



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

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## Ordinance 05-14

### AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Thirteen

Be it ordained by the City Council of the City of Franklin that the following changes shall be initiated to Chapter 61 of the City Code:

#### ARTICLE I

##### ~~Removal of Municipal Officials~~

##### Defense and Indemnification of Municipal Officials

**NOTE:** Article 61-1 through 61-4 are deleted and replaced with 61-5 through 61-8 and Article II is eliminated.

##### ~~§ 61-1~~

~~Purpose. Unless otherwise provided for by ordinance or statute, this article shall control the removal of a municipal official of the City of Franklin from his or her position.~~

##### ~~§ 61-2~~

~~Definitions. As used in this article, the following terms shall have the meanings indicated:~~

##### ~~MUNICIPAL OFFICIAL~~

~~An elected or appointed individual, but shall not refer to the full-time or part-time employees of the city and its departments, whose discipline and dismissal are covered by Chapter 347, Personnel. The term "municipal official" shall include, among others, the Mayor and members of the City Council, Zoning Board of Adjustment, Planning Board, Conservation Commission and Highway Safety Commission. The term shall also be construed to mean the members of all other boards and commissions which are political subdivisions of the city.~~

##### ~~§ 61-3~~

~~Motion for removal; hearing. Removal shall be for just cause and by majority vote of the City Council. Any member of the City Council may move the removal of a municipal official. Upon such motion being seconded, the Council shall take no other action except to schedule a hearing with regard to said motion. Said hearing shall be public or private, at the request of the individual involved. At the hearing the Council shall take testimony as may be appropriate from interested parties and from the municipal official whose removal has been requested. The hearing may be recessed as justice or convenience may require, and, upon its conclusion, the Council shall vote in regard to the motion for removal. Neither the Mayor nor any member of the Council shall vote on~~

~~the question of his or her own removal. The Mayor shall not have a veto over the question of the removal of any municipal official.~~

~~§ 61-4~~

~~Petition for removal. Upon the receipt of a verified petition for the removal of the municipal official signed by 100 residents of the city over the age of 18, the Council shall consider the question of holding removal proceedings as outlined above. The Council shall, at a minimum, hear the grievances of the petitioners, and, after the presentation of said grievances, if removal of the municipal official is moved and seconded, proceedings shall be scheduled as provided above.~~

**ARTICLE II**

**§ 61-1**

**Definitions.** For the purposes of this article, the following words shall have the meanings indicated:

**EMPLOYEE**

All employees of the city, whether employed on a full-time or part-time basis.

**OFFICER**

Any elected or appointed official of the City of Franklin.

**§ 61-2**

**Indemnification policy; exception.** Any officer or employee who is held liable for the payment of any claims or damages by way of judgment or settlement shall be entitled to full indemnification by the city where the acts resulting in such liability arose in the course of the individual's capacity as a municipal officer or employee. The sole exception to this policy of indemnification shall be in the event that said liability was incurred in the commission of a criminal act.

**§ 61-3**

**Defense to be provided.** In the event that any such claim, suit or action is brought against a municipal officer or employee, the administration of the city shall arrange for the appropriate defense of that action at no cost to the official or employee, such defense being coordinated with any carrier or provider of applicable municipal insurance.

**§ 61-4**

**Applicability; repeal of article; when effective.** This article shall apply to all claims brought or formalized prior to or during the effective period of this article, and such indemnification shall continue in full force and effect until the repeal of this article, if ever. The repeal of this article shall not affect the indemnification of any claims brought or formalized prior to the date of repeal. This article shall become effective immediately upon its passage.

**Roll Call Vote:**

**Councilor Clarenbach** \_\_\_\_\_

**Councilor Dzujna** \_\_\_\_\_

**Councilor Giunta** \_\_\_\_\_

**Councilor Cournoyer** \_\_\_\_\_

**Councilor Boyd** \_\_\_\_\_

**Councilor Feener** \_\_\_\_\_

**Councilor Desrochers** \_\_\_\_\_

**Councilor Barton** \_\_\_\_\_

**Councilor Starkweather** \_\_\_\_\_

A True Copy Attested \_\_\_\_\_  
City Clerk

Passed: \_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
Mayor