

**AGENDA**  
**SPECIAL MEETING**  
**BOARD OF MAYOR AND ALDERMEN**  
**(PUBLIC HEARING – PROPOSED CHARTER AMENDMENT)**

**September 2, 2008**  
**Mayor and Aldermen**

**5:00 PM**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.  
  
A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the public hearing is to hear those wishing to speak in favor of or opposition to the consideration of amendment to the Manchester City Charter inserting a Section 6.15 Limitation on Budget Increase. Anyone wishing to speak must first step to the nearest microphone when recognized, recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.
5. Mayor Guinta requests the Clerk present the proposed Charter amendment question.

“Shall the municipality approve the Charter amendment printed below?”

6.15 Limitation on Budget Increase.

A. Limitation on budget increase.

Recognizing that final tax rates for the City of Manchester are set by the New Hampshire Department of Revenue Administration pursuant to RSA 21 J:35, I, the board of Mayor and Aldermen of the City of Manchester and the Manchester School District shall develop their annual budget proposals and shall act upon such proposals in accordance with the mandates of this section.

Override Provision. Budgetary restrictions described in any part of section 6.15 may be overridden upon a vote of two-thirds (2/3) of all aldermen elected. Such override expires following adoption of the annual budget. Subsequent budgets are supplemental appropriations require additional two-thirds (2/3) override votes, or the limitations expressed in this section will apply.

1. In submitting their proposed budgets to the board of aldermen, the mayor and school district shall not propose total expenditures in an amount exceeding the budget established during the prior fiscal year increased by a factor equal to the change in the National Consumer Price Index-Urban as published by the United States Department of Labor for the calendar year immediately preceding the year of the budget adoption.
2. In establishing a combined municipal budget, the board of mayor and aldermen shall be allowed to assume an estimated property tax rate only in an amount not to exceed the tax rate established during the prior fiscal year increased by a factor equal to the change in the National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar year immediately preceding the year of the budget adoption.
  - B. Exception to budget increase limitation. Capital expenditures, and the total or any part of the principal and interest payments of any municipal bond, whether established for school or municipal purposes, may be excepted from being included in the expenditures that are subject to the prior limitation upon a two-third (2/3) vote of all the aldermen elected. The exception made under this section shall expire upon adoption of the budget for the next budget year, unless two-thirds (2/3) of all the aldermen elected, vote to renew the exception for the next budget year.
  - C. Budget limitation in revaluation year. When the board of mayor and aldermen accepts an increase in real estate values as the result of a city wide revaluation, the board of mayor and aldermen shall adhere to a maximum increase in real estate tax revenue as follows: The real estate taxes raised from prior budget year shall not be increased by a factor more than the change in National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar year immediately preceding budget adoption, then this figure shall be used in establishing the new municipal budget.
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    1. The real estate taxes raised from the prior year shall not be increased by a factor of more than the change in the National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar

year immediately preceding budget adoption, plus real estate taxes calculated by applying the prior year real estate tax rate to the net increase in new construction. "Net increase in new construction" is defined as the total dollar value of building permits less total dollar value of demolition permits issued for the period of April 1- March 31 preceding budget adoption.

- E. Total Expenditures. Total expenditures for any given budget year shall not exceed the amount of funds reasonably calculated to be derived by the tax rate established pursuant to Paragraph A.2. herein, increased by the other revenues generated by the City.

The Charter of the City of Manchester, adopted by voters at the election held on November 5, 1996, became effective on July 1, 1997. The following amendment, if adopted, will become effective July 1, 2009.

SUMMARY/EXPLANATION: This amendment is an attempt to limit increases in the municipal budget to increases in the National Consumer Price Index-Urban as published by the United States Department of Labor. This amendment contains various exceptions to the limitation and ability to override such limitations. Furthermore this amendment contains provisions for annual changes in real estate assessments and changes in assessments during revaluation years.

6. Mayor Guinta provides a brief presentation regarding the amendment.
7. Mayor Guinta calls for those wishing to speak in favor.
8. Mayor Guinta calls for those wishing to speak in opposition.
8. Mayor Guinta advises that all wishing to speak having been heard, the testimony presented will be taken under advisement and considered by the Board of Mayor and Aldermen on September 2, 2008
9. Mayor Guinta advises this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

**Municipality of Manchester, NH**

**Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below.**

6.15 Limitation on Budget Increase

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Recognizing that final tax rates for the City of Manchester are set by the New Hampshire Department of Revenue Administration pursuant to RSA 21 J:35, I, the board of Mayor and Aldermen of the City of Manchester and the Manchester School District shall develop their annual budget proposals and shall act upon such proposals in accordance with the mandates of this section.

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B. Exception to budget increase limitation. Capital expenditures, and the total or any part of the principal and interest payments of any municipal bond, whether established for school or municipal purposes, may be excepted from being included in the expenditures that are subject to the prior limitation upon a two-third (2/3) vote of all the aldermen elected. The exception made under this section shall expire upon adoption of the budget for the next budget year, unless two-thirds (2/3) of all the aldermen elected, vote to renew the exception for the next budget year.

