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Governor Wentworth Regional School District

Brookfield, Effingham, New Durham, Ossipee, Tuftonboro, Wolfeboro

Post Office Box 190, Wolfeboro Falls, New Hampshire 03896-0190

Helping Each Child Create the Future

February 4, 2021

Select Board's Office
Town of Effingham
68 School Street
Effingham, New Hampshire 03882

Dear Effingham Select Board,

We are following up with you regarding the topic of changing voting and Town Meeting dates from March to May this year.

First, Governor Wentworth Regional School Board supports whatever decision you make regarding the Town Meeting date. We see no impact to the School District from any delay.

Regarding the voting date, we have had concerns about how it might negatively affect the School District's ability to conduct business vis-à-vis delays in approval of the budget, meeting the April 15th deadline to effect agreements with teachers and staff, and the election of the three School Board positions.

1. After consulting with counsel, we were informed that while waiting for voter approval we could proceed with administering our budget within certain parameters that should not unduly hamper normal operations. Warrant articles, which require separate approval, would not be able to go forward until all election results are tallied.
2. We were happy to learn that we would be allowed to adhere to our normal April 15th deadline for employment contracts. Because the District has already had challenges filling positions because of the pandemic, any delay in this area would potentially have led to lost candidate opportunities, which could result in negative impacts on our students.
3. The delay in voting for School Board positions will result in having to extend the terms of the current members until votes can be counted for all candidates, even those not representing Effingham. One current member is not running for office again because of family commitments and will possibly not agree to an extension of term. The unfortunate result will be lost representation for their community.

In addition to the reasons already stated, it seems the citizens of Effingham may feel disenfranchised if all the other towns have their ballots counted and recorded in March without the benefit of their involvement in the electoral process.

Based on the above, the Governor Wentworth Regional School District requests that Effingham maintain the traditional March voting date, irrespective of any decision regarding the Town Meeting date.

For your reference, attached are copies of communications from the District's attorney, Barbara F. Loughman, which includes:

1. Letter of February 1, 2021
2. Email communication of February 2, 2021

Thank you for your attention.

