

January 12, 2016

Dr. Earl Metzler
SAU #55
30 Greenough Road
Plaistow, NH 03865-2762

RE: Hampstead Town Budget Committee

Dear Dr. Metzler::

This firm has been asked to provide a legal opinion regarding the status of the "Hampstead Budget Committee" and its relationship with the Hampstead School District. By way of background, in 1926, the Town of Hampstead created a "town" budget committee. The language of the 1926 warrant, Article 13, provides in part:

To see if the Town will choose a Budget Committee of six . . . whose duty shall be cooperating with the selectman, to prepare as prescribed by law, the annual Town Budget, and acting in an advisory capacity, to make recommendations on the articles of the Town warrant.

This budget committee was formed at a meeting of the Town of Hampstead, not the Hampstead School District, which is significant because the two are completely separate municipal corporations. The language of the warrant article itself refers to working with the "selectman" of the Town on the preparation of the "Town Budget" to be placed on the "Town Warrant." In my opinion, this warrant article did not have the legal effect of creating a budget committee in the Hampstead School District as required by RSA 32:14, IV. Based on the records I have been provided, the Hampstead School District has never adopted a budget committee per RSA 32:14, IV.

However, I understand that this "Town" budget committee has operated more or less for the last 90 years as the budget committee for the Hampstead School District, presumably, based on a misunderstanding of its own history. The School District event went so far as to adopt the provisions of RSA 32:5, V-a in 2009 to require the School Board to place the recorded votes and numerical tallies of both the Hampstead School Board and the non-existent "Hampstead Budget Committee."

Despite this long-standing practice and the custom in the School District, absent a vote of the legislative body of the School District pursuant to RSA 32:14, IV to adopt an official budget committee, the "Town" budget committee has no standing or responsibilities with respect to the Hampstead School District. Rather, it is a foreign budget committee from a separate municipal corporation, the Town of Hampstead, which has no authority, advisory or otherwise, over the Hampstead School District. The 2009 vote to require the recommendations and tallies of this