C. Budget limitation in a revaluation year. When the board of mayor and aldermen accepts an increase in real estate values as the result of a city wide revaluation, the board of mayor and aldermen shall adhere to a maximum increase in real estate tax revenue as follows: The real estate taxes raised from prior budget year shall not be increased by a factor more than the change in the National Consumer Price Index - Urban as published by the United States Department of Labor for the calendar year immediately preceding budget adoption, then this figure shall be used in establishing the new municipal budget.

D. Budget limitation with annual changes in assessments. When annual changes in real estate values occur as a result of State of New Hampshire assessing requirements, the board of mayor and aldermen shall adhere to a maximum increase in real estate tax revenues as follows:

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E. Total Expenditures. Total expenditures for any given budget year shall not exceed the amount of funds reasonably calculated to be derived by the tax rate established pursuant to Paragraph A.2. herein, increased by the other revenues generated by the city.

SIGNATURE: _____
PRINTED NAME: _____
DOMICILE ADDRESS: _____ Manchester, NH

SIGNATURE: _____
PRINTED NAME: _____
DOMICILE ADDRESS: _____ Manchester, NH

**AFFIDAVIT OF CIRCULATOR**

I, \_\_\_\_\_ OF \_\_\_\_\_  
(Printed name of circulator) (Street address)

\_\_\_\_\_, NH. PERSONALLY CIRCULATED THIS AFORESIDED PETITION  
(City)

AND THE \_\_\_\_\_ SIGNATURES ON THIS PETITION WERE AFFIXED IN MY PRESENCE  
AND I BELIEVE THEM TO BE THE GENUINE SIGNATURES OF THE PERSONS WHOSE  
NAMES THEY PURPORT TO BE AND THAT EACH SIGNER HAS HAD AN OPPORTUNITY  
BEFORE SIGNING TO READ THE PETITION AND THAT EACH SIGNER HAS SIGNED NO  
MORE THAN ONE PETITION.

\_\_\_\_\_  
Signature of Circulator

State of New Hampshire  
Hillsborough County SS.

Subscribed to and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
**Justice of the Peace/Notary Public**

\_\_\_\_\_  
(Print Name)

My commission expires \_\_\_\_\_

# DL&G

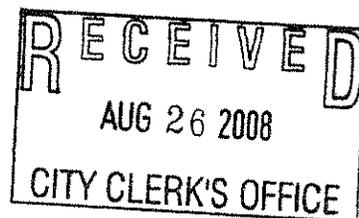
# DOUGLAS, LEONARD & GARVEY, P.C.

CHARLES G. DOUGLAS III\*  
C. KEVIN LEONARD  
CAROLYN S. GARVEY  
RICHARD J. LEHMANN  
MARIANNE L. ROUSSEAU  
BENJAMIN T. KING \*\*  
JASON R. L. MAJOR

6 LOUDON ROAD, SUITE 502  
CONCORD, NEW HAMPSHIRE 03301

TELEPHONE: 603-224-1988  
FACSIMILE: 603-229-1988  
EMAIL: mail@nhlawoffice.com  
www.nhlawoffice.com

\* ALSO ADMITTED IN MA  
\*\* ALSO ADMITTED IN ME



August 25, 2008

Tammy Simmons  
142 Parker Street  
Manchester, NH 03102

Dear Ms. Simmons:

I am a licensed attorney in this state having been so since 1992. I have read the proposed amendment to the Rochester City Charter and I am of the opinion that the amendment is not in conflict with the general laws or the Constitution. The amendment includes language similar to that contained in an opinion letter issued by then Deputy Attorney General Orville B. Fitch, II, written in October of 2005, about the amendment adopted by the City of Laconia. I adopt and incorporate the letter of Attorney Fitch and thus conclude that the amendment that is proposed for Manchester concerning the budget procedure is constitutional and conforms to New Hampshire law.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard J. Lehmann".

Richard J. Lehmann

RJL:kjb

cc: Mike Biundo, NH Advantage Coalition



# CITY OF MANCHESTER

*Office of the City Clerk*



Carol A. Johnson  
City Clerk

Matthew Normand  
Deputy City Clerk

## MANCHESTER CITY CLERK CERTIFICATE OF PETITION

I, Matthew P. Normand, Deputy City Clerk of the City of Manchester, New Hampshire, hereby certify that:

A Charter Amendment Petition relating to a proposed amendment to Section 6.15 Limitation of Budget Increases of the Charter of the City of Manchester, New Hampshire was submitted to the Office of the City Clerk on July 30, 2008; and

The petition contained **3912** unverified signatures; and

Pursuant to RSA 49-B:5 II of the State of New Hampshire, in order to be sufficient, the petition must have been signed by **3874** qualified registered voters of the City of Manchester, the number of voters being equal to at least 20 percent of the 19,370 total votes cast in last regular municipal election on November 6, 2007; and

