



# Keene City Charter

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## ▼ Section 1 Incorporation

**SECTION 1. INCORPORATION.** The inhabitants of the City of Keene shall continue to be a body politic and corporate under the name of the "City of Keene," hereinafter sometimes referred to as "the City," and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the City shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised Charter.

## ▼ Section 2 Wards

**SECTION 2. WARDS.** The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the city council shall review the ward boundaries and, shall, by ordinance, re-divide the city into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the city council, at such time and place as the city council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the terms for which they were elected.

## ▼ Section 3 Municipal Elections

**SECTION 3. MUNICIPAL ELECTIONS.** All municipal elections and municipal primaries shall be non-partisan in nature and no ballot shall show a designation of party affiliation except in the election of party officials when required at municipal elections by State law. All City and ward officers who are to be elected by the legal voters of the City or any ward therein, except those City and ward officers elected at the regular biannual election, shall be chosen at the regular

municipal elections. All ward officers elected at regular municipal elections shall hold their respective offices for two years from the first Tuesday in January next succeeding and until others are chosen and/or appointed and qualified in their stead. The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a regular municipal election in the same manner as a regular biennial election on the Tuesday following the first Monday in November in the odd-numbered years to choose a Mayor, five Councilors-at-Large, and two Ward Councilors for each ward and such other officers as the laws of New Hampshire may require, together with any referendum questions required by law or ordered by the City Council.

## ▼ Section 4 Ballots, Preservation

**SECTION 4. BALLOTS, PRESERVATION.** All the ballots cast at any municipal election shall be sealed and kept by the City Clerk for sixty (60) days and shall be opened during said sixty (60) days upon order of a court of competent jurisdiction or the City Council after a request by any candidate voted for at the election at which they were cast.

## ▼ Section 5 Contested Elections

**SECTION 5. CONTESTED ELECTIONS.** Within five (5) days after a municipal election the City Council shall canvass the votes cast and the candidates receiving the highest number of votes for the respective offices to be filled shall be declared elected. Upon written application to the City Clerk within five (5) days thereafter:

(a) Any candidate for any office may request a recount of the ballots cast for all candidates for such office, subject to the provisions of 5(c) hereof. Within five (5) days hereafter the City Council, subject to such rules and regulations as it may prescribe, shall recount all the ballots cast for such office, and the candidate or candidates receiving the highest number of votes for such office by reason of said recount shall be declared elected.

(b) Any person entitled to vote in said municipal election may contest the same on the grounds of fraud or misconduct therein. Within five (5) days thereafter the City Council, subject to such rules and regulations as it may prescribe, shall hear and determine any such contest.

(c) No candidate shall be entitled to a recount upon his or her own application unless the difference between the vote cast for him or her, and the vote cast for the closest opposing candidate who received sufficient votes to be declared elected shall be ten (10) votes or less in elections where the total votes cast do not exceed two hundred (200), or five (5%) percent or less in elections where the total votes cast are in excess of two hundred. Decisions of the City

Council in cases of contested elections shall be final. Tie votes for any elected office shall be resolved by lot in the manner that the City Council may determine. In cases arising under this section, the City Council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

## ▼ Section 6 Contested Referenda

**SECTION 6. CONTESTED REFERENDA.** Within five (5) days of a referendum the City Council shall canvass the votes cast and whenever the majority of votes cast on the question are in the affirmative, said referendum shall take effect according to its terms. Upon written application to the City Clerk within five (5) days thereafter any person entitled to vote on the question may:

(a) Request a recount of the ballots cast in said referendum. Within five (5) days thereafter the City Council, subject to such rules and regulations as it may prescribe, shall recount the ballots so cast, and determine the outcome of said referendum by reason of said recount, subject to the provisions of Section 6(c) hereof.

(b) Contest said referendum on the grounds of fraud or misconduct therein. Within five (5) days thereafter the City Council, subject to such rules and regulations as it may prescribe, shall hear and determine any such contest.

(c) No person shall be entitled to a recount upon his or her own application unless the difference between the vote cast against adoption, and the vote cast in favor of adoption shall be ten (10) votes or less in elections where the total votes cast do not exceed one hundred (100), or five (5%) percent or less in elections where the total votes cast are in excess of two hundred (200). Decisions of the City Council in cases of contested referenda shall be final. Tie votes for any referendum shall be resolved by lot in the manner that the City Council may determine. In cases arising under this section, the City Council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers. Nothing contained in this section shall affect the right to petition for a referendum recount in accordance with State law.

