

KAREN R. ELLSWORTH
ATTORNEY AT LAW
180 Matunuck School House Road
Wakefield, Rhode Island 02879
(401) 783-6176
kellsworth6@verizon.net

NB 02

TOWN OF RICHMOND
MEMORANDUM

TO: Members of the Town Council
FROM: Karen Ellsworth, Town Solicitor
DATE: 30 December 2013
RE: **Amendments to the Chariho Act**

A draft of the amendments you requested to the Chariho Act, and a resolution supporting the legislation, are attached.

Your request was for amendments that would:

- *Reduce the number of school committee members from 11 to 9 (in Section 10 of the Act)*

Currently Charlestown has three seats with terms expiring in 2014 and one seat with a term expiring in 2016, Hopkinton has three seats with terms expiring in 2014 and one seat with a term expiring in 2016, and Richmond has one seat with a term expiring in 2014 and two seats with terms expiring in 2016. If the amendment takes effect in 2014, the size of the committee could be reduced from 11 to 9 simply by eliminating two of the seats with terms expiring in 2014.

- *Enable the school district to assign elementary students to schools closest to their homes, regardless of town (in Section 13 of the Act)*

I drafted the legislation to make this part of the act effective in September of 2015, assuming that some time would be needed to re-district the elementary schools. Obviously you can change that if you want to.

Also, you will notice that a section requiring voter ratification is not included in this legislation. I think you can anticipate that someone— either in Legislative Council or one of the legislators from the other towns— will add a ratification requirement to this legislation anyway. The question of what kind of enabling legislation needs to be ratified by voters is complicated, but based on my research I think the town could make a good argument that voter ratification is not necessary for legislation that changes the number of regional school committee seats.

A N A C T

IN AMENDMENT OF AND IN ADDITION TO CHAPTER 286 OF THE PUBLIC LAWS OF 1986, ENTITLED "AN ACT AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT, INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION AND OPERATION OF A REGIONAL SCHOOL FOR THE JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT," AS AMENDED

It is enacted by the General Assembly as follows:

SECTION 1. Section 10 of Chapter 286 of 1986 Public Laws, entitled "An Act Authorizing the Towns of Charlestown, Richmond and Hopkinton, to Join a Regional School District, Incorporating said Regional School District, and Providing for the Issuance of Bonds, Construction and Operation of a Regional School System for the Joint Use of the Participating Towns, Within Said Regional School District Established by this Act," as amended, is hereby amended to read as follows:

SECTION 10. (1)(a) There shall be a regional school committee for said district consisting of ~~eleven (11)~~ nine (9) members; ~~each~~ Each member town shall be represented on the committee ~~in direct proportion to its population as determined by the most recent population census figures~~ by three members. ~~The total population of the district shall then be divided by eleven (11) and the resulting quotients thus obtained shall be used as a basis for determining the proportionate representation of each said member town on said committee, and realizing that the mathematical divisions of said formula will not obtain absolute evenness, fractions of .5 or more shall be construed as 1 point and fractions less than .5 shall be construed as 0. Subject to the limitations aforesaid, the members of said committee from each of the member towns to be elected or appointed for terms hereinafter set forth shall be determined as of the time of each bi-annual election and each of the said member towns, based upon the census aforesaid. The first~~

such regional school committee shall be elected in the general election in November, 1988. In the general election 1988 each town electing three (3) members of the school committee shall elect two (2) members to serve a term of four (4) years and one (1) member to serve a term of two (2) years. A town electing more than three (3) representatives shall elect three (3) members for a term of two (2) years and additional members for a term of four (4) years. Thereafter members Members shall be elected for a term of four (4) years. Until such time as those elected in that election shall be certified and qualified, the existing Chariho Regional High School District Committee shall serve as the Regional School Committee. In the event of any vacancy by death, resignation or incapacity to serve of any term of any member of said regional school district committee, the town council of the member town in which such vacancy occurs shall fill such vacancy by election by a majority vote of the town council of said town for the unexpired term of the member whose office is thus vacated.

(1)(b) ~~Since the United States Census bureau of the census conducts on a decennial basis and in view of the fact that any of the Chariho towns may incur rapid shifts in population which could affect the composition of the Chariho school committee, there may be agreement among the town councils to provide for a census on a five (5) year basis beginning in 1995. A census of the towns taken in 1987 will be used as the basis for school committee composition until the 1990 United States bureau of census data is provided. The cost of the 1987 census will be borne by each town in proportion to its population. Any town objecting to the use of the United States census material may require the making of an actual census in time for the first general election after 1995. The cost of such a census shall be borne equally by the three (3) towns and shall not constitute a reimbursable education expense; provided further that in the event that such an actual census does not result in a count materially different from the numbers contained in the material~~

~~complied by the United States bureau of the census, then the cost of the actual census, shall be borne by the town or towns objecting to the use of such bureau of the census material.~~

(1)(b) One seat currently held by a resident of Hopkinton for a four-year term expiring in 2014 and one seat currently held by a resident of Charlestown for a four-year term expiring in 2014 shall be eliminated at the end of those terms, and no member shall be elected to those seats in the general election of 2014 or thereafter.

