

be printed in the town, school district, or village district warrant next to the affected warrant article.

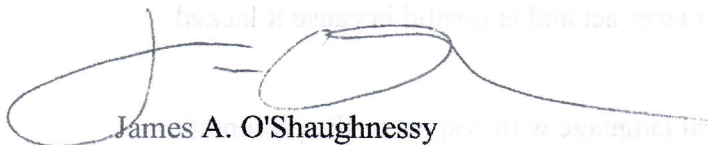
The language in the second part of the above-quote statute is controlling here. It states that in a school district without a budget committee, the votes of the *governing body* shall be printed on the school district warrant next to the affected warrant article. As the Hampstead School District has never adopted or established a budget committee of any kind, it is limited by the clear language in the statute to providing only the recommendations of the governing body, the school board. The statute does not permit a school district *with no budget committee* to place the tallies or recommendations of a foreign budget committee from a separate municipality on its warrant. To do so would be an invalid *ultra vires* act of the Hampstead School District. Accordingly, the 2009 vote had no legal effect because there was no budget committee in the School District when the vote was taken.

It is worth pointing out that the Town of Hampstead Budget Committee was never granted any power or duties with respect to the Hampstead School District. The plain language of the 1926 warrant article which established the Town of Hampstead's Budget Committee affords the Town advisory budget committee with limited authority to work with the "selectman" of the Town on the preparation of the "Town Budget" to be placed on the "Town Warrant." It is totally silent with respect to the Hampstead School District. Ostensibly, the Town has, with good intentions, assumed the authority to act in an advisory capacity with respect to the School District budget. It is clear however, that the Town of Hampstead legislative body never grant such authority to the Town Budget Committee in 1926.

Finally, it appears as though the Town Budget Committee contains no members from the Hampstead School District. To the extent the Town Budget Committee is claiming statutory authority over the Hampstead School District budget, the lack of representation from the School District on the Town's budget committee is not only troublesome, but it brings the Town's Budget Committee out of compliance with RSA 32:15.

Please let me know if you have any questions with regard to the above.

Sincerely,



James A. O'Shaughnessy

JAO/df