## ▼ Section 7 Terms of Office

**SECTION 7. TERMS OF OFFICE.** Terms of office shall begin from the first secular day of January next following election and continue until their successors are chosen and qualified. The term of office of the Mayor shall be two (2) years. The term of office of Councilors elected at-large shall be two (2) years. The term of office of Ward Councilors shall be four (4) years except in the 1983 municipal election, when one (1) Ward Councilor for each ward shall be elected for two (2)

years and one (1) Ward Councilors shall be elected for four (4) years. Thereafter, each ward Councilor shall be elected for four (4) years. The term of office for Selectmen shall be two (2) years.

## ▼ Section 8 Vacancies

**SECTION 8. VACANCIES.** In case a vacancy occurs in the City Council or office of the Mayor from any cause, the City Council shall elect, by a majority vote of the elected Council, a qualified person to fill the same until the next regular municipal election at which time his or her successor shall be elected. If the vacancy so filled is that for a four-year term, the City Clerk in preparing the ballots for the next primary and for the next regular municipal shall include thereon an additional place for the nomination and election for the unexpired term. Separate filings shall be made for nomination for such unexpired term and the names shall be made for nomination for such unexpired term and the names of the two candidates for Councilor receiving the largest number of votes cast at the primary for said unexpired term shall be printed upon the ballot at the succeeding regular municipal election as nominees for such office. At the election, the candidate receiving the larger number of votes cast at said election for said office shall be declared elected to fill said unexpired term.

In case a vacancy occurs in any ward in the Board of Selectmen, the vacancy shall be declared by the remaining members of the Board and a successor shall be appointed by them for the remainder of the term. If there is only one member of the Board, or if the whole Board shall be vacant, the Moderator shall make the appointments. All such appointments and the acceptances thereof shall be in writing and be recorded in the City Clerk's Office.

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

## ▼ Section 9 Notice of Election or Appointment

**SECTION 9. NOTICE OF ELECTION OR APPOINTMENT.** Written notice of election or appointment of any City officer shall be mailed to him or her at his or her address by the City Clerk within forty-eight (48) hours after the appointment is made or the vote canvassed.

## ▼ Section 10 Oath of Office

**SECTION 10. OATH OF OFFICE.** Every person elected or appointed to any City office before entering upon the duties of his or her office shall take and subscribe to an oath as provided by law which shall be filed and kept in the office of the City Clerk.

## ▼ Section 11 Primaries

**SECTION 11. PRIMARIES.** Except as otherwise provided herein with respect to the primary election, the City of Keene municipal primary election shall be held on the Tuesday following the first Monday in October, biennially, and prior to the regular municipal election which is to be held on the Tuesday following the first Monday in November in the odd-numbered years.

If in the election for Mayor and in the election for each ward councilor two (2) candidates or fewer, and in the election of at-large City Council elections ten (10) candidates or fewer, file for such elected offices as of the close of the primary filing period, then the primary election shall be declared unnecessary by the City Clerk, who shall declare the candidates nominated and shall place their names upon the municipal general election ballot.

## ▼ Section 12 Nominations

**SECTION 12. NOMINATIONS.** The names of any qualified person shall be printed upon the primary ballot or the general election ballot upon his or her filing with the City Clerk not later than 5:00 PM, local prevailing time, of the fourth Tuesday before the primary election date, his or her declaration in writing that he or she is a candidate for any office to be filled at the next succeeding municipal election and paying to the City Clerk a filing fee of two dollars (\$2.00) except in the case of filing for the office of Mayor, in which case the filing fee shall be five dollars (\$5.00). The filing period for such nominations shall open at 8:00 AM on the seventh Wednesday prior to the primary election date. The name of any person shall be printed upon the primary ballot without the filing of a declaration or the payment of a fee, if a petition in his or her behalf signed by at least fifty (50) qualified voters shall have been filed with the City Clerk not later than 5:00 PM, local prevailing time, on the fourth Friday before the primary election date.

