

REPORT OF THE ADVISORY REVIEW COMMITTEE

TO THE NON-PARTISAN COMMITTEE

DECEMBER 2, 1993

HISTORY OF ARC AND ITS MANDATE

In 1984, following the first contested election for Bronxville School Trustee in 50 years, an Advisory Review Committee (ARC) was convened in order to evaluate the rules and procedures of the Committee for the Non-Partisan Nomination and Election of School Trustees (NPC). The decision to submit to such a review was made by the committee that year in response to criticism by the press of its practice of meeting in closed sessions, and came after two open meetings in October and December, 1983 when a number of residents demanded changes in the non-partisan system. The ARC in 1984 was chaired by William Bell, then a former mayor of Bronxville, and included eight other members selected from more than 70 Village residents who had offered to serve. In its final eight page report dated May 10, 1984, the ARC recommended at Section IV-7:

At least every four years the NPC should form an advisory review committee to review its procedures. The make-up of such a committee should be balanced among NPC members, former NPC members and representatives of the community.

In 1993, following another contested election for School Trustee this May, the NPC finds itself again criticized by the press and members of the League of Women Voters for its avoidance of a public debating forum, and by various Village residents over its

choice of School Trustee nominees. Within the committee itself lies a feeling that it has a problem communicating its designated functions and points of view to the community. The mandate for this year's ARC is therefore to evaluate the NPC's Rules of Procedure with respect to these issues, and to recommend changes in procedure which can demystify its image.

#### COMPOSITION OF THE ARC AND DELINEATION OF ITS AGENDA

Nine members of this year's ARC have been appointed by the current NPC. According to precedent the majority (5) of appointees have not been NPC members. Among this group are two former Trustees of the Bronxville School including one member of the original 1984 ARC, the past president of the Junior League, two individuals who interviewed before the NPC this spring, and received write-in votes in the May election for School Trustee and one who ran as an independent candidate for the NPC in 1984. Four appointees to the ARC are current or former officers of the NPC; the chairpersons in 1990 and 1991 and the current vice-chairman and treasurer who have co-chaired this ARC. Every effort has been made to include all concerned citizens on this panel and to represent the most widely divergent points of view in the community. The ARC has also invited attendance to its meetings by the press, members of the League of Women Voters, members of the NPC and all residents of the village.

An agenda for the ARC was developed through discussions among the officers and members of the NPC during the fall, and

completed during the first meeting of the ARC on October 4, 1993.

The following major topics were proposed:

- The concept of "non-partisan"
- Selection of members to the NPC
- Criteria for selecting school trustees
- ✓ -Confidentiality and openness in NPC functions
- ✓ -Publicizing the NPC
- ✓ -Actions of the NPC in contested elections for school trustee

Open discussions of these issues among members of the ARC and guests took place during six consecutive weekly meetings at the Bronxville School. This Report contains the final recommendations of the ARC with respect to these and miscellaneous items. Also included in this Report is a copy of the Rules of Procedure of the Non-Partisan Committee, amended in conformity with these recommendations. The ARC has chosen to make recommendations for amendments to the Rules of Procedure but not to the Plan for Non-Partisan Nomination and Election of School Trustees, believing that any changes we have recommended do not go beyond the original framework for a non-partisan system as set forth in the plan.

#### THE CONCEPT OF "NON-PARTISAN"

✓ The "Plan for Non-Partisan Nomination and Election of School Trustees" (the Plan) was adopted in January 1936 and approved by the residents of the School District. In previous years



\* ✓  
candidates for School Trustee had been nominated by the major political parties and elected by popular majority. A non-partisan method was preferred out of concern that our children might not be getting the best possible education if selection of the school board was based on the priorities of the Village's Republican and Democratic parties.

In its original conception, the Plan proposed a committee with an equal number of members from each of the Village's seven election districts. No provisions were made for at-large members, and the number of registered voters in each election district was and remains roughly equal.\* Thus the clear intent was to create a representative, non-partisan body of electors to chose the school trustees.

