersection	20 years	Property Taxes	\$336,000
DPW	Mount Support Road/Lahaye Drive Intersection	20 years	Property Taxes	\$316,640
DPW	Mount Support Road/Lahaye Drive Intersection	20 years	Special Assessment District	\$4,033,360
PLN	West Lebanon Main Street Streetscape Improvements	20 years	Property Taxes	\$1,346,000
DPW	Water System Improvements - Miracle Mile SRF	20 years	Property Taxes	\$223,000
DPW	Estabrook Circle and Maple St Stormwater Improvements	20 years	Property Taxes	\$85,250

WATER FUND

DPW-WATER	Kimball Street and Forest Avenue Reconstruction	20 years	Water User Fees	\$780,000
DPW-WATER	Water System Improvements - So. Main Bridge SRF	20 years	Water User Fees	\$200,000
DPW-WATER	Water System Improvements - Miracle Mile SRF	20 years	Water User Fees	\$2,077,000
DPW-WATER	Estabrook Circle and Maple St Stormwater Improvements	20 years	Water User Fees	\$46,500

SEWER FUND

DPW-SEWER	Fleet and Equipment Replacement	20 years	Sewer User Fees	\$220,000
DPW-SEWER	Bakers Crossing Sewer Force-main Replacement	20 years	Sewer User Fees	\$890,000
DPW-SEWER	Sewer Improvements - So. Main Bridge SRF	20 years	Sewer User Fees	\$5,000
DPW-SEWER	Kimball Street and Forest Avenue Reconstruction	20 years	Sewer User Fees	\$469,000
DPW-SEWER	Estabrook Circle and Maple St Stormwater Improvements	20 years	Sewer User Fees	\$23,250

TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM

\$17,022,970

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s)/issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

3. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR DRINKING WATER AND/OR CLEAN WATER STATE REVOLVING FUND LOAN(S) FOR UP TO \$4,490,750 (FOUR MILLION FOUR HUNDRED NINETY THOUSAND SEVEN HUNDRED FIFTY DOLLARS) AND TO DESIGNATE THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE OF THE CITY.

Project Name	Amount
Kimball Street and Forest Avenue Reconstruction	\$1,249,000
Water and Sewer System Improvements - So. Main Bridge SRF	\$205,000
Water System Improvements - Miracle Mile SRF	\$2,077,000
Estabrook Circle and Maple Street Improvements	\$69,750
Bakers Crossing Sewer Force-main Replacement	\$890,000
TOTAL	\$4,490,750

4. TO AUTHORIZE THE DISBURSEMENT OF WATER INVESTMENT FEE FUNDS:

RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$175,000 (One Hundred Seventy-Five Thousand Dollars) be disbursed from the Water Investment Fees Fund to the Capital Improvements Fund to partially fund the New Source Water Supply Study.

5. TO EXPAND THE PURPOSE OF AN EXISTING CAPITAL RESERVE FUND IN ACCORDANCE WITH NH RSA 34:11

RESOLVED, by the City of Lebanon, that the purpose of the Police Department Equipment, Vehicles and Improvements Capital Reserve Fund, established on December 20, 2017, is expanded from aggregating resources to effect acquisitions, and capital repairs, maintenance and/or upgrades of Police Department related equipment, vehicles, and facilities, to also include the purchase, use, maintenance, and periodic upgrading of Police Department software; that the Capital Reserve Fund is renamed the Police Department Equipment, Vehicles, Improvements, and Software Capital Reserve Fund; and that the City Manager shall be the agent of the City to carry out the objects of the Fund as established by the City Council.

6. TO ESTABLISH A PUBLIC ASSISTANCE REVOLVING FUND IN ACCORDANCE WITH NH RSA 31:95-h

RESOLVED, by the City of Lebanon, that a Public Assistance Revolving Fund be established for the purpose of accumulating resources to provide general assistance for housing and emergency shelter, food, fuel, utilities, and other basic necessities of the public welfare function for which the City is responsible in accordance with NH RSA 165, Aid to Assisted Persons; that money in the Public Assistance Revolving Fund shall accumulate from year to year and shall not be considered part of the City's General Fund; and that the City Manager shall be the agent of the City to carry out the objects of the Fund as established by the City Council.

7. TO AUTHORIZE THE TRANSFER OF UNENCUMBERED APPROPRIATED FISCAL YEAR 2022 GENERAL FUNDS AS FOLLOWS:

RESOLVED, by the City of Lebanon, that the City Manager is authorized to transfer unencumbered appropriated funds from the 2022 General Fund to other municipal funds as follows:

- An amount up to, but not exceeding, \$250,000 to the DPW Equipment and Vehicles Capital Reserve Fund;
- An amount up to, but not exceeding, \$500,000 to the Fire Department Equipment and Vehicles Capital Reserve Fund;
- An amount up to, but not exceeding, \$425,000 to the Police Department Equipment, Vehicles, Improvements, and Software Capital Reserve Fund; and
- An amount up to, but not exceeding, \$100,000 to the Public Assistance Revolving Fund.