(2) Within ten (10) days after the election and certification of the members of the regional school district committee, said regional school district committee shall meet and organize by selecting one (1) of their number to be chairperson of said committee. The chairperson chosen at the first organized meeting shall serve in such office until the first meeting of said committee following the qualification of new members elected to the regional school district committee at the general election of 1988. At such first meeting of the said committee following the election and qualification of new members, the Committee shall elect a chairperson and elect such other officers and are herein or hereafter authorized and each two (2) years thereafter at such first meeting following a general election at which school committee members are elected, the regional school district committee shall organize and elect or appoint such officers. A person may not succeed himself/herself in the office of chairperson unless no other member of the Committee is willing to serve as chairperson and at such organizational meetings the chairmanship shall first be offered to a committee member from a town other than the town one of the members of which last served as chairperson in an order of rotation to be agreed upon at the first organization meeting of the said committee which shall provide that each member town shall have the opportunity of having one of its members serve as chairperson in a fixed order of selection. In the event that no member from one of the member towns which is entitled to the

chairmanship at an organization meeting is willing to serve as chairperson, this selection shall pass to the next such member town so entitled under said agreement and so on until a chairperson is selected who is going to serve. The said committee shall also appoint a clerk and a treasurer of said committee who shall also be a clerk and treasurer of the said district and the district meetings and the said clerk and treasurer may be the same individual and need not be a member or members of said committee.

(3) Said regional school committee shall have all the powers and duties conferred by law in this state upon school committees of towns, generally, including but not limited to the following:

(a) To apply for and receive, accept and use any town, state or federal funds or assistance, or both, as may be provided, whether in the form of a grant or a loan or both, including specifically such funds or assistance from state or federal sources as the member towns would otherwise be entitled to apply for and receive from such sources in the event that the said regional school district did not exist but to the use of which such member towns might be individually excluded by reason of the existence of said district.

(b) To publish an annual report thirty (30) days prior to the annual district meeting containing a detailed financial statement showing the total receipts and expenditures of the period covered by the report together with such additional material and information relating to the maintenance and operation of the school or schools as may be deemed necessary by the regional school committee.

(c) To receive and disburse funds for any regional school district purpose.

(d) To engage legal counsel.

(e) To engage and employ a superintendent of schools for the regional school district,

who may also be a principal or a regional school or schools, on a contractual basis for either a definite or indefinite term as the regional high school committee shall determine. The person so employed shall have all of the powers and duties imposed upon a superintendent of schools by law.

(f) Said committee shall annually cause an audit to be made of the accounts of said district, and on completion of each audit a report thereof shall be made to the members of said committee and a copy thereof shall be submitted to the next regional school district meeting.

(g) Compensation for members of the said committee and/or clerk and treasurer thereof shall be determined at and by the regional school district meeting as a part of the consideration and action taken at said meeting in respect to operating costs and expenses of the said district.

(h) The regional school district treasurer shall furnish surety bond in an amount to be determined annually by the said committee. The expense of said bond shall be chargeable to the said district.

(i) Said regional school district committee may dispose of any item (or group of items) of personal property with a fair market value (in the aggregate, if a group of items) of five thousand dollars (\$5,000) or less, on such terms as the committee deems appropriate in its sole discretion. Any item, or group of items, of personal property of the regional school district with a fair market value of more than five thousand dollars (\$5,000), but less than twenty thousand dollars (\$20,000) (in the aggregate, if a group of items), may be disposed of by the said committee on such terms as the committee deems appropriate in its sole discretion, by offering such property for sale by competitive bidding. Any property of the regional school district with a fair market value equal to or greater than twenty thousand dollars (\$20,000) may be disposed of only upon a vote of a regional district meeting as set forth in Sec. 9(8).

SECTION 2. Section 13 of Chapter 286 of 1986 Public Laws, entitled “An Act Authorizing the Towns of Charlestown, Richmond and Hopkinton, to Join a Regional School District, Incorporating said Regional School District, and Providing for the Issuance of Bonds, Construction and Operation of a Regional School System for the Joint Use of the Participating Towns, Within Said Regional School District Established by this Act,” as amended, is hereby amended to read as follows:

SECTION 13. (1) A student who enters an elementary school in kindergarten will be assured of matriculation at that school through grade 4 unless the family relocates outside the elementary school attendance district. Siblings, also, will be assured of matriculation in the same elementary school as long as another sibling is in attendance. Elementary school attendance districts shall be based on geographical proximity and may include more than one town.

(2) Transportation of pupils shall be considered an operational cost of the regional school district and shall be governed by the regional school district committee, which shall also govern and determine the curriculum of the school subject to the provisions of section 11 hereof.

SECTION 3. This section and section 1 of this act shall take effect upon passage, and section 2 of this act shall take effect on September 1, 2015.

#2014-04

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF RICHMOND
IN SUPPORT OF LEGISLATION AMENDING THE CHARIHO ACT

RESOLVED, that the Town Council of the Town of Richmond supports, and urges the Rhode Island General Assembly to enact, legislation entitled AN ACT IN AMENDMENT OF AND IN ADDITION TO CHAPTER 286 OF THE PUBLIC LAWS OF 1986, ENTITLED "AN ACT AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT, INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION AND OPERATION OF A REGIONAL SCHOOL FOR THE JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT," AS AMENDED.

GIVEN UNDER THE SEAL OF THE TOWN COUNCIL
OF THE TOWN OF RICHMOND THIS 7th DAY OF JANUARY, A.D. 2014.

ATTEST: _____
Tracy Nelson, Town Clerk