The candidates' names shall be listed on the primary ballot or the general election ballot in accordance with the provisions of RSA 656:5-a and based upon the seed number(s) selected by the Secretary of State; provided that if the statute becomes inapplicable to municipal elections then names shall be listed either in accordance with state law or otherwise as may be determined by the City Council.

## ▼ Section 13 Petitions

**SECTION 13. PETITIONS.** The petition shall consist of at least fifty individual certificates, each in form substantially as follows:

"I do hereby join in a petition for the publication on the primary ballot of the name of \_\_\_\_\_, residing at \_\_\_\_\_ (street and ward) for the office of \_\_\_\_\_, to be voted for at the primary election to be held by the City of Keene on the \_\_\_ day of \_\_\_\_\_, 19\_\_ and I certify that I am qualified to vote for a candidate for said office, and am not a signer of any other similar petition for any other candidate for the above office; and that my residence is \_\_\_\_\_ (street, ward). I further certify that I believe the above-named person is especially qualified to fill said office.

Signed \_\_\_\_\_"

Several certificates may be printed on one paper. One of the signers of each paper shall make an oath before an officer competent to administer oaths that the statements therein made are true to his or her best knowledge and belief, and that each signature to the paper is the genuine signature of the person whose name it purports to be. The City Clerk shall furnish upon application a reasonable number of forms of individual certificates of the above character. No primary nomination by petition shall be accepted by the City Clerk without an endorsement thereon by the candidate consenting to the printing of his or her name on the primary ballot as requested in the petition. When a primary petition is presented for filing to the City Clerk, he or she shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, he or she shall designate the defect and return the petition to the candidate in whose behalf it was filed. Such petition may again be presented when properly amended if this can be done within the time allowed for filing such primary petitions.

## ▼ Section 14 Elections

**SECTION 14. ELECTIONS.** All candidates for elective office shall be nominated in accordance with the following provisions:

(a) The names of the two (2) candidates for the office of Mayor receiving the greatest number of votes cast in the primary election, if any, shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said office.

(b) The names of the ten (10) candidates for the offices of Councilor-at-Large receiving the greatest number of votes cast in the primary election, if any, shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said offices.

(c) The names of the two (2) candidates for the offices of Ward Councilor receiving the greatest number of votes cast in the primary election, if any, shall be printed upon the ballot to be used at the succeeding municipal election as nominees for said offices.

## ▼ Section 15 Requirements

**SECTION 15. REQUIREMENTS.** No person who did not file a declaration of candidacy or primary petition shall be entitled to the nomination for any office unless he or she received ten (10) write-in votes or ten (10%) percent of the total votes cast at said primary, whichever is smaller.

## ▼ Section 16 Supervisors of the Checklist

**SECTION 16. SUPERVISORS OF THE CHECKLIST.** The Supervisors of the Checklist shall comply with all aspects of RSA 654:27, as presently existing and as may be hereafter amended from time to time, with respect to the process for correction of the checklist.

## ▼ Section 17 Authority of Supervisors

**SECTION 17. AUTHORITY OF SUPERVISORS.** The Supervisors of the Checklist shall be commissioned by the Mayor to have authority as police officers on election day. They shall remain in attendance at the polls during every election day, unless necessarily absent, during all hours in which polling occurs.

## ▼ Section 18 City Councils

**SECTION 18. CITY COUNCILS.** Except as otherwise provided in this Charter, all the powers of the City shall be vested in a City Council composed of two (2) Ward Councilors from each ward with staggered four (4) year terms (except in the 1984-1985 term, when one (1) Councilor from each ward shall have a four (4) year term and one (1) Councilor shall have a two (2) year term and five (5) Councilors-at-Large with two (2) year terms.

## ▼ Section 19 Mayor

**SECTION 19. MAYOR.** The Mayor shall be chosen by the qualified votes of the City at large. In the event of a vacancy occurring in the office of the Mayor, the City Council shall choose a qualified person at the meeting after the next regular meeting to serve for the unexpired term. The Mayor shall be the official head of the City for all ceremonial purposes. He or she shall preside at all meetings of the City Council and may speak at said meetings. He or she shall have no power to vote, except that in the case of a tie he or she shall must cast his or her vote to break said tie. He or she shall have the power to require reconsideration of any vote at the next regular City Council meeting. If the original vote is sustained at the next regular meeting, the Mayor shall have no further rights of reconsideration on the question. The Mayor shall appoint from the Council the members of all standing committees of the Council. All other duties of the Mayor prescribed by law shall be exercised by the City Manager provided for in this Charter.

