



RESOLUTION

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO FILLING VACANCIES IN THE BOARD OF EDUCATION

CITY OF NASHUA

In the Year Two Thousand and Eleven

RESOLVED by the Board of Aldermen of the City of Nashua that pursuant to RSA 49-B:5, the following amendment to the Nashua City Charter is deemed necessary and shall be submitted to the voters by placing it on the ballot at the next regular city election in the manner required by NH RSA 49-B with the following summary:

Shall the municipality approve the charter amendment summarized below?

This amendment would provide that a vacancy in the Board of Education with at least six months and one day remaining in the unexpired term would not always have to be filled through a special election, but if the timing is appropriate, could be filled by the candidate who receives the most votes at the regular municipal election for the next term of office which is then vacant and who is not an incumbent.

Amend the City Charter by adding the new underlined language as follows:

§ 75. Board of education: How chosen

Any person, qualified to vote in the affairs of the City of Nashua, may vote at all elections for the choice of a board of education of said city, and be a candidate for and be chosen to such membership upon receiving the necessary votes required for election upon the board, provided that no person shall serve as a member of the board of education who is not a duly qualified voter of the city. Any duly qualified voter may also sign an initiative petition such as provided for in this charter in case of any measure pertaining to the affairs under the board's administration, which it, after this charter takes effect, may lawfully pass, and vote upon its submission to a vote of the qualified voters of the city for adoption or rejection at a general or special municipal election when the measure is by this charter to be voted upon.

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The board of education shall continue to be composed of twelve members, four of whom shall be elected at large at each general municipal election to hold office from the following January first; provided, however, that effective with the terms of those members which commence January 1, 1972, the term of office of members shall be four years and, provided further, that effective with the election in November 1975, five candidates shall be elected to the board and the membership of the board shall be reduced to nine effective January 1, 1976. Subsequently, four or five candidates shall be elected to the board at each general municipal election in order to maintain a board of nine members. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the board of aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the board of education shall be handled in the same manner as nominations for the board of education at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. Provided, however, that if the board of aldermen determines that the vacancy shall be filled on the date of the next regularly scheduled municipal election, the vacancy shall not be filled by a special election. Instead, the candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final.

This amendment shall be effective upon passage by the voters.

RESOLUTION R-11-133
Proposing an amendment to the
City Charter relative to filling
vacancies in the board of
education

Endorsed by

MELIZZI-GOL

Dean Spela

IN THE BOARD OF ALDERMEN

1ST READING JULY 12, 2011

Referred to: _____

2nd Reading _____

3rd Reading _____

4th Reading _____

Other Action _____

Passed _____

Indefinitely Postponed JULY 12, 2011

Defeated _____

Attest: _____
City Clerk

President

Approved _____
Mayor's Signature

Date

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____
City Clerk

President