

LWVS Information Session on Proposed Amendments to SBNC Resolution
Monday, December 16, 2019
9 a.m., Village Hall, 3rd Floor Meeting Room

Responses by Jordan Copeland, 2019 Joint Committee Chair

I) Overview of the Process

- Can you briefly describe the purpose and charge of the Joint Committee?

The Joint Committee is primarily charged with recommending changes to the Resolution.

- Who serves on the Joint Committee? Were any positions unfilled this year?

The Joint Committee consists of the members of the outgoing Administrative Committee, the Administrative Chair and Administrative Vice Chair of the outgoing Administrative Committee, the members of the Nominating Committee whose terms expire upon the next election of the Nominating Committee, and the Chair and Vice Chair of the Nominating Committee.

This year there were no members appointed from SNAP or the TVCC on the Administrative Committee, and there was no vice chair. There were also several former Nominating Committee members who either moved out of town after their Nominating Committee service ended or were otherwise unable to serve on the Joint Committee.

- How did the JC reach its decision to propose amendments this year?

We have wanted to recommend changes for some time, as the last Resolution revision was in January, 2014. Over the past two and a half years, two consecutive classes of the Joint Committee held at least four in-person meetings, multiple phone conference calls, and extensively discussed and commented on the Resolution online. Through intensive work this fall, we were finally able to bring our recommendations before the public.

- Please describe the process by which the amendments were proposed initially (soliciting feedback from the community, current SBNC members, etc).

At the final meeting of the Nominating Committee for the past three years (at least), the members discussed what sections of the Resolution could be amended to improve the functioning of the Nominating Committee. The Joint Committee then met and discussed those requests, and also examined the Resolution anew to find ways to improve the functioning of the Administrative and Joint Committees. This was done in person and online. Any member could propose amendments and many did so. The Joint Committee is required to suggest Resolution changes by majority vote, but the changes now before the public were actually made by the higher standard of consensus.

- Please describe the steps and timeline taken to publicize the amendments to the Resolution.

After the Joint Committee held its final meeting to approve proposed amendments in November, a press release containing the suggested amendments and the edited resolution was sent shortly

thereafter to the Scarsdale Inquirer, 10583.com, the League of Women Voters of Scarsdale, Scarsdale Parent Teacher Council, the Scarsdale Neighborhood Association Presidents, the president of the Scarsdale Forum, the Scarsdale Board of Education, and the Mayor and the Board of Trustees. The Scarsdale Inquirer ran a front page article detailing the major changes, requesting email comment to our dedicated Resolution comment email address, and informing the public of the public meeting on December 3. 10583.com also ran an article with similar content. Copies of the proposed changes were also placed on public display at Village Hall, the Scarsdale Public Library, and on our website. We held our public meeting on December 3, and are speaking before the League of Women Voters on December 16.

- What input did the JC receive during the public comment period?

We received email correspondence from the League of Women Voters and one email from a member of the public. The Chair of the Joint Committee had numerous informal discussions with community members, including the chair of the Parent-Teacher Council, members of the Board of Education and the President of the Scarsdale Forum, and we also received feedback at our public forum.

- What changes were made to the proposed amendments following the public comment period? Were comments received during the public comment period incorporated? Why or why not?

There were several changes made based upon public comment so far:

- We clarified that third year Nominating Committee members can serve on the Administrative Committee.
- We clarified the length of terms of members of the Administrative Committee.
- We eliminated the requirement that the Administrative Committee ensure that every Nominating Committee election is contested by adding candidates after the petition due date.
- We clarified language to allow the Nominating Committee to ask *additional* differentiated questions to prospective School Board nominees (as intended), rather than to allow completely different questions.
- How did the JC reach decisions on whether to incorporate/reject/modify suggestions made?

The Chair brought them before the Committee on a conference call and they were approved by consensus (although only a majority is required).

- Please comment on any issues or difficulties that arose in the process.

