Town of Greenwich
Selectmen’s Board of Education Charter Revision Committee
Meeting 29 November 2016
7:00 p.m.
Town Hall – Employee Lounge

DRAFT MINUTES

1. The meeting was called to order at 7:00 p.m.
   a. Attendance:
      
      Committee members: Joan Caldwell (Chair), William Finger, Barry Rickert, Peter von Braun, Brian Peldunas (Secretary) – Present.
      
      Members of the public: Ken Borsuk
      
     b. Mr. von Braun made a motion to amend the agenda to allow for discussion of previous committee minutes. Mr. Peldunas seconded the motion and it was approved 5-0.

2. Discussion of input received from Law Department and formulation of other questions.

   Ms. Caldwell recapped the answers to questions posed to the Law Department (Amended below).

   a. A Special Act of Legislature cannot be accomplished as it would be against the Connecticut Constitution Article 10, and other provisions. Given this answer appears to contradict the answer received from the Secretary of State, Mr. Peldunas was asked to reconfirm the answer with the Secretary of State’s office.

   b. The town cannot move BoE election cycles to the Presidential/Congressional cycle, given that CGS 9-164 requires municipal elections in odd numbered years. Mr. Peldunas was asked to verify with the Secretary of State, since it might be possible to consider the BoE an agent of the state, and hence not subject to the municipal election rule.

   c. It is possible that the Chair of the BoE could be granted a tie breaking vote. Mr. Fox wants to look into this matter further.

   d. While a district form (e.g., 12 representatives) of BoE might be possible, it would “not be doable for practical reasons. The Town districts are of different sizes and those change periodically, and these districts change with the change in population. It would be impractical to have multiple districts set up for different municipal offices. It would also call into question the concept of one man one vote.”

The committee discussed the answers and related items. Mr. Peldunas was asked to follow up with the Registrars to clarify the percentage of signatures required for an unaffiliated voter petitioning onto the BoE ballot.
3. **Review of information gathered from other sources: Superintendents, BoEs, literature on effective sizes of boards.**

Mr. Peldunas recapped a discussion he had with a school superintendent in another CT district. Given the situation is not exactly comparable to Greenwich, the answers are more for general guidance. (List of questions prepared beforehand is amended below. Note all questions were answered given the circumstances). In general, the interviewed superintendent believed an increase in size of the board would lead to the superintendent spending additional time with the board, and not leading the district. This would impact the administration in the same way. A possibly partisan board might be more effective if the caucus process worked well: it could lead to better discussions in public meetings if the members were better prepared and questions were thought out. The superintendent believed that superintendents in general would prefer an odd number of members (7 or 9). Additional comments beyond the prepared questions included the belief that the current charter review process might make hiring a new superintendent more difficult, that the committee should talk with the search firm conducting the search, and the general comment that partisanship on boards was a general problem in Connecticut.

Mr. Finger recapped a discussion he had with the Clerk in Berlin, which has the only non-partisan board in the state. Because of a nine-member board, elections are held for three seats each year. In the last four election cycles, the board had 3, 8, 3, and 4 candidates for three spots (the 8 candidates were for six spots, due to open positions on the board). The town recently had a charter change motion to eliminate the non-partisan board (the motion failed).

Mr. Peldunas indicated that the research he had done on effective board sizes (based on non-profit boards) generally held that 7-10 members were optimal.

4. **Review of listing of possible structures, and of allowable structures.**

The committee reviewed a spreadsheet (amended below) prepared by Mr. Peldunas listing possible structures for a BoE, and other options. The structures and options had all been raised in previous meetings by the committee, guests, or public. The committee eliminated several options based on feedback from the Secretary of State's office or the Greenwich Law Department. Possible structures remaining for consideration include the status quo, the charge (moving from eight to ten members), an odd number of members (7 or 9), eight members with election staggered three and five, and eight members with the chair having a tie breaking vote. Ms. Caldwell commented that a tie-breaking vote should have a well structured process to allow a tie break.

Mr. Rickert raised three points which could be used to evaluate the remaining options: voter choice, competition, and closed processes. Ms. Caldwell raised a seven person board as an example. Mr. Finger gave statistics covering the last four municipal elections, which showed voter turnout of 35-38%, with 47-49% turnout by Republicans, 27% turnout by Democrats, and 24-26% turnout by unaffiliated voters.
Mr. Peldunas was asked to obtain contact information for the current search firm as well as the previous search firm. Ms. Caldwell was asked to contact the League of Women Voters to see if they had any input to the discussion.

5. Minutes.

By motion of Mr. Finger, seconded by Mr. von Braun, the committee approved the minutes of the 9 November 2016 public forum. For the 22 November 2016 meeting minutes, Mr. Finger requested that Mr. Brown be added to the list of attendees. By motion of Mr. Finger, seconded by Mr. Peldunas, the committee approved the minutes of the 22 November 2016 meeting.

6. Adjournment

The committee discussed times for the next meeting, and decide to meet on 7 December 2016 (Wednesday) instead of 6 December, due to scheduling conflicts.

On a motion by Mr. von Braun, seconded by Mr. Finger, the meeting adjourned at approximately 8:26 p.m.

The next meeting is planned for 7 December 2016 – Town Hall Employee Lounge.

_____________________________________________________
Joan Caldwell, Chair

_____________________________________________________
Prepared by Brian Peldunas, Secretary
RESPONSE FROM GREENWICH LAW DEPARTMENT (MR. WAYNE FOX)

I have reviewed your various emails and correspondence with the office of the Secretary of State. Their emails seem to have been responsive, and I assume helpful. There are a few questions on which you requested a response from this office.

Your email of November 22, 2016 raises two questions. Let me attempt to respond to them.

