



Muskegon Heights Public Schools

2603 Leahy Street • Muskegon Heights, MI 49444 • Phone 231-830-3221 Fax 231-830-3560

RESOLUTION ESTABLISHING THE SECOND REVISED METHOD OF SELECTION RESOLUTION FOR MEMBERS OF THE MUSKEGON HEIGHTS PUBLIC SCHOOL ACADEMY SYSTEM BOARD OF DIRECTORS; AND APPOINTMENT OF MEMBERS TO FILL VACANCIES

A special meeting of the Board of Education (the “Board”) of the School District of the City of Muskegon Heights, Michigan (the “District”) was held at 2603 Leahy Street, Muskegon Heights, MI 49444 also virtually via Microsoft Teams and conducted electronically as permitted by law, on August 10, 2021, at 6:00 p.m. local time. The meeting was called to order at 6:10 p.m. local time by President Trinell Scott.

Present Members: Trinell Scott, Estelita Rankin, Marjorie Cook, Mark Glover, Safornia Johnson-Pierce, Marianne Darnell

Absent Members: Peggy Selmon

The following preamble and resolution were offered by Member Marjorie Cook and supported by Member Marianne Darnell

WHEREAS, the Revised School Code, Public Act 451 of 1976, as amended, MCL 380.1 to 380.1853 (the “Code”), authorizes the governing board of a school district to be an authorizing body for a public school academy; and

WHEREAS, the District is the authorizing body for the Muskegon Heights Public School Academy System (the “System”); and

WHEREAS, Section 503(5) of the Code provides that an authorizing body “shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors” of each public school academy subject to the authorizing body’s jurisdiction” (“Method of Selection Resolution”); and

WHEREAS, on October 28, 2016, the Governor of the State of Michigan (the “Governor”) appointed a Receivership Transition Advisory Board (“RTAB”) for the District to facilitate the transition of the District from receivership following the Governor’s removal of the District’s Emergency Manager (the “Emergency Manager”) in accordance with the Local Financial Stability and Choice Act, Public Act 436 of 2012, as amended, MCL 141.1541 to 141.1575 (the “Act”); and

WHEREAS, pursuant to Section 23(5)(h) of the Act, the RTAB had the authority to exercise certain powers and perform duties delegated to it by the Governor until the receivership was terminated by the Governor; and

WHEREAS, prior to his transition from the District, the Emergency Manager entered exit orders (each an “EM Order”) to, among other things, facilitate the Governor’s delegation of duties to the RTAB; and

WHEREAS, EM Order No. 2016-8, established a revised Method of Selection Resolution for the System that delegated certain authority to the RTAB in relation to the approval of appointments and service of members of the System board of directors while the District remained in receivership; and

WHEREAS, on July 19, 2021, the Governor found that the District’s financial condition has been sufficiently corrected, released the District from receivership and dissolved the RTAB; and

WHEREAS, in the absence of an RTAB, the District must approve and adopt a second revised Method of Selection to eliminate references to the RTAB and in satisfaction of its obligations under Section 503(5) of the Code; and

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT, the attached policy in **Exhibit A**, titled “Public School Academy System Board of Directors Second Revised Method of Selection Resolution” and dated August 10, 2021, is adopted, approved and shall replace the Public School Academy System Board of Directors Revised Method of Selection Resolution incorporated into EM Order No. 2016-8 dated October 20, 2016; and

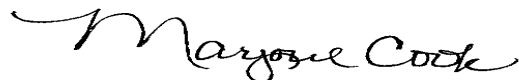
IT IS FURTHER RESOLVED THAT, the following individuals are hereby appointed as members to fill the vacancies on the Muskegon Heights Public School Academy System Board of Directors, for the terms set forth below:

1. Leslie Kitchen-Slater for a 3-year term, commencing August 10, 2021 – August 9, 2024;
2. Joseph Warren for a 3-year term, commencing August 10, 2021 – August 9, 2024;

Ayes Members: 6

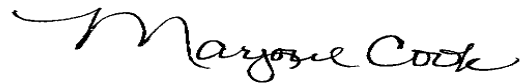
Nays Members: 0

Resolution Declared Adopted.



Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of the School District of the City of Muskegon Heights, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a special meeting held on August 10, 2021, the original of which is a part of the Board's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended.