## ▼ Section 20 Organization and Meetings of City Council

**SECTION 20. ORGANIZATION AND MEETINGS OF CITY COUNCIL.** The Mayor, Councilors, and Councilors-elect shall meet at noon, local prevailing time, on the first secular day of January next following their election, in their capacity as the City Council, for the purpose of taking their respective oaths of office, organizing, adopting rules for the transaction of business as required by such City Council and transacting any other business required by law or Ordinance at such meeting.

## ▼ Section 21 Meetings

**SECTION 21. MEETINGS.** The City Council shall establish its own Rules of Order and the dates and time of meetings; provided, however, that the City Council shall meet at least once per month.

All meetings of the City Council, Boards and Commissions, and all meetings of any standing and special committees shall be open to the public, except that the public may be excluded in accordance with the requirements and procedures of RSA 91-A, as such statute may be amended from time to time.

## ▼ Section 22 General Powers

**SECTION 22. GENERAL POWERS.** The City Council herein established shall have all the powers and discharge all the duties conferred or imposed upon City Councils in convention, City Councilors voting concurrently, or Board of Mayor and Alderman acting separately, except as



otherwise provided by New Hampshire Revised Statutes Annotated or other general law now in force or hereinafter enacted, or by special laws not heretofore repealed. The City Council shall have the powers of Selectmen of towns so far as consistent with this Charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the City Council herein established unless a contrary intent or provisions herein appears, it being the purpose of this section to confer upon the City Council all functions of the existing City Council, whether legislative, executive, or judicial, except such as are specifically transferred to the City Manager. The City Council retains the authority to conduct inquiries and investigations reasonably related and incident to the administration of the fiscal and prudential affairs of the City. All committees of the City Council shall be deemed advisory, except as herein otherwise provided. Any employee of the City may request permission to be heard by the City Council. Permission to be heard may be granted at the discretion of the City Council.

### ▼ Section 23 Ordinances

**SECTION 23. ORDINANCES.** Municipal legislation enacted by the City Council shall be by Ordinance. The enacting clause of each Ordinance shall be: "Be it ordained by the City Council of the City of Keene, as follows;" and all Ordinances passed by the City Council shall take effect upon their passage unless otherwise directed by the City Council. All Ordinances shall be signed by the Mayor and shall be recorded at length uniformly and permanently by the City Clerk, and each Ordinance so recorded shall be authenticated by the signature of the City Clerk.

### ▼ Section 24 Compensation

**SECTION 24. COMPENSATION.** The members of the City Council shall be compensated, not to exceed in aggregate a sum fixed by Ordinance.

### ▼ Section 25 Conflicts of Interest

**SECTION 25. CONFLICTS OF INTEREST.** No elective or appointed officer or employee of the City shall take part in any discussion or decision concerning the business of the City in which he or she has a financial interest which conflicts with his or her official duties and responsibilities. Knowingly violating the provisions of this Section shall constitute a violation of Section 46, Violations, of this Charter.

### ▼ Section 26 Dealings of Councilors with City

**SECTION 26. DEALINGS OF COUNCILORS WITH CITY.** No Councilor, or other official, shall sell to or buy from the City and any goods, professional services or nonprofessional services, or commodities while in office other than by open competitive public bid. In an emergency, the provisions of this Section may be waived by a majority vote of the City Council.

## ✓ Section 27 Qualifications for Mayor and Councilors

**SECTION 27. QUALIFICATIONS FOR MAYOR AND COUNCILORS.** Only persons who are duly-qualified voters in and residents of the City, or ward, in the case of Ward Councilors, shall be candidates for election as Mayor or Councilor. Whenever the Mayor or a Councilor during his or her term as such officer moves from the City, or ward in the case of a Ward Councilor, his or her office as Mayor or Councilor shall be declared vacant by the City Council and said vacancy shall be filled as provided elsewhere in this Charter. No Councilor shall during his or her term as Councilor, be eligible to hold another municipal salaried office.

