



MEMORANDUM

TO: Indiana State Board of Education

FROM: Dana L. Long, Legal Counsel 

Re: Amended Governing Body Selection Plan:  
**Board of School Trustees, M.S.D. of North Posey County**

DATE: April 30, 2012

On January 19, 2012, the M.S.D. of North Posey County (North Posey) and Consolidated School Town of New Harmony & Harmony Township (New Harmony) adopted identical resolutions wherein North Posey would annex New Harmony. The annexation is effective on July 1, 2012. In order to provide for a transition from the primary election to the general election for school board members, and to provide representation for New Harmony on the North Posey school board until a new plan can be adopted with public input after the effective date of the annexation but prior to the 2014 general election, the North Posey Board of School Trustees has adopted the attached plan.

The plan as submitted satisfies the intent of I.C. 20-23-8 and is recommended for approval by the State Board of Education pursuant to I.C. 20-23-8-15.

Enclosures

cc. File

**RESOLUTION OF M.S.D. OF NORTH POSEY COUNTY**

**ADOPTING PLAN OF CONSTITUTION**

**PURSUANT TO I.C. 20-23-5-11**

**WHEREAS**, M.S.D. of North Posey County (“North Posey”) and Consolidated School Town of New Harmony & Harmony Township (“New Harmony”) adopted a Joint Resolution on January 19, 2012 wherein North Posey annexed New Harmony pursuant to I.C. 20-23-5 and the annexation shall be effective July 1, 2012.

**WHEREAS**, North Posey consists of a five (5) member board and North Posey desires New Harmony to have a representative on the board effective July 1, 2012 pursuant to negotiated terms of the annexation.

**WHEREAS**, North Posey has three (3) voting districts.

**WHEREAS**, a North Posey board member from District 3, Larry O. Lewis, indicates a desire to voluntarily resign effective July 1, 2012.

**WHEREAS**, North Posey intends to appoint James R. Scarafia from New Harmony to fill the seat from District 3 vacated by the resignation of Larry O. Lewis.

**WHEREAS**, the terms of two (2) board members of North Posey expire December 31, 2012, and the two (2) seats are scheduled for election in November 2012, and the two (2) seats include the resigning board member from District 3 and the current board president from District 2.

**WHEREAS**, North Posey desires adequate time to consider a fair and equitable plan of constitution, and allow adequate time for public input and public hearings.

**WHEREAS**, the filing deadline for the November 2012 election is August 24, 2012, and that deadline does not allow North Posey adequate time to consider and implement a fair and equitable plan of constitution.

**THEREFORE, it is RESOLVED as follows:**

North Posey school board shall continue to consist of five (5) members.

The current constitution plan of North Posey shall continue in place with the annexed territory of New Harmony added to District 1.

The seats held by Joseph D. Neidig and James R. Scarafia shall not be subject to election November 2012.

All North Posey school board members shall serve from July 1, 2012 until their terms expire December 31, 2014, and the board members are as follows:

**District 1** Stephen H. Bender  
James R. Scarafia – appointed member from New Harmony

**District 2** Joseph D. Neidig  
Geoffrey A. Gentil

**District 3** Linda K. O'Risky

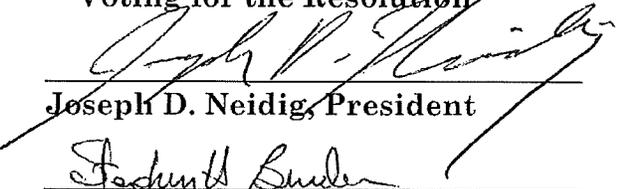
All board seats shall be elected November 2014.

Prior to the November 2014 election North Posey shall be allowed to consider a plan of constitution with public input and public hearing to be submitted to the State Department of Education and State Election Board for approval prior to the November 2014 elections, and allow for the November 2014 elections to be held pursuant to the approved plan of constitution.

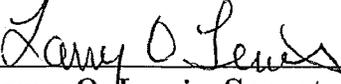
**Adopted and approved: April 27, 2012**

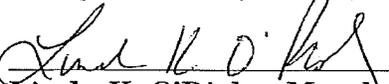
**Voting for the Resolution**

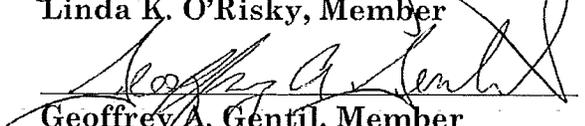
**Voting Against the Resolution**

  
\_\_\_\_\_  
**Joseph D. Neidig, President**

  
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**Stephen H. Bender, Vice President**

  
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**Larry O. Lewis, Secretary**

  
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**Linda K. O'Risky, Member**

  
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**Geoffrey A. Gentil, Member**

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