

Brookline School Board  
**Wednesday**, January 23, 2019  
Captain Samuel Douglass Academy  
6:00 PM

All Times are estimates and subject to change without notice

\*Note change of regularly scheduled night because of the required public hearing

- 6:00 Call to Order
- 6:05 Agenda adjustments  
Correspondence/Resignations/Nominations
- 6:10 Public Input
- 6:15 Citizens petition warrant article  
Public Hearing date – Wednesday, February 20<sup>th</sup>, 2019
- 6:30 Approval of Minutes – January, 2019
- 6:35 Non-public under RSA 91-A: 3II (a) Compensation and/or (c) reputation – Superintendent’s  
Evaluation discussion
- 8:30 Motion to adjourn

Date: January 23, 2019

To: Brookline School Board

From: Andy Corey, Superintendent

Re: Information/Clarification from Attorney O'Shaughnessy on citizen's tax cap petition

The Board will need to hold a second public hearing on the tax cap petition article because the law requires we post a notice of the hearing in at least 2 public places and in a newspaper at least 7 days prior to the date of the hearing. Additionally, the hearing must be held at least 15 days but no more than 30 days before the vote on the question. The statute is copied below: **RSA 32:5-c** Adoption of Local Tax Cap. –

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than \_\_\_\_\_ (insert either a fixed dollar amount or a fixed percentage)?"

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local political subdivision beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

**Can a citizen's petition be changed? How is it dealt with in subsequent years?**

Yes, by law the legislative body can amend the wording of the question with respect to the percentage. It can be changed to either a fixed dollar amount or a fixed percentage. The deliberative session determines the ultimate number by a simple majority vote.

Additionally, even if adopted, the legislative body at any subsequent meeting can vote by a simple majority to override the tax cap and increase or decrease the budget, subject to the 10% limitation if you have a budget committee. In other words, the tax cap does not limit the voter's authority to increase or decrease the amount in the budget at the deliberative session.

The deliberative session will occur prior to the public hearing on the citizen's petition article. Legal counsel has been consulted on this and stated that this is in accordance with the law.