Since adoption of the Plan, the Bronxville School has maintained a reputation for educational leadership. The school's excellent reputation is one of the principal attractions for families moving to the Village. The members of this ARC, with one dissenting vote, support a non-partisan method for choosing school trustees. We believe that this system, albeit not perfect, is the best system available for ensuring a Board committed to the best interests of the children of the district as a whole, and able to maintain the objectivity necessary to promote sound management of the Bronxville School. In the 1990's, political action agenda with respect to public education are not necessarily reflected by political party affiliation. ✓  
Outspoken, single issue candidates who ride the crest of popular sentiment



into elected office outlive their usefulness once the focus of public attention shifts to new agenda.

In its narrowest definition, "non-partisan" implies a process not arising from a partisan political organization. However this ARC feels that today a broader connotation is in order. Terms such as "objective", "not single-issue oriented", or "non-factional" might be substituted for "non-partisan". We believe the Plan strives to select trustees primarily on the basis of their experience, reputation for fairness and objectivity, and willingness to work for the betterment of the school, as well as for the positions which they espouse. The non-partisan system for selecting school trustee nominees should be able to look beyond candidates' single issue agenda to the whole person's attributes and potential for making an enduring contribution to the school board.

Many of the rules and constraints governing the functions of the NPC become more intelligible in this context: the need for some secrecy and candor in the deliberations of the committee, the need for committee members to become well informed observers of the functions and behavior of the school board, the need to maintain open communication between members of the committee and all of the residents of their districts (including those who may

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\*April 1993 census of registered voters (obtained from the Board of Elections, Westchester County) total for the Village: 3761

16th ED - 656	20th ED - 610
17th ED - 626	21st ED - 399
18th ED - 405	22nd ED - 508
19th ED - 557	

be recruited to serve as school trustee or elected to membership on the committee) and with other civic organizations, and the wisdom of giving members of the NPC a voice, but not exclusive control, of the committee's own succession and periodic review process.

#### MEMBERSHIP ON THE NON-PARTISAN COMMITTEE

At the outset, several members of the ARC expressed the opinion that the NPC itself was not truly representative of the community; that it was self-perpetuating; and that its members were hand-picked successors representing the same views as the predecessor. This has been a concern voiced over the years. The main goals of the proposed changes in membership, eligibility and means of election to the NPC were made to increase public awareness of the NPC and to maintain both the perception and the reality that the committee is representative of the community.

We first discussed whether representation by voter district was still a valid method of representation. The numbers of voters in each district in 1993 were roughly comparable. Combining the smallest districts, Districts 18 and 21 would create an unusually large district, as would any other combined district. Therefore the committee recommends that the present method of election by voting district should be maintained, while recognizing the perennial problem in obtaining nominees in some districts.

The ARC felt that the non-partisan appearance and perhaps the reality of the non-partisanship of the NPC was threatened if its members were actively engaged in politics in the village by running for office or participating in partisan politics. The ARC suggests that the Rules be amended to exclude from membership on the NPC anyone who is an elected official of the Village of Bronxville, or an elected official of a political party organization; or one currently seeking election to a village office or to a position of leadership in a political party organization. These criteria would require amending the Rules at I-4 to include a new sentence:

The chairman shall eliminate from consideration for membership on the NPC any candidate who is an elected official of the Village of Bronxville or of a political party; or one currently seeking election to a village office or to an elective position in a political party.

The Rules will also have to be amended at I-5 at (c):

c. verify that the candidate is not an elected official of the village of Bronxville or of a political party; or that the candidate is not seeking elective office in the village or a political party.

The ARC also felt that the alternate route of use of a nominating petition to appear on the ballot for membership on the NPC should be emphasized and expanded. This route might increase the number of applicants for the NPC; its availability would serve to combat any appearance of the NPC as a self-perpetuating organization; and its use would serve as useful public relations to raise public awareness of the NPC. The committee recommended that the Rules be changed to add a new section at I-10:

The committee shall actively encourage residents of the



Bronxville School District to be placed independently on the ballot for election to membership to the Non-Partisan Committee by making available a Petition Form, suitably in advance of the date for composition of the printed ballots. The completed petition form will include the name and address of the petitioner and signatures of ten (10) or more persons who are qualified at the time to vote in the Non-Partisan Committee elections and reside within the same election district as petitioner.

