

Portsmouth Council isn't following the rules on budgets

The Portsmouth Home Rule Charter, as approved by the electors and the General Assembly, grants to the Town Council the power to govern and defines the manner in which it shall govern. Although repeatedly reminded by citizenry of the limits of its authority, the Portsmouth Town Council majority refuses to abide by inconvenient budgetary provisions of the charter:

The charter reads, in summary: The Town Council shall, in accordance with relevant provisions of the charter, exercise the power to transfer appropriations within the town budget not to exceed the total appropriated. The council majority rejects any application of this provision, in Councilman Leonard Katzman's words, as "ludicrous, ludicrous, ludicrous" and therefore irrelevant to the budget process.

Clearly, Section 208. 5 of the charter, allows for a final budget to be adopted in June of each year by the town council. Likewise, it plainly stipulates in Section 207(i) that the council has authority to shift funds and expenditures within the budget during the year, providing the total budget appropriation is not exceeded.

Portsmouth Ordinance # 2007-06-25 defines the budget for 2007-2008 and states, in summary: Be it ordained that the budget, "a gross appropriation of \$52,525,178," together with any credits not specifically identified in the budget, be directed for use by the department concerned, with exception of the School Department.

The approved appropriation is \$52,525,178, and yet the council majority insists this number may be changed. It is difficult to understand why the council would treat the charter with such indifference. Final budget means final budget whether it be approved by the council or the electors at a town meeting. The number 7 is the number 7—no interpretation is required. The rules are the rules. And, as the governed must obey the rules, so must the governors.

Inexplicably, the council majority, the Town Solicitor Kevin Gavin and the Town Administrator Robert Driscoll continue to assert that the charter does not mean what it says, that state law overrules, the auditors say it is OK or that language elsewhere in the charter supersedes the provisions cited above. They continue to cite an irrelevant legal opinion of the town solicitor to support their position.

All Portsmouth electors are advised to read the partial but verbatim transcript of the Portsmouth Town Council meeting of Jan. 28. It is posted on the Portsmouth

Concerned Citizens Web site and is testimony to the council's total disregard for black-and-white provisions of the home rule charter and the absolute folly of the council majority's legal position.

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