

Revised Charter of the Concord Union School District

(Approved by Legislative Act June 6, 1983)

123:1 Revision of Charter. Amend 1961, 355 as amended by 1967, 560; 1971, 262; and 1977, 47 by striking out said chapter and inserting in place thereof the following:

355:1 District Established. The Concord school district, established by law as the union school district of Concord, is hereby continued, with all the rights, immunities, powers and privileges, and subject to all the duties and liabilities as are established by general law for the government of school districts and municipal corporations. All existing property of the district shall remain vested in it. The boundaries of the district shall be as established by law.

355:2 Elections. The election officers in each ward whose duty it is to conduct regular state general elections shall conduct an election, as hereinafter provided, on the Tuesday after the first Monday in November, annually to elect 3 members of the board of education of the Concord school district to serve terms of 3 years each. For the purposes of this election, the voters shall cast their ballots in their respective wards for the election of members of the board of education. Candidates for election to the board of education shall be listed on ballot page or pages, separate from the pages used in any other elections which may be held concurrently with the board election, as provided in section 4 of this chapter.

355:3 Qualification of Voters. Persons residing in the district who would be qualified to vote in a state general election if held on the day of such district election shall be the qualified voters therein. The polls shall be open at each district election for not less than 6 hours, and shall be posted at the several voting places not less than 14 days prior to the day of election.

355:3-a Absentee Voting. Any qualified voter of the district who is absent from the district on the day of any district election, or who, by reason of physical disability, is unable to vote in person at such election, may vote at such election by absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the district, provided that the district clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

355:4 Preparation of Ballots. The clerk of the district or some other competent person designated by the board of education shall prepare all ballots to be used at the district elections. The ballot shall contain the names, in alphabetical order without party designation, of all persons who file with the district clerk as candidates for the office of member of the board of education. The filing fee and filing period shall be the same as

those for the city council. Each candidate shall pay the established fee to the clerk for the use of the district, except one on whose behalf a petition shall have been filed by at least 50 qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate himself, not later than the deadline for endorsement provided for city council elections. Below the names of the candidates on the ballot there shall be provided 3 blank spaces for the election of members of the board of education, which may be used by the voters. The district clerk shall have the same powers and duties with reference to district elections as has the secretary of state with reference to state general elections, so far as such powers and duties are not inconsistent herewith.

355:5 Contested Elections. Within 7 days after a district election, the Board of education shall canvass the votes cast, and the candidates receiving the highest number of votes shall be declared elected to fill the vacancies occurring on the board. Within 7 days after the ballots become available, the board of education, upon request of any candidate, shall recount the ballots cast in the election and hear and determine any contest. The board's decision in such contested elections shall be final. Tie votes for any School Board office shall be resolved by lot in a manner to be determined by the board. In the event of a vacancy occurring on the board of education by death, resignation or other reason, said vacancy shall be filled for the remaining period of the unexpired term at the district election next following the occurrence of the vacancy, in the same manner as provided herein; provided, however, that the election to fill such a vacancy shall be a separate election conducted on the same ballot as regular elections, but on a separate portion of the ballot. In the event of such a vacancy, the board of education may by majority vote appoint some qualified voter in the district to serve as interim member of the board until the vacancy can be filled by an election as above provided.

355:6 Governing Body. All the powers of the district shall be vested in board of education of 9 members. Members of the board shall take office at the first regular meeting in January following their election. The board shall, at its first regular meeting in January, choose one of its members as president for a term of one year. The chief administrative officer shall preside over the election of the president. The board shall then elect a vice-president and secretary. The board shall also choose a person who is not a member of the board to serve as clerk of the district, and shall choose some other person, who also is -not a member of the board, as treasurer of the district. The district treasurer may be a regular employee of the district, but the clerk may not be an employee of the district.

355:7 Qualifications. No person shall be a candidate for election as member of the board of education who is not a duly qualified voter in the district. Whenever a board member ceases to be a resident of the district, the board shall declare his seat vacant and shall fill the vacancy as herein provided.

355:8 Compensation. Members of the board of education shall receive compensation equivalent to the amount received by city councilors for their services.