The petition form is appended hereto as Exhibit A. The following description of the NPC, to be on the back of each petition, has been suggested:

#### OBLIGATIONS OF NON-PARTISAN COMMITTEE MEMBERS

Membership on the Non-Partisan Committee for the Nomination and Election of School Trustees is a significant commitment. As a district representative you are expected to attend all meetings; witness and participate in all interviews of prospective School Trustee nominees, throughout your term of office, which is three years for most members. Failure to attend NPC meetings may result in immediate dismissal from the NPC and replacement by an appointed representative from your election district.

Meetings of the Non-Partisan Committee take place in the spring and the fall, once per week prior to the elections in December for district representative to the Non-Partisan Committee, and prior to the nomination in April of School Trustee candidates. In the event the election for School Trustee is contested, there will be additional meetings and obligations for committee members throughout the May election for School Board.

Non-Partisan Committee members are also expected to attend meetings of the School Board to become knowledgeable about the Board; its group dynamic, strengths and weaknesses. NPC members must be capable of canvassing the Village for qualified individuals to serve as School Trustee or as district representative to the NPC. They must be willing to promote the Committee and its activities before community service and other groups to help broaden understanding of the non-partisan system.

The petition must be filed with the NPC not less than 30 days before the NPC election date. If properly completed, with the requisite ten signatures of qualified voters from your election district, your name will appear on the ballot alphabetically, along with any names nominated by the NPC itself. There shall not be any designation of the source of nomination. There will also be a blank line for each position for write-in votes.

The NPC welcomes your interest and encourages your effort to join its ranks by providing this petition. Before completing and submitting the petition you should be aware of the significant obligations which membership will entail and you should be confident that you will be able to fulfill them. If you have questions about the committee, please contact one of the officers by phone or write to the Non-Partisan Committee of Bronxville, PO Box 933, Bronxville, New York 10708. Your completed petition may be delivered to your district representative to the NPC or mailed to the above address.

The ARC discussed methods for increasing availability of the petition by distributing petition forms at the library, as a school take-home, distributed at the school board elections and available at Memorial Day. The ARC discussed changing the timing of the NPC elections, but no resolution on this issue was reached.

Again in an attempt to open up membership on the NPC and to make membership on the NPC a genuine election, the ARC has unanimously suggested that the NPC shall make a good faith effort to list at least two candidates for each vacant position on the committee. The ARC hopes that increased use of the petition process will lessen the NPC work in finding candidates. The Rules shall be amended at I-7 to add a sentence:

The NPC shall make a good faith effort to nominate at least two candidates for each opening in each electoral district. \*

In addition, the ARC voted unanimously to revise III-6 to remove the last sentence of that section, which will now read:

6. The Committee shall contact every potential candidate suggested to it. The Chairman shall assign to various Committee members the names of candidates for the purpose of an interview to determine whether the candidate will consent to be a Committee nominee.



CRITERIA AND PROCEDURE FOR SELECTION OF SCHOOL TRUSTEE

Several members of the ARC felt that in addition to negative qualifications, the Rules should specify positive criteria for school trustee. Moreover, it was decided that the negative criteria in Rules Section IV-12 should be divided into legal requirements and disqualifications peculiar to the NPC.

The positive criteria were extensively discussed. Several criteria, such as a bachelor's degree or its equivalent, length of residency, service achievements, language regarding reputation, character and judgment, were specifically rejected by a majority of the ARC. The following statement to be appended as a new Rule IV-12(a) of the Rules was adopted by a majority of the committee:

12(a) It is the policy of the Committee that a nominee for Trustee shall be:

An individual whose educational or professional background and/or volunteer experience will enhance the candidate's effectiveness as a trustee, and who will make a substantive contribution to the deliberations of the board. The candidate must be knowledgeable about the needs of the Bronxville School and Community. Candidates must be aware of the heavy time requirement for service on the Board of Trustees and prepared to make allowances in their vocational and personal commitments so they will be able to attend all meetings and fulfill committee assignment.