With this Resolution Amendment being the first in several years, there were so many proposed changes (including many that were not advanced by the Joint Committee), so to discuss all of the points took a substantial amount of time at multiple meetings. At one point, we employed technology to allow people to comment on the Resolution, but that system soon grew unwieldy. In person discussion, while time consuming, proved the most effective way of coming to an agreement.

Drafting the changes was somewhat difficult because of the large number of changes and their interlocking effects of some changes on each other. As a result, some language changes were unclear or did not hew exactly to the Joint Committee's intent. However, the public comment process effectively corrected these drafting errors, and the Joint Committee was able to make beneficial changes based upon community input.

Finally, while our Resolution does not require an extensive public comment period, it would have felt more relaxed to have a longer period of time to discuss these issues with the community. Our public election on the proposed amendments is on January 14. It is difficult for the Joint Committee to obtain a quorum over the summer, and even if we do secure a narrow quorum, we would prefer to have most of our Committee members in the discussion rather than a small majority. That means that the bulk of our internal discussions must take place within a couple months in the fall, and only when we complete our work can we then seek formal community input. That compact schedule requires a more intensive commitment from the Joint Committee Chair. Should future changes be made on a yearly basis (it has been six years since the last Resolution amendment), this should be less of an issue as a lesser number of changes can be made regularly.

- If further changes are made to the amendments, will those changes be publicized to the community?

Yes.

II) Rationale and Amendments

- Briefly discuss the overarching purpose of the amendments proposed this year and the factors that led the JC to propose them.

First, we are primarily seeking to avoid unnecessary attrition of Nominating Committee members. Attracting Nominating Committee members can be difficult. We have found that candidates for the Nominating Committee generally do not respond on their own to our publicity efforts or appearances before community organizations. Instead, they must be personally recruited. Often, those recruiting conversations reach an impasse once the time commitment is disclosed.

Serving on the School Board Nominating Committee is very time intensive. In fact, the nature of Nominating Committee service has grown substantially over the decades since the original nominating procedure was adopted in 1924. It has since changed from an all-appointee committee holding a mere two meetings to select School Board nominees (without candidate interview or external due diligence), to a partly-elected, partly-appointed Committee with a two year commitment, to the current fully-elected Committee conducting up to eight meetings per term, with each Sunday meeting lasting 3 or more hours, with a three year term for each member. Once we attract a willing member, we want to build their experience and hold onto them rather than disqualifying them after a year or two because they are assuming a prematurely vacated seat or have moved neighborhoods within Scarsdale.

Second, we want to bolster the Nominating Committee's fact finding ability by allowing it to ask follow up questions of School Board nominee candidates. Originally, the Nominating Committee did

not interview prospective School Board nominees at all. Candidate interviews were later introduced in an effort to obtain a more complete picture of a candidate's experience and qualifications. We are following that same tradition in now seeking additional relevant information about our prospective nominees. This is also in response to successful and unsuccessful nominee feedback about how the interview process could flow more naturally and be more interactive.

Finally, we want to streamline the organization of the Administrative and Joint Committees and increase the number of members who can recruit candidates and staff the election. We currently have a somewhat convoluted administrative system, for which the rationale is unclear. We seek to revise the Resolution into a more logical, easy-to-follow document, resulting in a greater sharing of responsibility among Administrative and Joint members.

- Are there any additional issues that will not be addressed by these proposed amendments? If so, please explain.

The question of whether there should be TVCC (functionally, the Scarsdale Forum) and SNAP appointees *at all* on the Nominating or Administrative Committees is a much larger discussion on which we could not seek general agreement. Their presence is a legacy from when SBNC members were appointed by community groups (including the League of Women Voters, Parent Teacher Council, and the Woman's Club). In my research, I have not determined why, for example, SNAP maintains its representation on the Administrative Committee, while the PTC has lost its appointee. Moreover, TVCC and SNAP have not actively sought representation on the SBNC Administrative Committee for several years. There needs to be further community discussion about this, including with the affected parties.

