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August 28, 2009

Janet B. Killeen, Business Manager
Minuteman Regional Vocational
Technical School District
758 Marrett Road
Lexington, MA 02421-7313

Re: Various Agreement Questions

Dear Jan:

I have prepared this letter to respond to the series of questions you raised earlier this week with respect to the District Agreement. What follows below are the questions as posed by you, followed by our response to each question.

I. Do all of the District's member towns need to approve the authorization of debt by the District?

Chapter 71, Section 16(d) of the General Laws provides, in general, that once debt is authorized by a regional district school committee, each member town has 60 days during which it can call a town meeting to express disapproval of such debt. If any one member town disapproves of the debt authorized by the regional district school committee, such authorization fails and no debt may be incurred. However, in the case of a vocational regional school district, Chapter 71, Section 16(d) of the General Laws provides, in part that:

In the case of a vocational regional school district, if the district agreement so provides or is amended to so provide, such debt may also be incurred if two thirds of the member towns do not vote disapproval within said sixty day period provided that said towns which have not voted disapproval agree, within ninety days of the date on which said debt was authorized, to pay the total bond indebtedness authorized by the district committee without contribution by the member towns which voted disapproval of the amount of said debt. The member towns of such vocational regional school district which have voted disapproval of the new indebtedness shall have the right to retain their membership in the school district as provided in their district agreement except that they shall not be allowed any added enrollment that might result solely from the expansion of facilities that occurs on account of said new indebtedness.

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The mechanic set forth for vocational districts permits them to have debt approved by less than all member towns, under two conditions. First, the district agreement must incorporate the two-thirds debt approval mechanism for regional vocational school districts set forth in Chapter 71, Section 16(d) of the General Laws. Second, if two-thirds of the member towns do approve (or, rather, do not disapprove) of the debt, each of such member towns must agree, within 90 days of the authorization of such debt, to allocate the debt service assessment for such debt amongst only those member towns approving of the debt. A member town's assent to the allocation of debt service among only the approving member towns would need to be made by town meeting vote. The district agreement governing the affairs of the District does not now incorporate the two-thirds approval mechanism for vocational debt approval as required by Chapter 71, Section 16(d) of the General Laws. As such, all member towns must approve (or not disapprove) of any debt authorized by the District. In order to avail itself of the two-thirds debt approval mechanism set forth in Chapter 71, Section 16(d) of the General Laws, the district agreement would need to be amended to permit such approval, and any such amendment would require the approval of all member towns.

II. If debt is authorized by the Regional District School Committee and approved by many, but not all of the member towns, can the Regional District School Committee reauthorize the debt in the same or a different amount, and if so, does a member town that approved the initial debt need to hold another town meeting to approve the reauthorized amount?

If an authorization of debt by the Regional District School Committee fails to gain the approval of all of the member towns, the Regional District School Committee can reauthorize the debt in the same or a different amount and again request the approval of the member towns. For each new authorization of debt, each member town has 60 days following the approval of such debt by the Regional District Committee to call a town meeting to express approval or disapproval of the new debt. As a practical matter, however, most towns that have approved the debt once, will not bother calling a meeting to vote on the new or reauthorized amount (assuming the new amount is no higher than the amount of the debt initially approved by the member town). In that event, once 60 days have elapsed following the Committee's vote to approve the debt, a member town not calling a town meeting to express approval or disapproval of the debt will be deemed to have approved of the debt for purposes of Chapter 71, Section 16(d) of the General Laws.

III. Under the District Agreement, what is the cost to a new town that would like to become a member of the District?

Amendment Number 2 to the District's regional agreement provides that if a new town joins the District, in its first year as a member of the District, it shall pay the then current tuition rate for each pupil sent to the District. Thereafter, it shall pay: (i) its allocable share of operating and capital costs as determined in Section IV of the District's regional agreement, except it shall not pay any portion of bonds of the District issued on March 1, 1973 and March 1, 1974 (I would

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doubt that any of these bonds are still outstanding at this time), and (ii) \$400 for each pupil attending the District school as of the prior October 1. This surcharge will continue for a period of ten years, commencing with the new member town's second year of District membership.

I hope this letter has been helpful to you and would be happy to discuss the issues raised in more detail at your earliest convenience.

Sincerely,



Richard A. Manley, Jr.

RAM/sad

Enclosure

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