



## ORDINANCE

### CHANGING THE DEFINITION OF THE COMBINED ANNUAL MUNICIPAL BUDGET TO ALLOWING A VOTE TO EXCLUDE APPROPRIATIONS THAT REQUIRED AN EXEMPTION VOTE FROM THE BUDGET LIMITATION UNDER CHARTER SECTIONS 56-c AND 56-d

### *CITY OF NASHUA*

*In the Year Two Thousand and Nine*

*The City of Nashua ordains* that Part I “Administrative Legislation”, Chapter 5 “Administration of Government”, Part 8 “Budgeting and Planning”, Article XXVIII “Municipal Budget Control”, Section 5-145 “Preparation of combined annual municipal budget and use of Northeast Consumer Price Index - Urban” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language as follows and relettering the remaining subsections in the appropriate alphabetical order:

**“§ 5-145. Preparation of combined annual municipal budget and use of Northeast Consumer Price Index - Urban.**

...

C. Upon a vote by ten aldermen, the combined annual municipal budget for purpose of Section 56-c of the City Charter shall also not include prior year appropriations that required an exemption vote from the prior year’s budget limitation under Charter Sections 56-c and 56-d.

€D. When calculating the limitation on budget increases....”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall take effect following its passage.

**LEGISLATIVE YEAR 2009**

**ORDINANCE:**

0-09-72

**PURPOSE:**

Changing the definition of the combined annual municipal budget by allowing a vote to exclude appropriations that required an exemption vote from the budget limitation under Charter Sections 56-c and 56-d

**ENDORSER(S):**

Alderman-at-Large Ben Clemons

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

The calculation of the combined annual municipal budget will not include any supplemental appropriation that required an exemption vote, in effect reducing the base from which the combined annual municipal budget is determined.

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**ANALYSIS**

This legislation has the effect of changing, by ordinance, the amount of increase permitted to the combined annual municipal budget under Charter Section 56-c. It allows ten aldermen to exclude from the combined annual municipal budget those prior year appropriations that required an exemption vote under Charter Section 56-d.

Although the charter does not define the term "combined annual municipal budget", Charter Section 56-c refers to "total expenditures" and Charter Section 56 describes the municipal budget as "an itemized estimate of the expenditures for the next fiscal year". It is the legal department's opinion that the proposed ordinance is not binding. The charter permits the mayor and board of aldermen to use the combined annual budget for the current fiscal year in calculating the permitted budget increase for the next fiscal year. The current year combined annual municipal budget necessarily includes all expenditures, including those expenditures that result from an exemption vote. Although any mayor and board of aldermen can decide to further limit the budget increase below that permitted by the Charter, no legislation can require a future board to do that.

The proposed ordinance is therefore at best an expression of intent of the current board of aldermen concerning the appropriate calculation of budget increases. Such an expression of desire, however, is better made in the form of a resolution. To the extent that this ordinance seeks to limit the authority of a future board, it is void and has no effect.

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**Approved as to form:**

**Office of Corporation Counsel**

**By:** Douglas Clarke

**Date:** August 5, 2009