We also could not secure consensus for a conflict of interest policy regarding relatives of SBNC voting members who seek nomination to the School Board. Joint Committee members were divided about the particulars of such a policy and we were unable to reach an agreement. In a year with so many other changes, we decided to table the issue. It will surely be revisited again in a less intense year.

- Please provide the background and rationale for the following proposed amendments:
 - Amendment 3 - Article II, Article IV (eliminated)
 - Amendment 5 - Article II, Section A.4
 - Amendment 6 - Article II, Section A.5
 - Amendment 11 - Article II, Sections C.3(a) & Article III, Section A.4.d (eliminated)
 - Amendment 12 - Article II, former Section C.3(c) (eliminated)
 - Amendment 14 - Article II, Section C.5
 - Amendment 15 - Article III, Section A.4.b
 - Amendment 18 -Article III, Section C.2

Proposed Amendment No. 3 – Article II (throughout), Article IV (eliminated)

The proposed amendment merges the Joint and Administrative Committees into one Administrative Committee, which will be led by an Election Chair and Vice Chair and a Resolution Chair and Vice Chair. It also clarifies that the Election and Resolution chairs are impartial, and the Election and Resolution vice chairs are impartial when acting as chairs.

Currently, the structure of the Joint and Administrative Committees is confusing, and sometimes leads to the Administrative Committee having insufficient members to (1) solicit a wide range of Nominating Committee candidates and (2) run the election. In practice, this leads Joint Committee members to volunteer to assist the Administrative Committee.

Currently, after leaving the Nominating Committee, SBNC members are simultaneously on both the Administrative Committee (which runs the Nominating Committee election) and the Joint Committee (which recommends changes to the Resolution). The following year, those same people *remain* on the Joint Committee but *leave* the Administrative Committee. That means that the Administrative Committee consists only of one year's worth of SBNC members, and that number may fluctuate based upon Nominating Committee members leaving Scarsdale after their three years or not serving on the Administrative Committee for other reasons. The election responsibilities are too large for a smaller Administrative Committee to run alone.

By merging the two Committees, we increase the number of people to help officially run the election (essentially conforming the Resolution with our practice), plus now there is a possible path for a person to be the Administrative Vice Chair one year and then to be the Chair of the Administrative Committee the following year (when they otherwise would have been forced to move on to the Joint Committee). This change would help with institutional memory, stability, and leadership. We were not able to identify any material downsides to merging the two Committees, other than perhaps slightly more official work for Joint Committee members during their final year. The separateness of the two Committees is confusing and may be a result of long-ago legacy decisions that are not apparent or relevant today.

Proposed Amendment No. 5 – Article II, Section A.4

The proposed amendment clarifies that Administrative Committee members serve for a two year term and chairs and vice chairs hold their offices for one year.

This is not an actual change, but merely a clarification (assuming the Administrative and Joint Committees are merged). Currently, members serve one year simultaneously on the Administrative and Joint Committees, and then serve another year just on Joint, for a two year total term. Under the proposed amendment, members will still serve for a two year total term.

As far as chairs and vice chairs, as it is currently written, the Administrative Vice Chair becomes the Administrative Chair the following year, and the outgoing Administrative Chair and Administrative Vice Chair become the Chair and Vice Chair of the Joint Committee. So that means that the former Administrative Vice Chair serves simultaneously as Chair of the Administrative Committee and the Vice Chair of the Joint Committee, which is not desirable. That also means that for the Vice Chair of Joint to become the Chair of Joint, they must remain on the Joint Committee for three years rather than the conventional two. This procedure has proven untenable and has not been followed in recent years.

Moreover, this succession plan precludes the Chair of the Nominating Committee from ever chairing Joint, unless they simultaneously Chair the Nominating Committee and serve as Vice Chair of the Administrative Committee. Otherwise they would remain on Joint for *four* years.

