



## RESOLUTION

ESTABLISHING AN AD HOC COMMITTEE TO EXPLORE AND INVESTIGATE THE SCHOOL DISTRICT'S BUDGET DEFICIT AND BUDGET PROCESS AND AUTHORIZING THE TRANSFER OF \$40,000 FOR AN INDEPENDENT FORENSIC AUDIT

### *CITY OF NASHUA*

*In the Year Two Thousand and Ten*

**RESOLVED** by the Board of Aldermen of the City of Nashua that,

**WHEREAS**, Nashua City Charter § 47-a provides that the board of aldermen may appoint “committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality” and delegate “to such committees such powers of inquiry as the board of aldermen may deem necessary”; and

**WHEREAS**, the recent school district budget deficit created a difficult situation for both the school district and the city and continues to have serious ramifications for current and future city budgets;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Aldermen of the City of Nashua on behalf of the children and citizens of Nashua, that the board of aldermen appoint an ad hoc committee to explore and investigate the school district budget deficit and budget process.

The committee shall consist of aldermen appointed by the President of the Board of Aldermen and confirmed by the Board of Aldermen.

The committee shall obtain an independent forensic audit of the school budget. In order to obtain such an audit, the sum of \$40,000 shall be transferred from account #591-86005 “Contingency - General” into account #503-52010 “Board of Aldermen – Auditing Services”.

As this is a resolution which supplements the budget, the following information is provided pursuant to NRO § 5-145, E: The accumulated sum of all appropriations of the FY2010 combined annual municipal budget is \$234,490,412. The FY2010 dollar amount under the limit established by City Charter Section 56-c is \$435,760.

## LEGISLATIVE YEAR 2010

**RESOLUTION:**

R-10-05

**PURPOSE:**

Establishing an ad hoc committee to explore and investigate the school district's budget deficit and budget process and authorizing the transfer of \$40,000 for an independent forensic audit.

**ENDORSERS):**

Alderman-at-Large Barbara Pressly  
Alderman-at-Large David W. Deane

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

Establishes a new line item in the Board of Aldermen budget and reduces the amount available in the General Contingency account. With this appropriation, the combined annual budget remains within the limitation on budget increases under Charter Sec. 56-c.

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### ANALYSIS

This legislation would establish a board of aldermen ad hoc committee to explore and investigate the school district's budget deficit and budget process. One issue with the proposed subject matter of this investigation is that state law gives the board of education general control over the governance of the school district. For example, in Kim Shaw, President of the Nashua Board of Education v. Bernard Streeter, No. 06-E-24 (S.D.H.C., April 3, 2006), the Superior Court ruled that state law preempted, and thus prohibited, the charter section that gave the mayor and board of aldermen approval of the salaries of school administrators.

This legislation also authorizes a transfer of \$40,000 from account #591-86005 "Contingency - General" into a new line item for the purpose of obtaining an independent forensic audit. Charter Sec. 53 permits specific non-budget, supplementary appropriations. No public hearing is required under Charter 56-a. A two-thirds vote is required under Charter Sec. 56-b for an item or amount not in the mayor's budget. A roll call is required under Sec. 49. The supplementary appropriation is part of the combined annual budget for spending cap purposes.

NRO § 5-130, H provides that "when proposed legislation to transfer or reappropriate a particular appropriation or portion thereof has had its first reading, such funds shall not be expended or transferred while the legislation is pending".

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**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 25 January 2010



## RESOLUTION

### ESTABLISHING AN AD HOC COMMITTEE TO EXPLORE AND INVESTIGATE THE SCHOOL DISTRICT'S BUDGET DEFICIT AND BUDGET PROCESS

### *CITY OF NASHUA*

*In the Year Two Thousand and Ten*

**RESOLVED** by the Board of Aldermen of the City of Nashua that,

**WHEREAS**, Nashua City Charter § 47-a provides that the board of aldermen may appoint “committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality” and delegate “to such committees such powers of inquiry as the board of aldermen may deem necessary”; and

**WHEREAS**, the recent school district budget deficit created a difficult situation for both the school district and the city and continues to have serious ramifications for current and future city budgets;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Aldermen of the City of Nashua on behalf of the children and citizens of Nashua, that the board of aldermen appoint an ad hoc committee to explore and investigate the school district budget deficit and budget process.

The committee shall consist of five (5) aldermen appointed by the President of the Board of Aldermen and confirmed by the Board of Aldermen.



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**WHEREAS**, the recent school district budget deficit created a difficult situation for both the school district and the city and continues to have serious ramifications for current and future city budgets;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Aldermen of the City of Nashua on behalf of the children and citizens of Nashua, that the board of aldermen appoint an ad hoc committee to explore and investigate the school district budget deficit and budget process.

The committee shall consist of six (6) aldermen appointed by the President of the Board of Aldermen and confirmed by the Board of Aldermen.

**RESOLUTION R-10-05**

**Establishing an ad hoc committee  
to explore and investigate the  
school district's budget deficit and  
budget process**

**Endorsed by**

*Barbara B. Pressly* PRESSLY  
*John Deane* DEANE  
*Richard Flynn* FLYNN  
*John Craffey, Jr* CRAFFEY, JR

**IN THE BOARD OF ALDERMEN**

1<sup>ST</sup> READING JANUARY 26, 2010

Referred to:

- PERSONNEL & ADMINISTRATIVE
- AFFAIRS COMMITTEE AND
- BUDGET REVIEW COMMITTEE

2<sup>nd</sup> Reading FEBRUARY 23, 2010

3<sup>rd</sup> Reading \_\_\_\_\_

4<sup>th</sup> Reading \_\_\_\_\_

Other Action \_\_\_\_\_

Passed FEBRUARY 23, 2010

Indefinitely Postponed \_\_\_\_\_

Defeated \_\_\_\_\_

Attest: *Cathy Berger* City Clerk

*Brian Wilson* President

**TOOK EFFECT SEVEN DAYS AFTER**

Approved PASSAGE WITHOUT MAYOR'S SIGNATURE  
Mayor's Signature

**MARCH 3, 2010**

Date

Vetoed: \_\_\_\_\_

Veto Sustained: \_\_\_\_\_

Veto Overridden: \_\_\_\_\_

Attest: \_\_\_\_\_ City Clerk

\_\_\_\_\_  
President