In addition, a majority of the committee felt that Rule III-4 should be amended as follows, incorporating the above language:

At its first meeting, the Committee shall discuss issues facing the Board and their implications for selection of nominees. To facilitate its discussion, the Committee may wish to invite one or more current Trustees and/or the Superintendent of Schools to address the meeting; it may also wish to sponsor a public general meeting or district meetings to ascertain the views of the community. It shall



be the duty of the NPC to announce publicly each year its search for candidates for School Trustees, and incorporate in that announcement the language from IV-12(a).

The form of the announcement and any additional criteria which the NPC consider appropriate for that particular year would be at the discretion of the NPC.

The ARC recommended amending the rules at IV-12 to create IV-12(b) and IV-12(c) which separate legal qualifications from local disqualifications. In addition, the committee suggested changes in the negative criteria: the disqualification of the immediate past president of the PTA was eliminated, while the disqualification of past members of the NPC was extended to two years, to parallel the disqualification period of former trustees and to eliminate any hint that a trustee is nominated because of past service with the committee members nominating her/him. The rules would be amended as follows:

IV-12(b) It is currently the law of New York that a nominee for school board trustee shall:

1. be able to read and write
2. be a qualified voter of the school district (i.e. must be a U.S. citizen, 18 years or older, a district resident for at least 30 days, and not be a convicted felon or have been adjudged an incompetent)
3. have been a district resident for at least one year prior to the election (but need not have been a taxpayer)
4. not have been removed from a school district office within one year of the election
5. not be an employee of the Board of Education
6. be the only member of his/her family (defined as those within the same household) or such board.

IV-12(c) It is the policy of the NPC that a nominee for school board trustee shall not be:

1. an elected official of the village of Bronxville
2. a former Trustee who has not been off the Board

3. for more than two (2) years  
the spouse of a faculty member or employee of the Board of Education;
4. a retired member of the Non-Partisan Committee who has not been off the Committee for more than two (2) years
5. the current president of the Parent-Teacher Association
6. the spouse of a member of the Non-Partisan Committee.

#### CONFIDENTIALITY AND OPENNESS IN NON-PARTISAN COMMITTEE FUNCTIONS

The Committee unanimously approved the recommendation that the names of prospective school trustee candidates be made known to the public prior to the NPC deliberations. The ARC believed that this would open up the process and let members of the community express their opinions of the candidates to their NPC representatives. While the ARC recognized that the NPC might hear frivolous comments about nominees, the ARC felt that the NPC members would be able to screen out such comments. The Rules should be amended at IV-3 to specify:

Committee interviews and elections shall be kept confidential.

The Committee passed by a majority vote the recommendation that NPC meetings held to interview prospective candidates for school board be closed to the public. The majority of the ARC believed that the candidates would have thereby greater freedom to express candidly their views on the school if the meetings were closed. The minority believed that the candidates would still enjoy considerable freedom to express their views if the meetings were open and allow the community greater access to the views of the prospective candidates.

The ARC also recommends unanimously to keep deliberations as to voting for school trustees and NPC membership confidential. However, all other meetings of the NPC were recommended to be open to the public.

The Committee also unanimously recommended the designation of the Vice-Chairman of the NPC as the primary officer responsible for publicity. The Committee believed that specifically assigning that responsibility to an officer would help to improve communication between the NPC and the community and would promote better understanding of the non-partisan system.

CONDUCT OF THE NON-PARTISAN COMMITTEE WHEN ELECTIONS TO SCHOOL BOARD ARE CONTESTED.

The ARC unanimously recommended that the NPC continue to host a meeting to introduce its own candidates to the community. The ARC felt that this meeting should be held when the election is uncontested and when it is contested. In the interests of making the community more aware of the candidates' positions on the issues, the ARC unanimously recommended that the NPC candidates be free to accept invitations to debate or express their views on the issues. In addition, the ARC unanimously adopted the following statement:

The role of the NPC vis-a-vis its own nominees for School Trustee in contested elections should be to support its candidates in whatever way is reasonably practicable and consistent with its mission as detailed in the Plan 5-a.

