

CITY OF PORT REPUBLIC
6:00 P.M. DECEMBER 6, 2021
SPECIAL CITY COUNCIL VIRTUAL (ZOOM) MEETING

Adequate notice of this meeting was given as required by the Open Public Meetings Act.

COUNCILMEMBERS PRESENT: Steven Allgeyer, Doris Bugdon, Roger Giberson, Stanley Kozlowski, Thomas Kurtz, Donna Riegel

COUNCILMEMBERS ABSENT: Jacob Nass

ACTING MAYOR: Stanley Kozlowski

MUNICIPAL CLERK: Kimberly A. Campellone, RMC

ATTORNEY: Ray Went, Esq.

Council President Kozlowski called the meeting to order and lead the flag salute. This is to advise the general public and to instruct that it be recorded in the minutes, in compliance with Chapter 231 of the Public Laws of 1975, entitled the "Open Public Meetings Act". The Municipal Clerk of the City of Port Republic posted at City Hall, 143 Main Street, Port Republic and mailed and/or faxed to the Atlantic City Press and the Current Newspaper, a meeting notice setting for the time, date and locations of this meeting.

EXECUTIVE SESSION:

ES 12A-2021 Authorization to Enter into Executive Session Regarding:

1. Type I/Type II School Board Referendum Voted Upon in the 2021 General Election

ENTER INTO EXECUTIVE SESSION:

Councilmember Riegel moved, seconded of Councilmember Giberson and carried to enter into executive session at 6:05 pm.

CLOSE EXECUTIVE SESSION:

Councilmember Allgeyer moved, seconded of Councilmember Riegel and carried to close executive session at 6:30 pm.

Attorney Went explained to the public that there has been a challenge by the School Board of the validity of the referendum question that was voted upon in the November 2021 General Election. The Board of Education raised two concerns. 1.) Was it legal to word the question for a five (5) member board versus a nine (9) member board? They feel that was not permissible while the City does feel it was permissible. 2.) Should there have been an interpretive statement along with the question to instruct the voters more about the ramifications of voting yes to the question? They were concerned particularly with the financial ramifications being explained to the voters. A "yes" vote

would mean there would no longer be a Board of School Estimates, the annual budget would instead be voted upon by the voters every year.

The City is facing emanate litigation. The Board of Education has said that they are going to go to the courts to seek relief on this issue, one way or another. The question which was posed to City Council and discussed during Executive Session is whether City Council would like to fight the litigation or join the Board of Education in formulating a new question and interpretive statement to be approved by a judge. The approved question and interpretive statement would be placed on a future ballot at a future election, hopefully the 2022 General Election.

The attorney for the Board of Education sent the filing documents to Attorney Went to review. The court documents do not say that the City agrees with the two points raised by the Board, but rather that the City recognizes that litigation brings a lot of risk with it. Litigation is not only expensive, but we do not know the outcome.

OPEN TO PUBLIC PORTION

On the motion of Councilmember Allgeyer, seconded by Councilmember Giberson and carried.

Nikki Giberson, 300 Sooy's Landing Road, commented that she thinks the City and the Board of Education need to work together on this issue. There shouldn't be division. We need to present this question in a way that is fair and honest. It also should be presented in a way that the residents of Port Republic are a little more educated as to what this vote really means. The City and the Board need to work together and not against each other.

Councilmember Giberson stated that the City has been working with the Board of Education on this issue. The City's attorney has phrased this in such a way that makes it seem like we are working against each other all this time. The Board of Education brought up these issues with some statutes expressing that they thought the question was inadequate or wrong. And in this time both the School Board's attorney and the City's attorney have been working together to form a response to a judge to get this straightened out and get it back out on the ballot so that everyone is on the same page. This vote will be about getting this question back on the ballot correctly, hopefully in November to avoid a Special Election. We are not working against each other; we have been working together.

Council President Kozlowski added that this gives the City adequate time to review this and to make sure this is done right. Because the Board and City Council will be working together, it will be a true vote with no chance of litigation in the future. Nikki and Councilmember Giberson are correct that both parties need to move forward together.

Attorney Went stated that this has in fact been a collaborate effort between the City's attorney and the Board's attorney. However, nothing can be done without the decision of City Council. The formal decision will be made by City Council after the public have

an opportunity to speak. While we have been cooperating with the School Board thus far to come to a resolution, the public is entitled to speak tonight before the vote happens.

Councilmember Bugdon added that she agrees with Councilmember Giberson and would like to move forward in dealing with this issue. Our children's education is more important than anything else.

CLOSED TO THE FLOOR FOR TOPICS FOR PUBLIC PORTION:

Hearing nothing from the public, Councilmember Allgeyer moved, seconded of Councilmember Riegel and carried to close the public portion.

RESOLUTION:

81-2021 Resolution Authorizing the City of Port Republic to Enter into Litigation with the City of Port Republic Board of Education Regarding the Type I/Type II School Board Referendum Voted Upon in the 2021 General Election

On the motion of Councilmember Riegel, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz, Riegel

NO:

ABSENT: Nass

ABSTAIN:

ORDINANCE:

06-2021 An Ordinance Dissolving the Municipal Court of the City of Port Republic
1st Reading/Introduction

On the motion of Councilmember Bugdon, seconded of Councilmember Allgeyer and carried.

YES: Allgeyer, Bugdon, Giberson, Kozlowski, Kurtz

NO: Riegel

ABSENT: Nass

ABSTAIN:

ADJOURNMENT

On the motion of Councilmember Allgeyer, seconded of Councilmember Bugdon and carried to adjourn at 6:47 p.m.

Respectfully submitted,

Kimberly A. Campellone, RMC
Municipal Clerk