## ✓ Section 28 Removal of Mayor or Councilors

**SECTION 28. REMOVAL OF MAYOR OR COUNCILORS.** The City Council may, on specific charges and after due notice and hearing, at any time remove from office the Mayor or one of its own members for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality or misconduct in office upon affirmative vote on roll call of at least two-thirds of the elected Councilors. A vacancy occasioned by removal under this Section shall be filled in the manner provided in this Charter.

## ✓ Section 29 Appointive and Removal Powers of Mayor and Councilors

**SECTION 29. APPOINTIVE AND REMOVAL POWERS OF MAYOR AND COUNCILORS.** Subject to a majority concurrence of the City Council members, the Mayor shall have the power to appoint all members of boards and commissions already established or hereafter established by Ordinance or New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed. Any appointment by the Mayor shall be considered a nomination unless and until it is confirmed by the City Council. Subject to a majority concurrence of the City Council, the Mayor or eight (8) or more Councilors shall have the power to remove for inefficiency, neglect of duty, or malfeasance, members of boards and commissions already established by Ordinance or new Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed.

## ▼ Section 30 Salaries

**SECTION 30. SALARIES.** The City Council is hereby empowered to fix a scale of salaries to be paid to all officials, employees, and agents of the City in accordance with the provisions of this Charter.

## ▼ Section 31 Procedure to Fix Salaries

**SECTION 31. PROCEDURE TO FIX SALARIES.** No Ordinance relating to a scale of salaries as above set forth shall be valid until it has had two separate readings, only one reading at any meeting of the City Council, and shall have received the vote of at least two-thirds (2/3) of all the members elected to the City Council upon its final passage.

## ▼ Section 32 Appointment, Term and Qualifications

**SECTION 32. APPOINTMENT, TERM AND QUALIFICATIONS.** The City Council shall by a majority vote of its elected members appoint a City Manager, who shall be the chief executive officer of the City. He or she shall be selected with special reference to his or her education, training, and experience to perform the duties of his or her office, and without reference to his or her political belief, shall be appointed for an indefinite period and shall be removable by a majority vote of the elected City Council, and his or her authority may be likewise temporarily suspended if in the judgment of said body such action is in the best interest of the City. Any person so appointed need not be a resident of the City or State at the time of his or her appointment.

## ▼ Section 33 Oath and Bond

**SECTION 33. OATH AND BOND.** Before entering upon the duties of his or her office, the City Manager shall be sworn to the faithful and impartial performance thereof, and a certificate to that effect shall be filed with the City Clerk; and he or she shall execute a bond in favor of the City for the faithful performance of his or her duties in such sum and with surety as may be determined by the appointing body. The premium on such bond shall be paid by the City.

## ▼ Section 34 General Authority

**SECTION 34. GENERAL AUTHORITY.** The City Manager shall have general supervision of the property and business affairs of the City and expenditure of all moneys appropriated by it for City purposes; but his or her authority shall not extend to the calling of elections, making Ordinances, borrowing money, assessing or collecting taxes, granting licenses, laying out highways, assessing damages or any function of a judicial character vested by law in the City Council, nor shall he or she supervise the offices of the City Clerk, City Treasurer, or City Attorney.

## ▼ Section 35 Power and Duties in Particular

**SECTION 35. POWERS AND DUTIES IN PARTICULAR.** The City Manager shall have the power and it shall be his or her duty:

- (a) To organize, continue or discontinue such departments as the City Council may determine;
- (b) To appoint upon merit and fitness alone, and to remove all subordinate officials, employees, and agents under his or her control and to fix their compensation, subject to any other provisions of the Charter;
- (c) To attend all meetings of the City Council and committees thereof, except when his or her removal, suspension or performance in office is being discussed, and shall attend any such meeting upon request;
- (d) To keep full and complete records of the doings of his or her office and to render to the City Council an itemized monthly report showing in detail the receipts and disbursement of the preceding month, and annually or oftener, at the request of the City Council, to make a synopsis of all records for publication;
- (e) To keep the City Council fully advised as to the needs of the City, within the scope of his or her duties, and to furnish them, at least (14) days before the close of the City's fiscal year, a carefully detailed estimate in writing of the probably expenditure of the City for the ensuing fiscal year, stating the amount required to meet the interest of maturing bonds and notes or other outstanding indebtedness of the City; and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources required to be levied and raised by taxation to defray the expenses and liability of the City. To enable the City Manager to make up the annual estimate of the expenditures, all boards, officers, and committees of the City shall, upon his or her written request, furnish all information in their possession and to submit to him or her in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year;

