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Post-Merger-Vote Tips: Certification and Organizational Meeting

Purpose

These periodic tips will serve as a resource for supervisory union administrators and staff serving districts that are merging as a result of both Act 46 of 2015 and earlier, incorporated legislation.

It is intended as a working document. *We welcome suggestions for additions and corrections* as supervisory unions and newly unified districts transition to full operations.

Notice

Not all of this information will apply to every scenario. For example, a supervisory union that is becoming a supervisory district will perform tasks that are different from one that will maintain or expand its supervisory union structure. There also may be variations based on how quickly the new district will become fully operational after the vote.

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Thank you

Some of the information included in these tips came from business managers, administrators and educators in the field. We thank them for their help and guidance. If there is something you would like to see addressed in the tips, please contact the AOE's Public Information Officer, Haley Dover, at haley.dover@vermont.gov.

Certification and Organizational Meeting

Overview

Now that your towns have approved creation of a unified union school district, there are a number of things that need to be done before you reach your operational date. This document will give you an overview of the tasks that need to be completed before your organizational meeting.

Creation of New District

- Town clerks certify final election results to Secretary of Education (see Appendix A)
 - 30-45 days after the vote or within 15 days after reconsideration vote
- Secretary of Education certifies all votes to the Secretary of State
- Secretary of State
 - Records certification, creating new district as a legal entity
 - Files certified copy of record with each town clerk
- Organizational meeting must be warned to occur within 60 days of filing with town clerks

Organizational Meeting

- Shortly before all votes are final:
 - Work with Agency to establish date for organizational meeting that makes sense locally and allows Secretary (or designee) to convene the meeting and swear in board members
 - Work with Agency and your attorney to finalize Warning for organizational meeting (Agency will create first draft; Secretary signs it)
 - Decide when new district's board will have its first meeting (e.g., immediately after organizational meeting?)
- Post warning 30-40 days before meeting
- Warn the first, organizational meeting of the Board (e.g., to occur immediately after the District's organizational meeting concludes or during the following week?) – The members of the board will select the board's chair, etc. at this time
- Inform public access and media of location and schedule for the organizational meeting
- **Recommendation from a superintendent:** Create notifications, flyers, and other advertising for town clerks to display publicly
- **Plan for the organizational meeting** (see *Appendices B and B-1 for details*)
- Organizational meeting occurs
 - New board members are sworn in and begin duties

APPENDIX A: SAMPLE TOWN CLERK CERTIFICATION

CERTIFICATION OF FINAL VOTE

I, _____, Clerk for the _____ School District, hereby certify that:

- The following votes were cast in this District regarding the formation of the _____ Unified Union School District on _____, 201_:

In Favor: _____

Opposed: _____

Blank or Spoiled: _____

- As of the closing of my office at ____ PM on _____, 201_, no petitions seeking reconsideration of the vote on the formation of the _____ Unified Union School District had been filed in my office.

Attested to this ___ day of _____, 201_.

Signature

SEAL

APPENDIX B: ORGANIZATIONAL MEETING

1. Agenda and Overview of Meeting:

16 VSA § 706j(a) requires that the meeting is called to order by the Secretary of Education or the Secretary's designee. If you decide that you would like someone from your community to convene the meeting instead, please let us know so that the Secretary can prepare a letter designating the person.

The Articles of the meeting's Warning (most of which are listed in § 706j(a)) are the basic agenda items for every organizational meeting.

Many newly merged districts have personalized the meeting.

- Some have been celebrations attended by many members of the community and have included a few words from the chair of the study committee or some other dignitary, or have included the national anthem sung by the high school chamber choir and the pledge led by elementary school students. This can also be a nice opportunity to recognize some of the people who put in a lot of work on behalf of their children and communities.
- In contrast, I believe that one or two organizational meetings were relatively quiet, strictly business affairs with no "extras."

It's up to you.

New districts have benefited from information and advice provided by districts that have already had organizational meetings. Superintendents have been incredibly generous about sharing tips or raising issues that they wish they had thought of before their meetings. Don't hesitate to call another superintendent with questions.

2. Purpose of Each Article:

Attached as Appendix B-1 is a document that explains the purpose of, or provides a bit more information about, each of the articles that are required in statute.

3. Affirmation/Oath of Allegiance *and* Affirmation/Oath of Office:

The following is from the Vermont Constitution:

§ 56. [OATHS OF ALLEGIANCE AND OFFICE]

Every officer, whether judicial, executive, or military, in authority under this State, before entering upon the execution of office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless the officer shall produce evidence that the officer has before taken the same) and also the

following oath or affirmation of office, except military officers, and such as shall be exempted by the Legislature.

The Oath or Affirmation of Allegiance

You _____ do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

The Oath or Affirmation of Office

You _____ do solemnly swear (or affirm) that you will faithfully execute the office of _____ for the _____ of _____ and will therein do equal right and justice to all persons, to the best of your judgment and ability, according to law. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

Some information and tips that others have shared:

- Individuals assuming public office for the first time are required to take the Affirmation of Allegiance. You may want to consider administering both the Affirmation of Allegiance and the Affirmation of Office if you are not sure if the individual has taken the Affirmation of Allegiance before, or if you are swearing in a group (such as all of the members of the initial board). If an individual has just taken the oath in one capacity (e.g., as the temporary presiding officer) or has previously taken the Affirmation of Allegiance at some other time, then it is only necessary to administer the Affirmation of Office below.
- You may want to decide in advance whether the person administering the Affirmation(s) will say the entire Affirmation and then the new official will say “I do” or “I will” (or whatever) – or if the person being sworn in will repeat the words after the person administering the Affirmation(s) says them.
- If the group is large, consider swearing the board members in as a group with both oaths.
- Make sure that anyone reading names has those names in advance if possible – and that the list of names indicates the correct pronunciation.