Finally, chairing the Joint and Administrative Committees involve two very different skill sets. Running an election is different than analyzing and modifying a legal document, so it does not make sense that someone who chairs the election should then be required to chair the Resolution modifications, or that someone who has the skills to chair the Resolution modification is precluded from doing so unless they run the election first. So, for example, if the Joint Committee is merged with the Administrative Committee, a new Administrative member could serve as Election Vice Chair and then Election Chair the following year, or serve first as Resolution Vice Chair and then Resolution Chair the next year. That progression is more logical and allows leaders to specialize according to their aptitudes.

We considered the downsides of eliminating the current succession path, but we note that the current method has not ensured succession in practice, as people have been unwilling to take on a mandatory multi-year assignment, and may have strengths in one area (running the election, for example) but not in the other (proposing revisions to the Resolution). A different succession plan will hopefully ensure a steadier stream of leaders in the organization, rather than the extreme centralization that has occurred under the current rules.

Proposed Amendment No. 6 – Article II, Section A.5

The proposed amendment changes the term of the Administrative Committee nominees from SNAP and the Scarsdale Forum from three to two years and modifies the procedure by which vacancies are filled.

We considered the downside that this change lessens continuity and institutional memory. On the other hand, we concluded that appointed members -- who are not elected by the community -- should not be the members with disproportionate tenure and influence. Moreover, we have not been able to attract *any* members from SNAP or the TVCC to the Administrative Committee in recent years, and one of the reasons *may* have been the three year length of term. Reducing the term length may help. We have considered that we would prefer to have overlapping expertise, but right now we do not have any members at all from the community groups, rendering this a moot point.

Proposed Amendment No. 11 – Article II, Sections C.3(a) & Article III, Section A.4.d (eliminated)

The proposed amendment allows all elected Nominating Committee voting members to serve a three year term on the Nominating Committee, regardless of whether a vacancy was previously created in their Election Unit.

It is difficult to attract candidates to undertake the substantial commitment of serving on the SBNC, and we are proposing this change in order to retain experienced members rather than curtailing their terms to preserve a stagger.

A small number of our members do not complete their terms for one reason or another. When this occurs, to maintain the stagger under the current system we must seek a replacement member for the vacated seat, who only finishes whatever remains of the term. The replacement member is the candidate who received the third most votes in that Election Unit. Therefore, the stagger functionally creates a contested election, which is a disincentive to attracting Nominating Committee candidates.

To preserve the stagger, we must curtail a member's service prematurely, after one or two years (depending on how many years were left in the term), regardless of their interest in continuing. That member is also not allowed to run for another seat. The stagger system wastes that new volunteer's talents and experience, as they are foreclosed from going on to serve as a second or third year member of SBNC (or as a Chair or Vice Chair of SBNC). They will then go on to the Administrative Committee and the Joint Committee with only one or two years of Nominating Committee experience, and little possibility of taking on a leadership role or even understanding many of the nuances of the process due to their short tenure (if they have only served one year). We want to nurture our members' experience rather than truncate it. Under the proposed change, all members will be elected to three year terms, regardless of whether they are completing an unfinished term or not.

Eliminating the stagger will ensure that we have Administrative and Joint Committee members who have a full three years of experience on the Nominating Committee. It is speculative as to whether for some years the Administrative Committee will have significantly greater or lesser numbers of members, but the concurrent merger of the Joint and Administrative Committees should minimize any such impact, because the new Administrative Committee will be drawing from the past *two years* of SBNC members, whereas the current Administrative Committee relies on only the most recent year.

We considered the ramifications of this change for some time, as this could lead in the long term to larger or smaller classes within our 30-member Nominating Committee. However, we are proposing an elimination of the stagger in order to increase experience on the Committee and lessen the difficulty of finding people to run, especially for short, contested terms. The effect of this change will be greater at the Election Unit level (where there are six elected voting members) than at the overall Nominating Committee level (where there are 30 elected voting members).