(f) To examine or cause to be examined, with or without notice, the affairs of any department under his or her control, or the conduct of any officer or employee thereof; and for that purpose he or she shall have access to all books and papers of such department for the information necessary for the proper performance of his or her duties and he or she may employ necessary assistants;

(g) The City Manager shall supervise the administrative affairs of the City and shall carry out the policies enacted by the City Council. He or she shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the Ordinances of the City, this Charter, and the laws of the State. He or she shall keep the City Council informed of the conditions and needs of the city and shall make such reports and recommendations as he or she may deem advisable, and perform such other duties as may be prescribed by this Charter, or required of him or her by Ordinance or Resolution of the City Council, not inconsistent with the Charter. He or she shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred or imposed upon him or her by City Ordinance or upon mayors of cities by New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed. He or she shall have the right to take part in the discussion of all matters coming before the City Council, but not the right to vote;

(h) To administer the poor relief of the City either directly or through a person or persons appointed by him or her, and under the supervision of the City Council;

(i) To perform such other duties, consistent with his or her office, as may be required of him or her by vote of the City Council.

## ▼ Section 36 Approval of Vouchers

**SECTION 36. APPROVAL OF VOUCHERS.** No payment of money on account of any department of which the City Manager has supervision shall be made except upon vouchers approved by him or her or his or her designated agent; provided, however, that in the event of his or her absence, disability, or suspension, the City Council may itself approve such vouchers, or authorize such approval by some other person.

## ▼ Section 37 Accountability

**SECTION 37. ACCOUNTABILITY.** The City Manager shall be responsible to the City Council for the proper and efficient administration of the departments under his or her control. Neither the City Council, nor any of their committees or members shall dictate the appointment of any

person to office or employment by the City Manager, or in any manner interfere with his or her or prevent his or her from exercising his or her own judgment in the appointment and discharge of employees of the City, except as stated in Section 29, Appointive and Removal Powers of Mayor and Councilors. Except for the purpose of inquiry and investigation, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any of its members shall give orders to any of the subordinates of the City Manager either publicly or privately. Knowingly violating the provisions of this section shall constitute a violation under Section 46, Violations, of this Charter.

### ▼ Section 38 Vacancy in Office

**SECTION 38. VACANCY IN OFFICE.** Any vacancy in the office of City Manager shall be filled as soon as practicable by the City Council, and pending such appointment, or in case of the City Manager's temporary absence, disability, or suspension, it shall designate some person to perform the duties of the office.

### ▼ Section 39 Appointive Power of City Manager

**SECTION 39. APPOINTIVE POWER OF CITY MANAGER.** The City Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all employees of the City except the City Clerk, City Treasurer, and the City Attorney; however, nothing herein shall permit the City Manager to discipline or remove any employee in retaliation for the exercise of rights to speak to the City Council under Section 22, General Powers. The City Manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. All such 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.

### ▼ Section 40 Appointive Officers

**SECTION 40. APPOINTIVE OFFICERS.** There shall be appointed by the City Manager, except the City Clerk, the City Treasurer, and the City Attorney, such department heads as are necessary to administer all departments which the City Council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these heads of departments so appointed shall be those prescribed by this Charter, by Ordinance, or by New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed.

## ▼ Section 41 Commissions

**SECTION 41. COMMISSIONS.** All commissions as constituted and existing at the time of the adoption of this Charter shall continue to exist hereunder. They shall serve only in an advisory capacity to the City Council in matters of policy affecting their respective jurisdiction and to the City Manager in matters of administration relating thereto.

## ▼ Section 42 Administrative Departments

**SECTION 42. ADMINISTRATIVE DEPARTMENTS.** The City Council by Ordinance may create, consolidate or abolish departments, divisions, and bureaus of the City and define or alter their functions and duties. Such Ordinances shall be known as the Administrative Code. Each officer shall have supervision and control of his or her department and the employees therein and shall have power to prescribe rules and regulations not inconsistent with this Charter, the Administrative Code, and New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed.