355:9 All Meetings Public. All meetings of the board of education shall be public. Regular meetings shall be held on the first Monday of each month, provided that if any such

Monday is a legal holiday said meeting shall be held on the first Tuesday of that month. Special meetings shall be held on call of the president or on written request of at least 5 members of the board. The board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Nothing herein shall prevent the board from holding executive sessions which comply with the provisions of RSA 91-A

355:10 Action by Resolution. District legislation shall be by resolution, adopted by a majority vote of those present, which shall be recorded by some officer or employee of the district designated by the board, and which shall be available to public inspection at the offices of the district during reasonable business hours. In the adoption of resolutions, the president of the board shall have a voice and vote in the determination.

355:11 General Powers. Except as herein otherwise provided, the board of education shall have and exercise all the powers and discharge all the duties conferred on or imposed upon school boards, school district and school committees by general laws now in force or hereafter enacted.

355:12 Finances. The fiscal and budget year of the district shall begin on July 1 unless otherwise determined by resolution of the board. The district treasurer, or some other person designated by the board, shall maintain accounting control over the finances of the district, make financial reports, and audit and approve all claims against the district before paying the same.

355:13 Budget Procedure. The board of education shall prepare in a timely fashion an annual estimate of the district's expenditures for the ensuing fiscal year, itemized in such detail as may be required by the state board of education. A public hearing on this budget shall be held by the board of education at some convenient place in the district prior to the making of the budget appropriation. Public announcement of the time and place shall be duly advertised not less than 10 days prior to such hearing. The budget appropriation shall be made by the board days prior to the beginning of the fiscal year for which it shall apply. No additional appropriation shall be made for any purpose not included in the annual budget as adopted, unless approved by 7 members of the board after a public hearing held to discuss such additional appropriation.

355:14 Use of Funds. After the annual budget has been adopted by the board of education, it shall be a charge upon the residents and ratable estates of the district in the same manner as a budget adopted by the city of Concord. A tax warrant signed by the president of the board, with the authorization of a majority of said board, shall be served in a timely fashion upon the board of assessors and tax collector of the city of Concord, for the collection of the taxes within the district necessary for the support of the district. The president of the board, or some officer designated by the board, shall from time to time as the occasion requires draw upon the treasurer of the city of Concord for funds necessary for the support of the district. After the annual budget has been adopted, no money shall be drawn from the district treasury, nor any obligation for the expenditure of money or property of the district be incurred, except pursuant to a budget appropriation action unless there shall be a specific additional appropriation therefore. The board shall designate a depository or depositories for district funds.

355:15 Independent Audit. An independent audit shall be made of all account of the district at least annually, and more frequently if deemed necessary by the board. Such audit shall be made by a certified public accountant, except that an audit made by employees of the state board of education or the department of revenue administration may be deemed sufficient to meet the requirements of this section. Any district officer or employee may be required by the board to give a bond for the faithful performance of his duties, and all officers or employees of the district receiving or disbursing district funds shall be so bonded. All official bonds shall be corporate surety bonds and the premiums shall be paid by the district. The bonds shall be filed with the chief administrative officer of the district designated by the board.

355:16 Borrowing. Subject to the applicable provisions of general law, the board of education by resolution approved by at least 2/3 of its members may authorize the borrowing of money for any purpose within the scope of the powers vested in the district and may issue bonds of the district or other evidences of indebtedness therefore, and may pledge the full faith, credit and resources of the district for the payment of the obligations created thereby. Borrowing for a term exceeding one year shall be authorized by the board only after a duly advertised public hearing. The board shall have the authority, when issuing bonds or other obligations of the district, to negotiate with the city of Concord for the use of its facilities and credit.

355:17 Oath of Office. Every person elected or appointed to any district office, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by law, which shall be filed and kept in the office of the district. Written notice of election or appointment of any district officer shall be mailed to him at his address by the district clerk or some other person designated by the board, within 48 hours after the appointment is made or the vote is canvassed.

355:18 Conflicts of Interest. No elective or appointive officer of the district shall take part in a decision concerning the business of the district in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer. No officer or employee shall devote any district property or labor to private use, except as may be provided by law or resolution of the board.

355:19 Claims. No action at law or bill in equity for money or damages claimed due shall be sustained against the district unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the principal office of the district not less than 60 days prior to the commencement of said action at law or bill in equity.

355:20 Miscellaneous Provisions. All records of the district shall be public in accordance with RSA 91-A. Any person who violates any resolution of the board for which no other punishment is provided shall be fined in an amount not exceeding \$500 or imprisoned for a period not exceeding 60 days, or both. All general law relative to the government of the school district and the powers of school boards, with the exception of such provisions as may be inconsistent with this act, is hereby continued in force.