Sincerely,

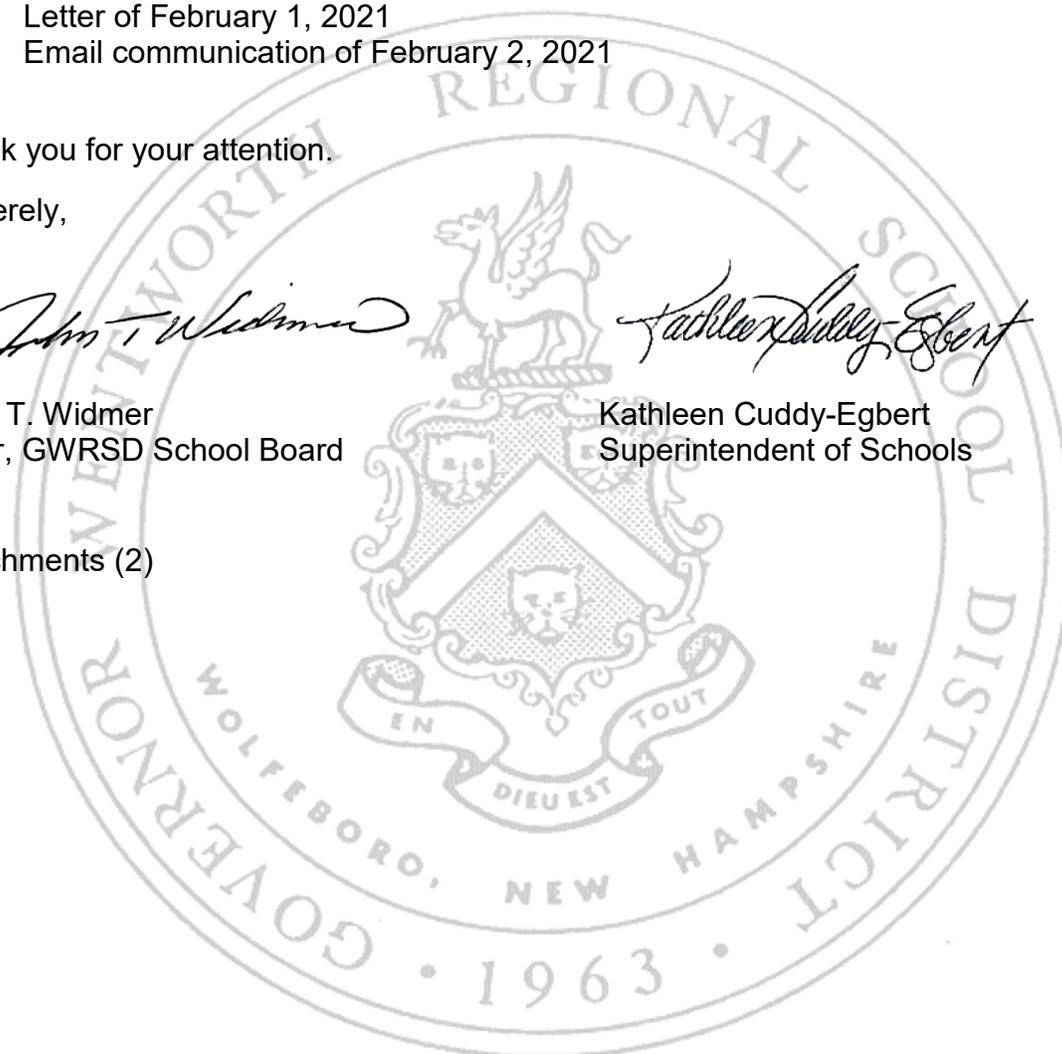


John T. Widmer
Chair, GWRSD School Board



Kathleen Cuddy-Egbert
Superintendent of Schools

Attachments (2)





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February 1, 2021

Kathy Cuddy-Egbert, Superintendent
Governor Wentworth Regional School District
PO Box 190
Wolfeboro Falls, NH 03896-0190

Subject: GWRSD 2021 Annual Meeting

Dear Kathy,

I am responding to your question about the Governor Wentworth School District election. It is my understanding that Effingham's selectmen are considering postponing the annual town meeting. Effingham has a traditional March town meeting. Governor Wentworth elects its officers and vote by official ballot on all warrant articles at the town elections.

The major problem presented by this scenario is having a single school district election held on two or more different days. According to the Secretary of State's office, the New Hampshire Constitution requires that votes be counted immediately after the polls close and the results announced. That means the votes in the towns that vote on the March election date will be counted and announced before Effingham votes.

This problem can be avoided if Effingham postpones its deliberative meeting because of Covid-19 but holds its election on March 9. I see nothing in the Governor's Emergency Order #83 that would prevent the town from postponing the deliberative meeting while keeping the March election date.

Please let me know if you have any questions.

Very truly yours,

Barbara F. Loughman

From: **Atty. Barbara Loughman** <loughman@soulefirm.com>

Date: Tue, Feb 2, 2021 at 3:37 PM

Subject: RE: Students/GWRSD/ SB-FY-21-10-004

To: Kathleen Cuddy-Egbert <kcuddy-egbert@gowentworth.k12.nh.us>

Cc: Karen Lancaster <karen@soulefirm.com>

The Governor's Order #83 allows you to spend money within reason. Section 3 c of the order reads,

In the event of postponement, the terms of office of elected officials whose terms expire in 2021 shall continue until the completion of the postponed election and meeting. The governing body in both calendar year and fiscal year towns or districts may make expenditures between January 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures for the same purpose during the same time period. Such budget shall be adopted no later than September 1, 2021, and any interim expenditure not authorized in the adopted budget shall cease. This spending authority shall be read in harmony with emergency order 56 issued by the governor on June 25, 2020.

I see this order as authorizing rather than prohibiting. In other words, it does not prohibit you from spending money that you did not spend this year, provided what you do is reasonable in light of those expenditures. In addition, you can look at it in terms of the worst case scenario.

Provided you do not spend more than the lower of what is included in your operating budget and the default budget, you do not have to wait to do your hiring. If you have such a large margin for the operating budget in the towns that have voted that the town or towns that have postponed cannot defeat the budget even if they all vote against it, you can do the hiring. In terms of separate warrant articles, there is no default budget. Therefore I would not spend the money in those articles until you know you have enough votes in favor to approve them no matter how the late towns vote. An argument can be made that the use of the word budget in the emergency order means that you can spend only what is in your operating budget article, not money in separate warrant articles until after the final election. I am not sure we need to worry about that now. If that becomes a concern, please let me know.

Barbara

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