## ▼ Section 43 Purchasing Procedure

**SECTION 43. PURCHASING PROCEDURE.** The Administrative Code shall establish purchasing and contract procedures including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles by different departments and purchasing by competitive bids wherever practical.

## ▼ Section 44 Capital Reserve Funds

**SECTION 44. AN ACT AUTHORIZING THE CITY OF KEENE TO ESTABLISH CAPITAL RESERVE FUNDS.** The City Council may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction, or acquisition of a specific item(s) or (b) the construction, reconstruction, or acquisition of a type of capital improvement or type of equipment. The size and regulation of capital reserve funds shall be in accordance with New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed.

## ▼ Section 45 Public Records

**SECTION 45. PUBLIC RECORDS.** Except for those records exempt from disclosure pursuant to statutory or common law, all records of the City shall be public.

### ▼ Section 46 Violations

**SECTION 46. VIOLATIONS.** Any person who violates any provision of this Charter or any City Ordinance for which no other punishment is provided, shall be guilty of a violation.

### ▼ Section 47 Fees

**SECTION 47. FEES.** No officer or employee of the City shall collect any fees or perquisites for his or her own use, but all such fees or perquisites collectable under law shall be paid into the City treasury.

### ▼ Section 48 Trust Funds

**SECTION 48. TRUST FUNDS.** Trust funds of the City, 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. Said Trustees shall invest such funds in securities legal for investment by mutual savings banks of this State.

### ▼ Section 49 Savings Clause

**SECTION 49. SAVINGS CLAUSE.** So much of the previous Charter of the City and of law passed in amendment of or supplementary thereto, as are now in force relative to the constitution and bounds of its several wards, its school districts, and sewer, lighting and other special precincts and their government and affairs, to its water works, district court, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this Charter; but all special legislation relative to the government of the City, not herein expressly saved, is repealed.

All provisions of New Hampshire Revised Statutes Annotated relative to the government of cities shall remain in force in the City so far as the same can be applied consistently with the intents and purposes of this Charter, but shall be deemed superseded as to this City insofar as inconsistent herewith. Existing Ordinances, including the Administrative Code, and other municipal relations shall remain in force in so far as the same can be applied consistently with



the intents and purposes of this Charter, but are hereby annulled in so far as inconsistent herewith. In all existing laws, Ordinances and regulations hereby saved, references to the city councilors, board of alderman, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this Charter or by the Administrative Code.

## ▼ Section 50 Tenure of Office

**SECTION 50. TENURE OF OFFICE.** When this Charter takes effect, the incumbents, whether elected or not, of all municipal offices, not hereby abolished, superseded or vacated, shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished, superseded or vacated by this Charter or New Hampshire Revised Statutes Annotated as presently existing and as may hereafter be from time to time changed.

## ▼ Section 51 Separability

**SECTION 51. SEPARABILITY.** The sections of this Charter created hereunder are separable. If any portion of this Charter adopted under the provisions hereof, or if the application of this Charter to any person or circumstance, shall be invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected hereby.

## ▼ Section 52 Effective Date

**SECTION 52. EFFECTIVE DATE.** This Charter was effective January 2, 1970 with a complete charter revision. Sections 2, 5, 6, 8, 11, 12, 16, 19, 21, 25, 28, 29 and 49 were amended November 6, 1973, by Charter Commission and Referendum. Sections 3, 5, 7, 8, 9, 12, 13, 15, 19, 20, 21, 23, 26, 28, 33, 35, 36 (b&c), 38, 39, 40, 41, and 53 were amended November 7, 1978, by Charter Commission and Referendum. Sections 2, 3, 7, 14, and 18 were amended November 2, 1981, by Referendum. The 1983 Municipal Election will be from revised wards as established by the 1981 Municipal Election. The revised wards will be in effect January 1, 1984. Section 2 was amended November 5, 1991, by referendum. The revised wards will be in effect January 1, 1992. Section 2 was amended November 6, 2001, by referendum. The revised wards shall take effect June 1, 2002. When this Charter amendment takes effect the incumbents of all elected offices shall continue to hold the same until the expiration of their respective terms. Sections 16, 25

and 45 were amended November 2, 2004, by referendum. Sections 2, 11, 12, 14, 21 and 46 amended November 8, 2011 by referendum. Section 2 amended November 2, 2021 by referendum.

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