4. A Few Elections/Voting-Related Issues that have Arisen Before:

- A new Board Member who will not be present can be sworn in at a later date.
- The town clerk or an authorized assistant from each town needs to be present to check in the voters. Until the meeting begins and Article 1 is acted upon, there is no unified union school district clerk who can perform this duty.
- SUs have used plain white index cards for any contested votes. Very informal.
- The following (or something similar) has been announced at some organizational meetings:

Voting Procedure

To vote on articles from the warning, you must be a registered voter in the town of _ _ _ or _ and pass through the checklist at the entrance. There, your name will be checked against the list of legal voters of each town and you will receive a voting ballot that you will show during a voice vote from the floor or deposit at the ballot box if a vote by paper ballot is called. If a paper vote is requested, you will be given instructions on the procedure.

Non-residents and unregistered voters may not vote, but may be allowed to speak with the approval of two-thirds of the assembly. During a voice vote, please remain silent. Additionally, you may not raise your hands or stand if a physical count is required. We appreciate your cooperation.

5. Miscellaneous:

- Consider seating the newly-elected Board Members at the front of the room so that it's simpler to introduce them and to assemble them to be sworn in.
- Consider lining up some candidates for moderator, clerk, and treasurer in advance of the meeting.
- Think about compensation, if any, in advance. Typical questions from the floor relate to past practice on compensation and how that relates to proposed compensation. If districts have had different practices in the past, you may need a discussion about what makes sense in the unified system.
- Many questions that arise seem to be related to elections law – which is not within the Agency's area of authority or expertise. You may want to contact the Secretary of State, the School Boards Association, or your attorney about these. If any arise, we'd appreciate it if you would share the answers with us so that we can pass them on to others in the future.
- We had been sharing working outlines from some of the early organizational meetings so that folks could use them as examples of what they might want to do – but they seemed to cause more confusion than clarity. Even so, you may want to ask other new districts about any outline that they prepared in advance. It's probably less confusing than it sounds—it's just different from other board meetings you have attended.

APPENDIX B-1

Commonly Asked Questions and Suggestions re: Items that are Included in the Warning for an Organizational Meeting

The articles that follow are those set forth in 16 VSA § 706j

Article 1: To elect a temporary presiding officer and clerk from among the qualified voters.

Voters elect the people who manage a legal meeting through the “organizing” part of the organizational meeting, e.g. until all the future officers are in place and rules established.

Article 2: To adopt Robert’s Rules of Order or other rules of order to govern the parliamentary procedures of this and subsequent meetings of the District.

Because the unified board is a new board, it needs to establish the rules and processes that will govern how the board operates. These rules don’t just carry over from the existing boards. They have to be voted on for the new unified district.

Article 3: To elect the following officers to serve from their election and qualification for one year or until the election and qualification of their successors:

- Moderator
- Clerk
- Treasurer

In advance, it is helpful to have identified possible candidates for these positions.

Article 4: To determine and approve compensation, if any, to be paid District officers.

It is helpful to have identified compensation for these positions in advance of the meeting, as well as an explanation for how the proposed sum was determined. Be prepared to provide a rationale for the amount. In cases where it differs from existing compensation (which may be appropriate if officers for very small districts are being replaced by a smaller number of officers for one big district), that explanation may also be useful.

If the new district will not be fully operational in the next fiscal year, then it is especially important to understand the difference in duties during the transitional year and subsequent operational years – which might justify different levels of compensation.

Article 5: To establish a date of the annual meeting.

It is helpful to have identified a proposed date in advance. It would also be helpful to cross-check the date with local select boards.

16 V.S.A. § 706j(a)(5) states that the annual meeting “shall be not earlier than February 1 nor later than June 1.”

Article 6: To establish provisions for the payment of any expense incurred by the Unified Union District and otherwise comply with the provisions of 16 VSA Section 563, subdivisions (8) & (9) {until the first annual meeting to take place on the date determined per Article 5}.

Suggested motion: I move that the ____ School District comply with the provisions of 16 VSA Section 563, subdivisions (8) & (9), regarding the payment of expenses and the maintenance of financial accounts {and comply with the policies and procedures of the ____ Supervisory Union (the previous body) regarding such matters}.

Purpose: This language is a formality that gives the new board of the unified district the same abilities and authorities to pay bills and manage accounts held by the current boards, consistent with law.

Article 7: To authorize the District to borrow money pending receipt of payments from the State Education Fund by the issuance of its notes or orders payable not later than one year from date: provided, however, that the newly formed District is authorized by Vermont Statutes to borrow sufficient funds to meet pending obligations.

Suggested motion: I move that the ____ School District have the power to borrow money pending receipt of payments from the State Education Fund by the issuance of its notes or orders payable not later than one year from date: provided, however, that the newly formed District is authorized by Vermont Statutes to borrow sufficient funds to meet pending obligations.

Purpose: This language is a formality that gives the new board of the unified district the same abilities to borrow money currently held by the existing districts and boards.

Article 8: To determine and approve compensation, if any, to be paid to School Board Directors.

See comment under Article 4.

Article 9: To determine whether to authorize the Board of School Directors, pursuant to the provisions of 16 V.S.A. §563(10) & (11)(C), to provide mailed notice to residents of the availability of the Annual Report and proposed school budget in lieu of distributing the Annual Report and proposed budget.

The new District must obtain this permission specifically from the voters even if it was given previously to the merging districts – because this is a new entity.

Article ____: To transact any other school business thought proper when met.

Be aware that this is not a business meeting, so it is not appropriate to vote on items that have not been warned.