The ARC also unanimously recommended that any financial



support by the NPC committee of its nominees for School Trustee in contested elections would be discretionary and based on the financial circumstances and other obligations of the NPC.

#### THE OPEN MEETINGS OF THE NPC

In III-4 of the Rules, the NPC is required to:

discuss issues facing the Board and their implications for selection of nominees at its first meeting each January. To facilitate its discussion, the Committee may wish to invite one or more current Trustees and/or the Superintendent of Schools to address the meeting.

In recent years attendance of this event by members of the community has been low, despite public announcements in the newspaper and on Cable TV. In line with the recommendations of this year's ARC to abolish restrictions on attendance of NPC meetings by the public (see Rules IV-3), and with the designation of the NPC Vice-Chairman as Publicity Officer, we would envision a different forum for the "public general meeting or district meeting".

The introductory winter meetings of the NPC, as members are becoming educated about the Board of Trustees and are canvassing the community for qualified candidates, presents the ideal opportunity for issues-oriented discussions with the participation of members of the community and leaders of other civic organizations. The agenda for these meetings, involvement of the press, organization of speakers and special invitations to guests such as the Superintendent of Schools and the School Trustees would become the logical responsibility of the

committee's Vice-Chairman. These meetings might be televised. As working meetings, with announced agenda, and participation by the community, they could stimulate interest about the issues and promote better understanding of the non-partisan system. Therefore, these meetings could satisfy the requirement for a "general public meeting"

#### FINANCING NON-PARTISAN COMMITTEE ACTIVITIES

The NPC funds itself through a solicitation at the time of paper ballots for election of NPC members. The principal outlay for the committee each year has been connected with the printing and mailing of ballots, and that process nearly completely depletes the treasury. During this year's election for school trustee, the committee found itself in a contest with an independent candidate, and without the funds to provide full financial support to its own nominees. Assuming that contested elections for school trustee will take place in the future, the NPC must endeavor to maintain a large enough reserve fund for the support of its nominees, who should not be expected to have to finance a campaign from their personal sources.

#### EXPANDING THE SIZE OF THE NON-PARTISAN COMMITTEE

The ARC considered the possible advantage of enlarging the NPC to 25 members, which is the number of signatures required by state law on the nominating petition for school trustee. In the past, all eligible voters on the NPC have signed, along with

additional members of the community who have not been a member of the NPC as needed to make 25 signatures. The ARC considered a suggestion that four additional at-large seats on the NPC be created to bring the total membership to 25.

The ARC felt that the Plan had quite carefully articulated a process of representation for the NPC, and that creating at-large members would upset the strictly representative character of the committee and damage its credibility. The ARC agreed that the current practice of going to non-members as needed to sign the petition for the NPC should continue.

RECRUITING NEW SCHOOL TRUSTEE NOMINEES WHEN INCUMBENT SCHOOL TRUSTEES SEEK A SECOND TERM OF OFFICE

The ARC felt that the NPC should canvas the community to find new candidates and interview every candidate with the same probing intensity every year regardless of incumbency.

REVISION OF VOTING PROCEDURE IN CONTESTED RACES FOR SCHOOL TRUSTEES; ELECTION BY PLURALITY VOTE VS. ELECTION FOR SPECIFIC SEATS ON THE BOARD

The members of the ARC considered the voting procedure during contested elections and noted that the first ARC had urged that trustees be elected by plurality vote rather than to specific seats on the school board:

Under Section 2018.b. of the NYS Education Law individual school districts can decide whether or not to adopt a proposition providing vacancies on the School Board not be considered as separate school offices.

In 1984 the ARC recommended that this proposition be placed



before the school district. However this recommendation was not enacted.

The members of this ARC feel this matter should be one of sufficient interest to the League of Women Voters to be included in their study this year of school board elections and the non-partisan committee system. The pursuit of this issue and its presentation to the village electorate would be most suitable for the League and/or the School Board. This committee saw no reason to redefine its position on this question.

Dated: December 2, 1993

Adopted by unanimous vote of  
the Advisory Review Committee

Committee members

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co-chairpersons  
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