

Rep. Mike Sylvia  
216 Farrarville Rd.  
Belmont, NH 03220

August 14, 2018

Belknap County Attorney's Office  
64 Court Street  
Laconia, NH 03246

The Belknap County Executive Committee met on July 17, 2018 to review the county budget. One line item in the Sheriff's department was glaringly off expectations. That line was outside detail wage expense, which has a related revenue line in the budget. When the administration was asked about the lack of spending on outside details, we were told a special revolving fund had been setup. We questioned how this was done but no explanation was made.

After the meeting I reviewed the statutes in search of something that might allow a line item to be moved off the budget into a revolving fund. I found two special funds mentioned, one for long-term care and the other for geographic information systems. In order to assure myself that I had not overlooked something, I called the Department of Revenue Administration. They also found no provision in law to establish such a fund.

I asked the county administrator to direct me to the Commissioners' minutes in which they established this revolving fund. She provided the April 3, 2018 minutes:

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**Collective Bargaining Agreement-approval of Sheriff's Unit contract:** County Administrator Shackett stated the contract is the same as the one negotiated. M/Waring to accept the collective bargaining agreement for the Sheriff's teamsters bargaining unit, S/Taylor. Commissioner DeVoy stated they need to ask for a transfer from contingency for the cost items. Commissioner Waring stated there is no say in how the Delegation will fund the cost items. Unanimous.  
**Motion passed.**

County Administrator Shackett stated the money is included in the Sheriff budget. Commissioner Taylor stated the Delegation passed the budget on a three number bases and did not impose any limitation on transfer authority. He stated money could be moved from contingency to cover the costs. Commissioner Waring stated he would not be in favor of moving money right now.

**Revolving Fund for Outside Details:** County Administrator Shackett stated this is required by the contract they was just approved, pending approval of the cost items by the Delegation. Sheriff Mike Moyer stated this how many towns pay for cruisers.

The County Commissioners have no authority to establish a revolving fund, much less add it to a union contract. When the County Delegation was presented with the question of the cost items for the contract approval, no mention of the revolving fund was made.

Review of the video from the April 3, 2018 meeting might lead a jury to believe that the Commissioners never intended to bring this cost item to the attention of the Delegation. The County revenues due from the Sheriff's department outside details has been misdirected. When asked about this at the August 2, 2018 Commissioners' meeting, Commissioner Taylor stated that that money is the Sheriff's money and the Sheriff is free to appropriate those funds.

It is very clear to me that the County Commissioners are not satisfied with the law as written. They brazenly seek to usurp the appropriation authority which rests with the County Delegation. An examination of the 2017 County legal bills shows their spending of county taxpayer money seeking unnecessary supplemental appropriations. All of this despite the Board's defeat in Belknap Superior Court in 2014.

This is a formal complaint and request for an investigation and possible prosecution by your office.

Sincerely,

Rep. Mike Sylvia  
Chairman, Belknap County Executive Committee

copy to:  
Attorney General Gordon J. MacDonald  
Director Stephan Hamilton (DRA Municipal and Property)