QUESTION: What is the process for initiating and advancing a Special Act of the Legislature which would allow for a non-partisan Board of Education (how is a Special Act of the Legislature drafted, who can initiate an act, is there an approval process within the Town impacted).

ANSWER: The simple answer to this question is that it cannot be accomplished. The Connecticut Constitution Article 10, Section 1, provides that after July 1, 1909, the General Assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough. It makes certain exceptions, which would not be applicable here. There is a separate section of the statute which lays out a process for attempting local legislation for the General Assembly, C.G.S. Section 2-14. This was adopted in 1957 prior to the amendment to the constitution. We would submit that it would be applicable only in those limited situations where something, such as a validating act, would be appropriate.

QUESTION: Can the Town change the election cycle for BOE members to coincide with the Presidential election/Congressional election rather than the odd year municipal elections?

ANSWER: The answer to this question is also No. C.G.S. Section 9-164 states specifically that municipal elections will be held on the first Monday of May or the Tuesday after the first Monday of November of the odd numbered years. It would not be possible under existing statutes to change the cycle to coincide with the Presidential/Congressional elections.

Your email on November 14, 2016 directs me to questions 5 and 6 of the original set of questions.

QUESTION: May the BOE Chair be empowered by Town Charter to have a tie-breaking vote (similar to the BET)? If possible, this provision could not apply during election of officers. Unfortunately, we cannot comment on this issue.

ANSWER: This is an interesting question. As you well know, Section 4(b) of our Charter provides that the Chairman of the BET shall have a vote and an additional vote for the purpose of dissolving a tie vote. It does not appear to distinguish, as your question does, to the election of officers. I wish to look at this a little further, but my immediate response is that the Charter could be amended to provide for the tie-breaking vote as you suggest.

QUESTION: Is it possible to structure an election process under the current state laws that provides for geographic diversity/geographic representation

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within the Town (e.g., by voting district, elementary school district, etc.)? We specifically note the wording in Section 167-a(2). It does not appear that Title 9 of the general statutes specifically prohibits the election of a Board of Education by district, however, you should also seek the guidance of the municipal attorney with regard to any other statutory section that might restrict such action.

ANSWER: It would appear that this would not be doable for practical reasons. The Town districts are of different sizes and those change periodically, and these districts change with the change in population. It would be impractical to have multiple districts set up for different municipal offices. It would also call into question the concept of one man one vote. Consequently, we do not feel it would be practical or doable.
Superintendent Questions – questions may not apply directly to your district given the number of BoE members there, but any thoughts would be helpful.

1. What would the impact be on a Superintendent of a change from a BoE of eight members to one of ten members (strictly from an additional membership point of view)?

2. What would the impact be on a Superintendent of a change from a BoE of eight members to one of ten members (if the change allowed the Board to be partisan)?

3. What would the impact be on district administrators of a change from a BoE of eight members to one of ten members?

4. What would the impact be on the overall district of a change from a BoE of eight members to one of ten members?

5. Would the workload on the Superintendent and administrators increase or decrease because of such a change? Would this be a result of additional questions at Board meetings, or additional questions at other times, or other reasons?

6. Could the workload decrease because the organization of the Board could be more effective with more individuals?

7. How would the Superintendent’s interactions with BoE members change with the increase in size?

8. If the BoE was partisan, there is a possibility that decisions could be made in caucus without open discussion. Is this likely to happen, and if so, what would the impact be?

9. Have there been instances where the Superintendent has not raised issues or proposals because the BoE might deadlock (for a bi-partisan board, 3-3, 4-4, 5-5, 6-6)? Have there
been instances where the BoE has not raised issues or proposals because the BoE might deadlock?

10. Have you experienced a different structure which is more effective than a bi-partisan board? If so, please describe?

One statement that has been made is that it is the people on the board that make it effective, not the number of people on the board.
### Discussed Structure Options

<table>
<thead>
<tr>
<th>Structure Options</th>
<th>Allowed under statutes</th>
<th>Allows partisan board?</th>
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</thead>
<tbody>
<tr>
<td>Status quo (eight members, 4 and 4 elected)</td>
<td>yes</td>
<td>yes, only with unaffiliated or third party member</td>
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<tr>
<td>Charge: expand from 8 to 10 members (5 and 5 elected)</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>District representation (12 members)</td>
<td>?</td>
<td>yes</td>
</tr>
<tr>
<td>Odd number of members (7 or 9)</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Eight members (3 and 5 elected)</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Non-partisan (no specific number)</td>
<td>yes, but only with Special Act</td>
<td>no by nature</td>
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<tr>
<td>reserved seat for unaffiliated voter</td>
<td>no</td>
<td>N/A</td>
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<tr>
<td>Eight members with chair having tie break vote</td>
<td>yes?</td>
<td>yes, depending on chair</td>
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<tr>
<td>Six member board (3 and 3 elected)</td>
<td>yes</td>
<td>yes</td>
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### Discussed Other Options

- Force Town Committees to nominate four candidates each: no
- Encourage Town Committees to nominate three-four candidates each: n/a
- Encourage unaffiliated voters to run (education, not list party on ballot): n/a
- Call Petition Candidate something else: no
- Encourage RTC to lower petition signature requirement: n/a

### Not Discussed

Board size of 5, 11, 12 (except as noted above)
Questions:
is there really a way to get unaffiliated voters
to run?
why don't unaffiliated voters run: expensive,
no built in support, party line voters,
is the "vetting" process of the Town
Committees worth anything?
do the Town committees really recruit (only
evidence is 2011 R election) - recruit means
finding more than four
can we charter change to reduce petition
percentage for unaffiliated?

General Trends (open to debate)
input into candidate selection
pathway for unaffiliated voters to get on
ballot
more choice = more candidates