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 Tuesday, November 29, 2022 and Tuesday, December 6, 2022

Kristin M. Kenniston

Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

DECEMBER 14, 2022

6. NEW BUSINESS:

6.A – PROPOSED CITY CHARTER AMENDMENT

BACKGROUND

Following a public hearing on November 16th, the City Council adopted a Resolution determining that a proposed amendment to the Lebanon City Charter to replace gender-specific pronouns and terms with gender-neutral pronouns and terms was necessary and appropriate. The Resolution further directed that a final report of the proposed Charter amendment should be filed with the City Clerk and that a certified copy of such report should be filed by the Clerk with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration in accordance with the procedures in NH RSA 49-B. The final report of the proposed Charter amendment was filed with the City Clerk and with the applicable state agencies on November 17th.

Pursuant to NH RSA 49-B:4-a, I, the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration have 45 days to review the proposed amendment to ensure that it is consistent with the general laws of the state and to provide notice to the City approving or disapproving the proposed amendment. Only after the three state agencies have approved the proposed amendment can the City Council take action to have the proposed Charter amendment placed on the ballot at the next municipal election on March 14, 2023.

On December 12th, the City Clerk received a letter from the Attorney General's Office on behalf of all three state agencies stating that they do not object to the proposed amendments. However, the Attorney General's letter also suggested three changes to the proposed amendment to avoid potential ambiguity as follows:

Section III, Administration:

- In §C419:16 – consider changing “they were” to “the member was”
- In §C419:33 – consider changing “their” to “the officer’s”
- In §C419:45 – consider changing “their” to “the head’s”

If the Council wishes to incorporate the suggestions offered by the Attorney General's Office, the City's legal counsel has indicated that no additional public hearing is required since the changes are considered “non-substantive”. The attached red-line version of the proposed Charter amendment includes the suggested changes in the respective sections.

Pursuant to NH RSA 49-B:5, I(b), within 7 days after receiving approval from the state agencies under RSA 49-B:4-a, the Council may order the proposed amendment to be placed on the ballot at the next regular municipal election. Since the state agencies' response was received by the City on December 12th, the Council should take action on or before December 19th to comply with the statutory requirement.

Although this issue was not previously identified on the Council's agenda for the December 14th meeting, City Council Rule A191-7(D) allows “items of an urgent nature which require special attention or are in need of immediate action by the Council may be placed on any agenda at the discretion of the Mayor and/or City Manager.”

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 accepts the non-substantive changes suggested by the Attorney General's Office to avoid potential ambiguity with the insertion of gender-neutral terms, as follows:

In Section III, Administration, §C419:16, the proposed insertion "they were" to be changed to "the member was".

In Section III, Administration, §C419:33, the proposed insertion "their own" to be changed to "the officer's own".

In Section III, Administration, §C419:45, the proposed insertion of two instances of "their" to be changed to two "the head's".

BE IT FURTHER MOVED, that the Lebanon City Council, pursuant to its authority granted by RSA 49-B:5, I(b), hereby orders the City Clerk to place the final draft of the proposed Charter amendment, including the changes outlined above, on the ballot at the next municipal election to be held on March 14, 2023.

Pursuant to RSA 49-B:6, IV(b), the amendment to the City Charter will become effective July 1, 2023, if a majority of the ballots cast at the March 14, 2023 Municipal Election favor acceptance.

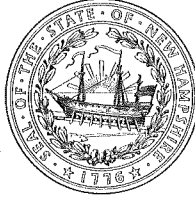
Included in this Section:

1. Letter from Attorney General, dated December 6, 2022 and received December 12, 2022.
2. Draft Proposed Charter Amendment Language, including changes suggested by Attorney General's Office.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

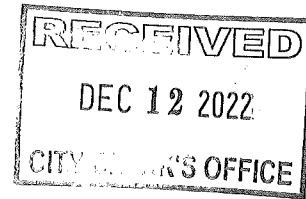
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

December 6, 2022



Kristin Kenniston
City Clerk/Tax Collector
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Proposed charter amendments

Clerk Kenniston:

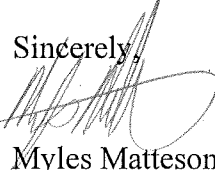
Pursuant to RSA 49-B:4-a, on behalf of the City of Lebanon you submitted a proposed charter amendment for review, received November 17, 2022.

Upon review, the New Hampshire Attorney General's Office, the Secretary of State's Office, and the Department of Revenue Administration, pursuant to RSA 49-B:4-a, do not object to the proposed amendments to the city charter relating to rendering all gender-specific references in the charter gender-neutral. The reviewing agencies note that "their" can be singular or plural, so to avoid ambiguity make the following suggestions:

- 419:16 – consider "the member was" instead of "they were."
- 419:33 – consider "the officer's" instead of "their."
- 419:45 – consider "the head's" instead of "their."

Please feel free to contact myself, Peter Roth of the Department of Revenue Administration, or Secretary of State David Scanlan if you have any questions.

Sincerely,


Myles Matteson
Deputy General Counsel
Election Law Unit
(603) 271-1119
myles.b.matteson@doj.nh.gov

cc: David Scanlan, Secretary of State
Bruce Kneuer, Department of Revenue Administration
Peter Roth, Department of Revenue Administration

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 the member 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'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~~the officer's 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~~the head's department to another fund or agency within ~~his-their~~the head's 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