For example, after a person fills a vacancy in a given Election Unit, that Election Unit might then be electing two members in the next year of the rotation, only one member in the second year of the rotation, and three members in the third year of the rotation. That pattern would continue until another person does not complete his or her term. We usually don't have more than two vacancies per year in the entire Committee (and usually less), but we have considered that it is even possible over years or decades that an Election Unit may even fall into a pattern of electing no members at all in a given year, and three or four in other years. While this is not optimal, we have concluded that is preferable to truncating volunteers' terms at a time when it is difficult to attract members. It is hard to predict all of the things that might happen to contribute to or ameliorate this situation over many years, but the Resolution can always be re-amended to revert to a stagger or another method should an imbalance become significant and unwieldy.

That said, we believe that the effect of this to the functioning of the overall Nominating Committee to be materially insignificant, as there will still be the same number of members (30) on the Committee at any given time. Right now we have members with extensive community experience and others who are new to the community. Their length of service on the Nominating Committee is often less relevant to their judgment and connections than their outside community experience.

An elimination of the stagger is not an issue of representation, but rather timing. All Election Units will still have the same six member representation, though some may have an average level of experience on the Committee that is greater or lesser than another Election Unit. In any event, however, the Election Unit from which a voting member comes is not a factor when evaluating School Board members' experiences and qualifications. Moreover, the Nominating Committee does not operate by blocs from each Election Unit. Members serve as individuals and are expected to exercise their own personal judgment.

We are aware of the rationale for staggered terms, but find that the drawbacks of the staggered system that we have seen outweigh the potential consequences of not having such a system, as it will help us retain more experienced members overall.

Proposed Amendment No. 12 – Article II, former Section C.3(c) (eliminated)

The proposed amendment eliminates the requirement that the Administrative Committee add names of candidates to the ballot to ensure that every Nominating Committee election is contested.

As it stands, the Resolution states that every vacancy must be contested, with the Administrative Committee adding candidates to ensure that every election has at two people running for each vacancy. We are not currently in compliance with this, as we cannot find extra candidates in all Election Units to do so. Moreover, while we recognize that having every election for a Nominating Committee seat contested would give voters greater democratic choice, maintaining a practice of always internally appointing candidates to contest elections after the petitions are due would greatly impair our ability to attract SBNC candidates and likely cause resentment on the part of unsuccessful SBNC candidates who completed the petition process but were then defeated by a late appointee.

During recruiting, we have found that many SBNC candidates have expressed that they do not want the stress and potential embarrassment of running in a contested SBNC election, no matter how outwardly civil. We still try to recruit enough candidates for contested elections, but to specifically appoint people to contest seats after petitions are submitted will reduce the willingness of many candidates to apply.

Proposed Amendment No. 14 – Article II, Section C.5

The proposed amendment delineates that public access be provided for Resolution changes, and not all Administrative Committee records.

We are still *maintaining* a permanent record of our activities, but we are not requiring the Administrative Committee to make records of every activity available on a public website. We do

make relevant information (such as Resolution changes, Rules of Procedure, and Rules of Voting Procedure) publicly available on our website, but there may be sensitive or confidential information that would cause harm if shared, and as it states now everything must go online for public access.

Proposed Amendment No. 15 – Article III, Section A.4.b

The proposed amendment allows elected Nominating Committee members who move to another Election Unit to complete their terms.

Currently, the policy requires a Nominating Committee member to resign should they move neighborhoods within Scarsdale. This results in a loss of experience on the Nominating Committee, and removes a person from serving on the Administrative or Joint Committees.

We recognize that a given Election Unit can be technically seen as being slightly underrepresented for one or two years should one (rare) or two (extremely rare) of their elected voting members move to another neighborhood. However, neighborhood affiliation is not relevant in a Committee member's evaluation of School Board nominees' experience and qualifications. Nominating Committee members act as individuals and are not beholden to their Election Units. It is unclear and speculative as to how a person who moved to another neighborhood would act or think differently when evaluating prospective School Board Nominees' experience and qualifications.

