

**SCHOOL DISTRICT OF THE CITY OF MUSKEGON HEIGHTS**

Office of the Emergency Manager

Donald B. Weatherspoon

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Order 2012-8

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER FOR THE SCHOOL DISTRICT OF THE CITY OF MUSKEGON HEIGHTS, MICHIGAN ("EMERGENCY MANAGER") UNDER THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, 2011 PA 4, MCL 141.1501 to 141.1531

THE EMERGENCY MANAGER, DONALD B. WEATHERSPOON, ISSUES THE FOLLOWING:

ORDER ESTABLISHING A METHOD OF SELECTION RESOLUTION FOR MEMBERS OF A PUBLIC SCHOOL ACADEMY BOARD OF DIRECTORS, APPROVING APPLICATION, AND APPOINTING THE INITIAL BOARD OF DIRECTORS FOR THE MUSKEGON HEIGHTS PUBLIC SCHOOL ACADEMY SYSTEM

WHEREAS, The Revised School Code, 1976 PA 451, MCL 380.1 to 380.1853 ("Code"), authorizes the governing board of a school district to be an authorizing body for a public school academy; 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"; and

WHEREAS, the School District of the City of Muskegon Heights ("District") is currently in receivership and under the supervision of an Emergency Manager appointed by the Governor ("Emergency Manager") under the Local Government and School District Fiscal Accountability Act, 2011 PA 4, MCL 141.1501 to 141.1531 ("Act"); and

WHEREAS, the Emergency Manager has broad powers under the Act to rectify the District's financial emergency and to assure the District's fiscal accountability and capacity to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare; and

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WHEREAS, the Emergency Manager has been granted the authority under the Act to act for and in the place and stead of the Board of Education of the School District of the City of Muskegon Heights ("District Board") and the Emergency Manager has the power to exercise solely, on behalf of the District, all other authority and responsibilities affecting the District that are prescribed by law to the District Board; and

WHEREAS, as part of his financial and operating plan for the District and consistent with the Code, the Emergency Manager has determined that the issuance of a public school academy contract to an applicant to organize and operate the Muskegon Heights Public School Academy System ("System") is a viable option that will allow the Emergency Manager to provide for the delivery of public education services to residents of the District and also allow for the repayment of existing District debt obligations; and

WHEREAS, the Emergency Manager issued a public request for applications ("RFA") seeking applications from persons and entities interested in organizing and operating the System; and

WHEREAS, in accordance with the Code, the Emergency Manager reviewed the applications submitted in response to the RFA and has determined that the application identified below meets the requirements set forth in the application and the Code; and

WHEREAS, the Emergency Manager desires to approve an application to organize and operate the System and to establish a standard method of selection resolution related to appointments and service of directors of the governing board of the System, and

NOW, THEREFORE, IT IS HEREBY ORDERED THAT, the attached policy titled Public School Academy System Board of Directors Method of Selection Resolution dated July 6, 2012, is adopted and approved; and

IT IS FURTHER ORDERED THAT, the application submitted by Gari Voss for the operation and organization of the System is approved; and

IT IS FURTHER ORDERED THAT, the following individuals are appointed to serve as initial members of the System's board of directors:

1. Carmella Maria Ealom for a 1-year term
2. Arthur Scott for a 2-year term
3. Darrell Todd for a 3-year term; and

IT IS FURTHER ORDERED THAT, the above appointed individuals are authorized hold an organizational meeting for the System and such other meetings as are necessary to approve the necessary documents leading to the issuance of a Contract and to organize and operate the System; and

FURTHERMORE, this Order may be amended, modified, repealed, or terminated by any subsequent Order issued by the Emergency Manager.

Dated: July 6, 2012

By: Donald B. Weatherspoon  
Donald B. Weatherspoon

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## Public School Academy System Board of Directors Method of Selection Resolution

The Emergency Manager, acting for and in the place and stead of the Board of Education of the School District of the City of Muskegon Heights Board of Directors ("District Board") orders that the method of selection, length of term, number of board members for the Board of Directors of the Muskegon Heights Public School Academy System ("System Board") and other criteria shall be as follows:

### Method of Selection and Appointment

The Emergency Manager shall prescribe the methods of appointment for members of the System Board. The Emergency Manager 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. The Emergency Manager shall appoint the initial and subsequent System Board of Directors by order. Each public school academy applicant shall recommend individuals to serve on the initial System Board of Directors. Each nominee shall be available for interview by the Emergency Manager or his designee. The Emergency Manager 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, except as provided herein. The System Board shall recommend to the Emergency Manager at least one nominee for each vacancy. Nominees shall submit the *Public School Academy System Board Member Appointment Questionnaire* for review by the Emergency Manager or his designee. The Emergency Manager 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

A director of the System Board shall serve at the pleasure of the Emergency Manager. Terms of the initial position of an System's Board of Directors shall be staggered. Subsequent appointments shall be for a term of office not to exceed three (3) years.

### Number of Directors

The number of System Board member positions shall never be fewer than three (3) nor more than seven (7), as determined from time to time by the Emergency Manager. If the System Board fails to attain or maintain its full membership by making appropriate and

timely nominations, the Emergency Manager may identify and appoint a System Board member to fill a vacancy.

A vacancy may be left on the initial System Board to allow sufficient time for the System Board to interview and identify potential nominees.

#### 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 Emergency Manager, 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 Emergency Manager.

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

The members of the System's Board of Directors shall not include (1) any member appointed or controlled by another profit or non-profit corporation; (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 Emergency Manager. No appointment shall be effective prior to the taking, signing, and filing of the oath of public office.

#### Removal and Suspension

If at anytime the Emergency Manager determines that a System Board member's service is no longer necessary, then the Emergency Manager may remove a System Board member with or without cause by notifying the affected System Board member. The notice shall specify the date when the System Board member's service ends. 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 Emergency Manager. 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 Emergency Manager, 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 by the method of selection adopted by the Emergency Manager.

### 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.

Dated: July 6, 2012