I examined or cause to be examined, each signature on the petition for sufficiency as outlined under RSA 49-B:3 of the State of New Hampshire, determining that the petition contained **2545** valid signatures of qualified voters in the City of Manchester, and therefore deemed that the original submission was **insufficient** on August 8, 2008; and

On August 8, 2008 received written notification from the Petitioners' Committee which identified their intent to amend the original submission and provide a supplemental petition; and

On August 16, 2008 received a valid supplemental petition pursuant to RSA 49-B:3 IV(a) which I examined or cause to be examined, each signature on the supplemental petition for sufficiency; and

Have determined that the supplemental petition contained 1491 additional valid signatures of qualified voters which provides for a grand total of **4036** valid signatures of qualified voters of the City of Manchester exceeding the 3874 valid signatures needed to qualify the petition; and therefore

One City Hall Plaza • Manchester, New Hampshire 03101 • (603) 624-6455 • FAX: (603) 624-6487  
E-mail: [CityClerk@ManchesterNH.gov](mailto:CityClerk@ManchesterNH.gov) • Website: [www.manchesternh.gov](http://www.manchesternh.gov)

**The petition is found to be sufficient** to require the Board of Mayor and Aldermen to, within ten (10) days of receipt if this certification, provide for a public hearing on the proposed amendment as required by RSA 49-B:5 IV (a) of the State of New Hampshire.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and affixed the official seal of  
the City of Manchester, this 18<sup>th</sup> day of August, 2008.



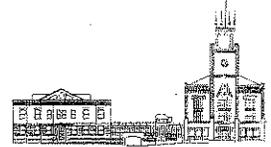
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Matthew Normand  
Deputy City Clerk  
Office of the City Clerk  
City of Manchester, New Hampshire



# CITY OF MANCHESTER

*Office of the City Clerk*



Carol A. Johnson  
City Clerk

Matthew Normand  
Deputy City Clerk

August 27, 2008

G. Philip Blatsos, Commissioner  
NH Department of Revenue Administration  
45 Chenell Drive  
Concord, NH 03301

Dear Commissioner Blatsos:

A petition related to a proposed Charter amendment as identified below was submitted to the Office of the City Clerk in the City of Manchester on July 30, 2008. A public hearing on the amendment will be held on September 2, 2008 at 5:00 p.m. at City Hall in Manchester.

Pursuant to RSA 49-B:5-a, I am requesting the Secretary of State, Attorney General, and Commissioner of the Department of Revenue Administration to review this proposed Charter amendment to insure that it is consistent with the general laws of the State of New Hampshire.

The questions for the proposed amendment reads as follows:

"Shall the municipality approve the charter amendment reprinted below?"

## **6.15 Limitation on Budget Increase.**

### A. Limitation on budget increase.

Recognizing that final tax rates for the City of Manchester are set by the New Hampshire Department of Revenue Administration pursuant to RSA 21-J:35-I, the board of Mayor and Aldermen of the City of Manchester and the Manchester School District shall develop their annual budget proposals and shall act upon such proposals in accordance with the mandates of this section. Override Provision. Budgetary restrictions described in any part of section 6.15 may be overridden upon a vote of two-thirds (2/3) of all aldermen elected. Such override expires following adoption of the annual budget. Subsequent budgets are supplemental appropriations require additional two-

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dollar value of demolition permits issued for the period of April 1- March 31preceding budget adoption.

- E. Total Expenditures. Total expenditures for any given budget year shall not exceed the amount of funds reasonably calculated to be derived by the tax rate established pursuant to Paragraph A.2. herein, increased by the other revenues generated by the City.

I have enclosed is a copy of the Certificate of Petition which serves as the report regarding this matter. A sample of the petition circulated by the Petitioners' Committee has also been enclosed.

Sincerely,



Matthew Normand  
Deputy City Clerk

Enclosure

pc: Barbara Robinson, Director  
Donald Borrer, Assistant Director



# CITY OF MANCHESTER

## Office of the City Clerk



Carol A. Johnson  
City Clerk

Matthew Normand  
Deputy City Clerk

August 27, 2008

William M. Gardner  
Secretary of State  
State of New Hampshire  
State House, Room 204  
Concord, NH 03301

Dear Secretary of State Gardner:

A petition related to a proposed Charter amendment as identified below was submitted to the Office of the City Clerk in the City of Manchester on July 30, 2008. A public hearing on the amendment will be held on September 2, 2008 at 5:00 p.m. at City Hall in Manchester.

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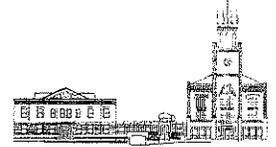
Matthew Normand  
Deputy City Clerk

Enclosure



# CITY OF MANCHESTER

## Office of the City Clerk



Carol A. Johnson  
City Clerk

Matthew Normand  
Deputy City Clerk

August 27, 2008

Kelly A. Ayotte, Attorney General  
Office of the Attorney General  
State of New Hampshire  
33 Capitol Street  
Concord, NH 03301

Dear Attorney General Ayotte:

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