

PRESS RELEASE

Released By: Attorney General Kelly A. Ayotte

Subject: Guidelines for implementing the American Recovery and Reinvestment Act passed by Congress in 2009

Date: April 24, 2009

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Guidelines for Implementing the American Recovery and Reinvestment Act

On April 17, 2009, Governor Lynch signed SB 39 into law, which permits New Hampshire towns, village districts and school districts to conduct special meetings to vote on the appropriation of funds received under the American Recovery and Reinvestment Act passed by Congress in 2009. As a result, New Hampshire towns, village districts and school districts that receive funds from the American Recovery and Reinvestment Act, may call a special meeting to authorize the appropriation of such funds within the town, village district or school district by following the procedure set forth below and without seeking approval from a superior court and without requiring attendance at such special meeting of at least 1/2 of the number of legal voters in the town, village district, and school district. (Note: If a town has adopted the provisions of RSA 31:95-b, and the ARRA grant does not require the town to provide matching funds, a special town meeting may not be required in order to accept the funds. Towns should consult with their legal counsel about the need for a town meeting.)

Process to Call a Special Meeting to Appropriate allocated funds from the American Recovery and Reinvestment Act:

1. Notice:
 - a. General Content of Notice

The notice shall include the warrant article for the proposed appropriation of funds from the American Recovery and Reinvestment Act. The notice shall include the location and time of the special meeting.

- b. Where to Post Notice

The notice shall be posted in 2 public places within the municipality of the town, village district or school district, 1 of which shall be the town, village district or school district website, if a website exists, and the other in a reasonable place where it may be observed by the citizens of the town, village district or school district.

Additional notice shall be published in a newspaper of general circulation available within the town, village district or school district. If no such newspaper exists, or if it is not possible to publish the notice at least 7 days before the special meeting, then the notice shall be posted in an additional place within the town, village district or school district.

c. Time to Post Notice

All notices shall be posted at least 7 days in advance of the special meeting.

2. New Hampshire towns, village districts and school districts organized under 40:13 (SB2).

a. In New Hampshire towns, village districts and school districts organized under 40:13 (SB2), the governing body may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13.

b. If the town, village district or school district elects to follow the provisions of RSA 40:13, it shall provide at least a 15 day period between the deliberative session and the vote for the purposes of proceedings under this section. Absentee ballots should be made available as soon as possible following the deliberative session.

3. Bond or Note Appropriation

The procedure for appropriating from bonds or notes requires the two thirds (2/3) or three fifths (3/5) super majority ballot vote as required under the provisions of governance for the particular municipality. See RSA 33:8; 40:13. For a 40:13 town, village district or school district that has adopted the provisions of RSA 39 and RSA 40 in accordance with this section, shall require the two thirds (2/3) super majority ballot vote as required under the provisions of that form of governance. See RSA 33:8. Otherwise, a 40:13 town, village district or school district shall require a three fifths (3/5) super majority ballot for appropriating from bonds or notes.

4. Special Meeting

The governing body of the town, village district or school district shall hold a public hearing on the proposed warrant articles contained set forth in the notice at the meeting.

5. Budget Committee is Not Applicable to application of SB39

The requirements of RSA 32:16-18, relative to the duties of budget committees, do not apply to articles presented at a special meeting conducted pursuant to this American Recovery and Reinvestment Act special meeting law.

For further information contact the Attorney General's Office Election Line at:

Toll Free
1-866-868-3703

Or send e-mail to:

electionlaw@doj.nh.gov

and see the Department of Revenue Administration's Technical Information Release at:

http://www.revenue.nh.gov/laws/documents/2009_004.pdf