

Town of Greenwich

Selectmen's Board of Education Section 66/67 Charter Revision Committee

Meeting 10 August 2017

7:00 p.m.

Town Hall – Cone Room

1. The meeting was called to order at 7:00 p.m.

a. Attendance: Committee members: Barry Rickert (Chair), Alexis Voulgaris, William Finger, Peter von Braun, Brian Peldunas (Secretary) – Present.

b. Members of the public: Janet McGuigan, Wynn McDaniels, Susan Jaffe, Ken Borsuk

2. Further Discussion of Town of Greenwich Law Department Answers.

No further clarifications have been received from Mr. Wayne Fox of the Town of Greenwich Law Department. Mr. Rickert will follow up. Mr. Rickert will draft additional question raised by the Committee, including:

1. If the state statute forbidding non-partisan Boards of Education were to change, what would the mechanism be to change to non-partisan? Would it be required or permitted, or would it require a referendum (assuming section 66 was altered to require referendum)?
2. Could the referendum take place at a general (even year) election or only a municipal election?
3. What is the criteria for passing a referendum if it was held during a special or primary election?

3. Further discussion.

No other discussion.

4. Meeting plan – schedule public forum.

The Committee agreed to meet again 6 Sep at 7:00 PM, pending receipt of additional input from the Law Department. The Committee agreed to schedule a public meeting on 25 September at 7:00 in Town Hall. Mr. Peldunas will contact Barbara Heins to make arrangements.

5. Other business.

Mr. von Braun asked what the Committee was trying to accomplish, and by what date. Mr. Rickert believes that the Committee will have all required input to hold a vote at the meeting after the public meeting.

Mr. Rickert indicated that he had received a petition signed by 221 people supporting the charter change discussed by the previous committee (in reference to Section 38).

6. Review of previous meeting minutes.

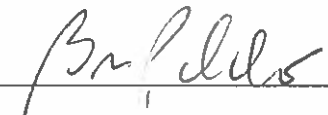
The 27 June minutes were not available for review. The 24 July minutes were approved as written by a 5-0 vote.

7. Adjourn.

By motion of Ms. Voulgaris, seconded by Mr. von Braun, the meeting was adjourned at 7:38 PM.



Barry Rickert, Chair



Prepared by Brian Peldunas, Secretary

From: "Fox, JohnWayne" <JohnWayne.Fox@greenwichct.org>

Date: July 25, 2017 at 8:22:24 AM EDT

To: "barry.rickert.rtm@gmail.com" <barry.rickert.rtm@gmail.com>

Cc: "Ceglio, Patricia" <Patricia.Ceglio@greenwichct.org>

Subject: BOE Charter Revision Committee

I plan to attend the meeting of your committee schedule for Monday, July 24, 2017. In order to respond to the questions proposed, let me attempt to provide some background.

As you well know, your predecessor committee which was composed of four of the five sitting members on this committee, issued a report in March of 2017 reviewing a proposal to expand the Board of Education membership from eight to ten members. That concept was submitted to the Board of Selectmen in accordance with the Charter. The Board of Selectmen did not take action on the proposal but raised a separate question. That separate question was whether or not Section 66 and/or Section 67 of the Charter should be amended to provide for a mandatory referendum should there be a proposal that would affect the existence, mode of selection, conception, rights, powers, privileges, or duties of the Board of Education. The Board of Selectmen is seeking a response and a determination on this issue prior to going forward with the earlier proposal.

In light of the fact that this concept would affect the authority and power of the Representative Town Meeting, it has been and continues to be our opinion that this proposed change, in and of itself, would have to go to a referendum. There are various state statutes which relate to and direct the process for the number and term of the members of the Board of Education. In particular, Sections 9-203, 9-204a, 9-204b,

9-205 and 9-206a are all potentially applicable to the issue. I believe we have the authority and am comfortable with a possible change to Section 66 as suggested. I would be concerned and tenuous about a change to Section 67 for the reason there could be a claim that the Town is attempting to modify the applicable section in the state statute.

Should your committee recommend a change to Section 66, or for that matter Section 67, then the matter would be returned to the Board of Selectmen. If, in fact, the matter received approval by the majority vote of selectmen, the matter would be transmitted to the Town clerk and then would be included in the call of the next RTM meeting. The RTM could then adopt or amend the proposal by an affirmative vote of the majority of the entire RTM. Should the RTM amend such proposal, it cannot become affective until the initiating board, the Board of Selectmen, shall have concurred in the amendment by the same vote as required for initiation.

While I cannot be sure, due to the lack of legislative history, I think it is a far assumption that the Board of Selectmen, BET and RTM were considered the backbone of Town government. The Board of Education was looked upon as kind of an anomaly that was effectively an arm of the state and controlled by various state statutes.

I have exchanged voice messages with Attorney Bromley of the Secretary of State's Office. It is my opinion that Section 9-369a requires that a statement be submitted setting forth the designation of the question as it is to appear on the ballot of the election be submitted to the office of the Secretary of State at least 45 days prior to the election. In addition, Section 9-370 states that a local question approved for submission to electors must be approved 60 days prior to the election.

John Wayne Fox, Town Attorney

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