It would indeed be harmful for the SBNC to be completely dominated by voting members from one neighborhood, but not because they would choose School Board nominees who would somehow favor that Election Unit. Rather, the Committee would be hampered in its ability to recruit prospective School Board members from the entire town. However, a short term realignment would have minimal impact on the Committee's mission. This proposed change accords with the Joint Committee's broader concern to retain willing and experienced Committee members.

Proposed Amendment No. 18 – Article III, Section C.2

The proposed amendment allows the Nominating Committee to ask additional differentiated questions to candidates for nomination to the Board of Education.

This is a change that would help the Committee obtain more relevant information about prospective nominees to the Board of Education. We considered that allowing different questions to be asked to different candidates could lead to a perception of unfairness. Candidates could suspect the Committee of bias should a question probe uncomfortably, and any differentiation could also lead a member of the public to speculate about the Committee's neutrality. However, we felt that these concerns were outweighed by the Committee's greater ability to elicit information from a candidate that he or she neglects to include, the Committee's no longer needing to speculate about facts that the candidate can easily clear up, candidates' perception as Committee as more engaged, and the interactive nature that questioning would bring to the process, like a real interview.

Asking additional questions of candidate is not intended to be a "gotcha," but rather, for example, to allow nervous speakers to expand on something that will *help* them but they overlooked. For

example, if a School Board incumbent comes in and delivers basically the same speech they did when they were running the first time, and the Committee really wants to know about how their School Board experience has made them more effective, a follow up question can elicit this. Or a candidate who eschews notes to strive for a more personal presentation may inadvertently gloss over an important volunteer position that the Committee would like more information about. We all want the best board members, and that includes introverts and more deliberative thinkers. The current policy values strong campaigners and applicants who previously served on the Nominating Committee over less polished but equally highly qualified candidates. This change is an effort to help all candidates present best.

Originally, School Board candidates did not even present to the Nominating Committee, but were essentially selected based upon their community reputation. The trend over the decades has been to gather more information about the candidates for a number of reasons. The Committee is more professional and it is no longer stocked with appointed insiders who personally know all the community volunteers. Allowing differentiated questions is the next logical step in an often-formal process. It allows the Committee to seek additional relevant information about candidates' experience and qualifications that can not be obtained through due diligence. The exact mechanics of this process, if approved, would be determined by the Nominating Committee as it formulates its rules of procedure every year.

This proposed amendment in particular is the one that we are most eagerly seeking community opinion about in the form of the public vote. The Joint Committee chair has heard much positive public feedback on this issue and a lesser amount of negative feedback. That said, we cannot conclude from a small number of people, or even any given community group, whether the public as a whole truly agrees with this proposed amendment as a positive step in the Nominating Committee's fact finding mission. The nonpartisan system relies on the faith of the community that the process is fair. We don't believe that asking additional follow up questions is unfair, just as it is not considered unfair to ask such questions in any other job interview. In other such contexts, refusing to ask differentiated questions would be seen as bizarre, incurious, and unhelpful. Therefore we are looking forward to the community's vote on this proposed amendment (and well as the other proposed amendments).

III) Wrap-Up

- Are there any additional comments you would like to make about the context or process for the proposed amendments?

We have made these recommendations based upon our experience with the process and careful evaluation of the advantages and drawbacks to each change. That said, the Nonpartisan process relies on the confidence of the entire community and we are looking forward to putting these issues forward for the public to decide which features of their nonpartisan system should remain the same and which should be amended.

The Resolution is a malleable document that has been modified 32 times in the past 55 years. It has changed quite substantially in many ways; for example, in 1965, when Scarsdale School Districts

One and Two were merged, Nominating Committee members served only a two year term. There were 20 elected members and 12 appointed members. It is harder to attract members today because members serve longer terms, with many more meetings, and there may be other demographic, economic, or attitudinal changes that have affected volunteerism in Scarsdale.

We have proposed amendments that respond to changes in our town but still preserve the essential elements of the nonpartisan system that has served Scarsdale so well for almost a century. We welcome all community feedback, as the system operates for the benefit of all residents of the Scarsdale School District.