A handwritten signature in black ink that reads "Maryse Cook". The signature is written in a cursive style with a large, sweeping initial "M".

Secretary, Board of Education

EXHIBIT A

Public School Academy System Board of Directors Second Revised Method of Selection

The Board of Education of the School District of the City of Muskegon Heights (the “District Board”) establishes the method of selection, length of term, number of board members for the Board of Directors of the Muskegon Heights Public School Academy System (the “System Board”) and other criteria as follows:

Method of Selection and Appointment

The District Board shall develop and administer a System Board selection and appointment process that includes a *Public School Academy System Board Member Appointment Questionnaire* and is in accord with these provisions:

1. Except as provided herein, the District Board shall appoint System Board members. The System Board may recommend and nominate individuals to serve as members of the System Board. Each System nominee shall be available for interview by the District Board or an authorized designee. The District Board may reject any and all System Board nominees proposed for appointment.
2. The System Board, by resolution and majority vote, shall nominate its subsequent members, as provided herein. The System Board shall recommend to the District Board one nominee for each vacancy. Nominees shall submit the *Public School Academy System Board Member Appointment Questionnaire* for review by the District Board or an authorized designee. The District Board may or may not appoint a nominee submitted by the System Board, may select another individual for appointment, or request that the System Board submit additional nominees for consideration.
3. An individual appointed to fill a vacancy created other than by expiration of the term shall be appointed for the unexpired term of that vacant position.

Length of Term

Terms of the initial position of a System’s Board of Directors shall be staggered. Subsequent appointments shall be for a term of office of three (3) years. There is no limit on the number of terms that a System Board member may serve.

Number of Directors

The current number of System Board member positions is five (5). The number of System Board positions shall never be fewer than three (3) nor more than seven (7). The System Board and District Board may agree to change the current number of directors serving on the System Board at any time.

Qualifications of Members

To be qualified to serve on an System Board, a person shall, among other things: (a) be a citizen of the United States; (b) be a resident of the State of Michigan; (c) submit all materials requested by the District Board, but not limited to, the Public School Academy System Board Member Appointment Questionnaire which must include authorization to process a criminal background check of the nominee; and (d) submit annually a conflicts of interest disclosure as prescribed by the District Board.

The System's Board shall include representation from the local community in which the System serves.

The members of the System's Board shall not include (1) any member employed, appointed or controlled by a profit or non-profit corporation that contracts with the System; (2) System employees or independent contractors performing services for the System; (3) any current or former director, officer, or employee of an educational management company that contracts with the System; and (4) current District Board members, officials or employees.

Oath of Public Office

Before beginning their service, all members of the System's Board of Directors shall take and sign the constitutional oath of office before an individual authorized by Michigan law to administer oaths. The System shall cause a copy of an oath of office to be filed with the District Board. No appointment shall be effective prior to the taking, signing, and filing of the oath of public office.

Removal and Suspension

The District Board may remove a System Board member for cause by a two-thirds (2/3) vote of the District Board. The District Board shall notify the affected System Board member within five (5) days of the vote to remove. Any System Board member may also be removed by a two-thirds (2/3) vote of the System Board for cause.

Tenure

Each System Board member shall hold office until the member's replacement, death, resignation, removal or until the expiration of the term, whichever occurs first.

Resignation

Any System Board member may resign at any time by providing written notice to the District Board. Notice of resignation will be effective upon receipt or at a subsequent time designated in the notice. Any System Board member who fails to attend three (3) consecutive System Board meetings without prior notification to the System Board President, may, at the option of the District Board, be deemed to have resigned, effective at a time designated in a written notice sent to the resigning System Board member. A successor shall be appointed as provided in this resolution.

Board Vacancies

A System Board vacancy shall occur because of death, resignation, replacement, removal, failure to maintain United States citizenship or residency in the State of Michigan, disqualification, enlargement of the System Board, or as specified in the Code.

Compensation

System Board members shall serve as volunteer directors and without compensation for their respective services. By resolution of the System Board, the System Board members may be reimbursed for their reasonable expenses incidental to their duties as System Board members.

The District Board may change this Method of Selection Resolution through the amendment process set forth in Article IX of the Terms and Conditions set forth in the Contract issued to the System Board.

Dated: August 10, 2021