

Guidance Memorandum

Authority and Obligation of the Town Manager to Address the Town Council Regarding Charter Violations

To: Chairman, Londonderry Town Council

From: Shaun Mulholland, Town Manager

Date: May 17, 2026

Subject: Town Manager Responsibilities and Rights Concerning Notification of Charter Violations

Purpose

This memorandum provides guidance regarding the authority, responsibility, and obligation of the Town Manager to address the Town Council during public meetings when matters involving potential violations of the Town Charter, State law, or improper interference with administration arise. The purpose of this guidance is to preserve compliance with the Londonderry Town Charter, maintain proper separation between governance and administration, and ensure the Council remains fully informed concerning matters affecting lawful municipal operations.

Relevant Charter Provisions

Section 4.6(A) of the Londonderry Town Charter establishes that the Town Manager is the chief administrative officer of the Town and is responsible for the administrative and financial affairs of the Town. The Charter further requires that the Manager “shall see to the enforcement of the ordinances of the Town, this Charter and general State Laws governing administration of the Town.” This provision imposes an affirmative duty upon the Manager to identify and address actions inconsistent with the Charter or State law.

Section 4.6(G) requires that the Manager “shall keep the Council informed of the needs of the Town and make such reports and recommendations as the Manager may deem advisable.” This language grants both authority and discretion to the Manager to communicate concerns, including concerns involving governance practices, Charter compliance, operational risk, or administrative interference.

Section 4.6(K) provides that the Manager “shall attend all meetings of the Council unless excused by the Council” and further provides that “the Manager shall have the right to take part in the discussion of all matters before the Council, but not the right to vote.” This provision expressly authorizes the Manager to speak during Council deliberations when issues affecting Town administration, Charter compliance, or municipal operations are under discussion.

Section 4.8 of the Charter establishes the principle of non-interference with Town administration. It states that the Council shall act as a body and that neither the Council nor individual Councilors shall direct administrative personnel matters or interfere with the duties of administrative officers or employees. The Charter further provides that violations of this section may constitute grounds for forfeiture of office under Section 3.3.

Relationship Between the Manager's Duties and Council Meetings

Taken together, Sections 4.6(A), 4.6(G), and 4.6(K) create not only a right, but an operational obligation, for the Town Manager to advise the Council when actions, directives, or conduct may violate the Charter, State law, or accepted municipal governance standards.

The Manager's role is not limited to passive administration. The Charter specifically requires the Manager to:

- Enforce the Charter and applicable State laws;
- Keep the Council informed regarding municipal needs and operational concerns; and
- Participate in Council discussions concerning Town affairs.

Accordingly, when the Manager becomes aware of conduct that may violate Section 4.8 or other Charter provisions, the Manager has a professional and legal responsibility to advise the Council accordingly. Remaining silent in the face of known or apparent violations could undermine the Manager's Charter obligations and expose the Town to governance, legal, operational, or liability risks.

Applicability of RSA 37:6, V

New Hampshire RSA 37:6, V requires that a Town Manager "keep the selectmen fully advised as to the needs of the town, within the scope of his duties." Although Londonderry operates under a Charter form of government with a Town Council, the statutory principle remains directly applicable to the Manager's obligation to keep the governing body informed regarding matters affecting lawful administration and municipal operations.

This statutory duty reinforces the Charter's requirement that the Manager communicate concerns and recommendations to the governing body. Municipal governance issues, including potential Charter violations or interference with administration, fall squarely within the scope of the Manager's duties because such matters directly affect the lawful administration of Town government.

Practical Governance Implications

The Town Council establishes policy. The Town Manager administers policy and municipal operations. The Charter intentionally separates legislative authority from administrative authority to protect professional administration, maintain accountability, and prevent improper political interference in operational matters.

When potential violations occur, the Manager's participation in Council discussion serves several important purposes:

- Preserving institutional compliance with the Charter and State law;
- Protecting employees from improper direction or interference;
- Ensuring all Councilors receive consistent and accurate administrative information;
- Reducing legal and organizational risk to the Town; and
- Maintaining transparency and accountability in municipal governance.

The Manager's comments in these circumstances should be understood as part of the Manager's required administrative and legal duties under the Charter, not as participation in political debate.

Conclusion

The Londonderry Town Charter expressly grants the Town Manager the right to participate in Council discussions and imposes an affirmative duty to enforce the Charter, uphold State law, and keep the Council informed regarding matters affecting Town administration. Sections 4.6(A), 4.6(G), and 4.6(K), when read together with Section 4.8 and RSA 37:6, V, establish that the Manager not only may speak before the Council regarding potential Charter violations, but in appropriate circumstances has a professional obligation to do so.

This framework is fundamental to preserving the integrity of the Council-Manager form of government established by the Charter and adopted by the voters of the Town of Londonderry.

References

- Londonderry Town Charter, Sections 4.6(A), 4.6(G), 4.6(K), and 4.8.
- New Hampshire RSA 37:6, V.
- Londonderry Town Charter, Section 3.14 (Council inquiries and investigations).