



In all the world there is only one Essex Junction

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A Recreation Governance perspective from Deborah Billado, President, Board of Trustees

Over the past 8 months Essex Junction has struggled with the governance issue on EJRP. The following are important points and some answers to questions that the Village Board of Trustees is being asked & some comments that summarize the position of the majority of Board members. We encourage you to get more detailed information by going to the Village website "essexjunction.org". If you have questions please feel free to email me dabillado@aol.com.

Why are the Trustees involved?

The Village Charter & State laws set forth that the Trustees are responsible for insuring that the Village is provided with recreation programs. They are responsible for providing recreation activities within the Village government or arrange for another organization to handle the administrative oversight of the programs.

The current agreement with the Prudential Committee (PC) has raised considerable concerns over the accessibility of residents and the Trustees to the decision making process. The Trustees feel there needs to be a defined process in any new agreement to assure that it is open to our residents in an understandable manner.

Why have the Trustees asked the Village Attorney for legal opinions?

What started out as a communications access discussion, has evolved into "who owns the keys" to EJRP. In recent months the school district (CCSU) has stated that the school district because of their years of oversight, owns the EJRP Department. The trustees contend that by law and charter it belongs to the village and its taxpayers. The Village Attorney's legal opinion was necessary to determine that the Trustees have the legal authority to make any changes in the recreation governance.

If the Trustees were told they did not have the authority the discussion would have ended several months ago. Some months ago the Village forwarded the legal opinions to the PC/CCSU to have their own staff attorney review and comment. To date the Trustees have not received their legal opinion. Attorney Alan Overton in an effort to move this forward offered his legal advice (pro bono) to the community and concurred with the Village Attorney.

The PC/CCSU state that they do not agree with the Village's legal position. They contend that they have been "given" EJRP for as long as they want to keep it. The Village cannot give away EJRP; there is no legal process for that to occur. This fundamental difference needs resolution in order to move forward.

The Future:

1. The Trustees continue to ask the PC to join with them in the development of a new service agreement that addresses the oversight, public access, and administrative service cost issues. **The Trustees have NOT at this point made any decisions regarding the future of EJRP.**
2. The legal issue of the ownership of EJRP must be decided. The question "who owns the keys" must be determined. With a court ruling in a "Declaratory Judgment" we will have a resolution and clear sense of direction for all parties to this issue.
3. The Trustees need to follow the law and if the court decision is that the PC/CCSU owns EJRP then the trustees will develop a land lease and step aside. If the court decision states the Village of Essex Jct. and its taxpayers own EJRP, then the Trustees need to continue to fulfill their legal responsibilities to its taxpayers.

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4. The current agreement (which ends on 7/1/2011) provides that the PC handles the administrative oversight of EJRP. It requires a 90 day notice (4/1/2011) for either party to extend it or end it. The agreement includes the leasing of Village owned property to the PC. The Trustees offered a renewal extension agreement in December 2010. That offer was rejected by the PC without any opportunity for negotiations.
5. The Trustees feel that the method of determining the CCSU service charges to the PC should be revised.
6. The Trustees have indicated that if a new or continuing agreement has not been negotiated then on March 22nd the Trustees must decide what to do in order to meet the current agreement's notice deadline.
7. If a new agreement with the PC is not negotiated then the two other options are: (1) to transfer the oversight back to the Village government or, (2) to transfer it to the Town of Essex (if there is interest in having an oversight agreement).