

Resolution:

WHEREAS, Article 52 of the Education Law governs the function of the city school districts in the cities of Buffalo, Rochester, Syracuse and Yonkers, and Section 2554 of the Education Law sets forth the duties and powers of the Board of Education of the Yonkers City School District; and

WHEREAS, the Education Law and regulations promulgated thereunder, do not prohibit members of the Boards of Education in the city school districts governed by Education Law Article 52 from receiving a salary or stipend for the performance of their duties; and

WHEREAS, Section 2554 of the Education Law does not limit the power of the Board of Education of city school districts to provide a salary or stipend to its members for the performance of their duties; and

WHEREAS, the operation of the Yonkers City School District is comparable to the city school districts in Buffalo, Rochester and Syracuse, among other factors, with respect to student population, staff employment, building operations and other general functions; and

WHEREAS, the Board of Education of the Yonkers City School District should function in a manner that is consistent with and has been successful for the other city school districts as permitted under the Education Law; and

WHEREAS, members of the Board of Education in the city school districts in Buffalo, Rochester and Syracuse receive a salary or stipend pursuant to municipal charter, resolution or written policy with respect to the performance of their duties and obligations as Trustee of their respective Boards of Education; and

WHEREAS, with respect to the Yonkers City School District, Section 2554 of the Education Law is superseded, where applicable, by the Yonkers City School District Deficit Financing Act (the "Financing Act"), adopted on March 31, 2014, which shifted certain operational and fiscal responsibilities of the Yonkers City School District from the Board of Education to the City of Yonkers; and

WHEREAS, pursuant to the Financing Act, the Board of Education and the City of Yonkers entered into the Intermunicipal Agreement, dated June 12, 2014 (the "IMA"), setting forth certain duties and functions of the City of Yonkers with respect to the function of the Yonkers City School District, and reserving other duties and functions for the Board of Education; and

WHEREAS, the Financing Act and IMA do not prohibit or limit the right of the Board of Education of the Yonkers City School District to authorize that its trustees may receive a salary or stipend for the performance of their duties on behalf of the Yonkers City School District; and

WHEREAS, the President of the Board of Education devotes a significant amount of time to the performance of the President's duties, which may significantly impact his or her other employment and/or familial obligations; and

WHEREAS, it is fair and reasonable that the President of the Board of Education receive some compensation for the substantial time and effort the President devotes to the duties of that office; and

WHEREAS, December 20, 2017, pursuant to the authority vested in the Board of Education under Article 52 of the Education Law, and reserved onto the Board of Education under the IMA, the Board of Education approved a resolution providing that the President of the Board of Education shall be compensated for his or her official duties by payment of an annual stipend in that amount of \$15,000.00, retroactive as of July 1, 2017; and

WHEREAS, the Board of Education now desires to amend and replace the December 20, 2017 resolution;

NOW, THEREFORE, BE IT RESOLVED, that the December 20, 2017 resolution is amended and replaced by this resolution;

BE IT FUTHER RESOLVED, that pursuant to the authority vested in the Board of Education under Article 52 of the Education Law, and reserved onto the Board of Education under the IMA, the President of the Board of Education shall be compensated for his or her official duties by payment of an annual stipend in the amount of \$15,000; and

BE IT FURTHER RESOLVED, Due to the Board term running from May to May of each year, the \$15,000 stipend shall be paid to the President of the Board of Education in two payments, one in the amount of \$7,500 to be paid on October 1st of each fiscal year and the second in the amount of \$7,500 to be paid on April 30th each fiscal year; and

BE IT FURTHER RESOLVED, that in the event of resignation, removal or termination of any person from the office of President of the Board of Education, such salary shall be apportioned to continue through the effective date of cessation from office, and any person appointed in an interim capacity to fulfill the remaining term of President until the election of officers at the next annual meeting, shall be entitled to the remaining portion of the salary for the interim period; and

BE IT FURTHER RESOLVED, that the Superintendent of Schools and departments of the Yonkers City School District are directed to take all steps necessary to effectuate this resolution consistent with the terms of the IMA.

Recommended By: The Board of Trustees

Ref: N.Y. Education Law §§ 2553, 2554, 2563