

**School District of the City of Muskegon Heights**  
**Receivership Transition Advisory Board Meeting**

Wednesday, December 2, 2020  
(Postponed from November 18, 2020)  
Virtual Meeting via Microsoft Meeting

**MINUTES**

**1. Call to Order**

A. Chair Jessica Thomas called the meeting to order at 4:00 p.m. In accordance with Public Act 228 of 2020, this meeting will be held by remote participation.

B. Roll Call

a. Members Present: 5

- Jessica Thomas
- Dr. Patrice Johnson
- John Schrier
- Dr. Dale K. Nesbary
- Clinton Todd

Members Absent: 0.

A quorum was present.

**2. Approval of RTAB Minutes**

A. Motion by Dr. Nesbary to approve the draft minutes. Motion seconded by Mr. Schrier. The RTAB approved the October 21, 2020 meeting minutes.

**3. Communications**

A. Chair Thomas acknowledged the communications received from the District and Public-School Academy on November 11, 2020. The information received is noted in the board packet.

**4. Old Business**

A. Chair Thomas discussed the items that were tabled from last meeting and suggested to take from the table the items from 3A including a request to appoint Mrs. Kimberly Sims to the Academy Board and a request to remove and replace Muskegon Heights Public School Academy Board Members. Motion by Mr. Schrier to take from the table items from 3A. Motion seconded by Dr. Johnson. The RTAB approved the requests to take from the table the items from 3A including a request to appoint Mrs. Kimberly Sims to the Academy Board and a request to remove and replace Muskegon Heights Public School Academy Board Members.

**5. New Business**

A. District Financial Update

- a. Mr. Lewis provided an overview of the November reports aligning with the monthly financial report.

B. November Financial Status Report

- a. Liabilities Report - Mr. Lewis a slight change due to interest payments made and no significant changes.
  - b. Cash Flow Projections - Mr. Lewis reported cash is stable for the district and does not anticipate any major changes. Mr. Lewis stated they would make changes to the authorizer fees as information becomes available.
  - c. Comparison of Budgeted Revenue and Expenditure to Actual - Mr. Lewis provided an overview of FY 2020-21 and noted there is not much activity at this time of the year. There was a slight increase in miscellaneous revenue due to insurance proceeds resulting from a damaged roof. Dr. Johnson asked a question regarding the board of education expenditure. Mr. Lewis explained the board legal fees and that there will be updates in next month's report.
- C. Presentation - Muskegon Heights Public School Request of the RTAB.
- a. Kevin Smith from Public Solutions Group, PLLC who is acting as legal counsel for the District, presented the District's request to the RTAB.
  - b. Dr. Johnson asked about key factors that cannot be worked through. Mr. Smith responded with several challenges the district believes they are facing working with the Academy.
  - c. Chair Thomas asked about what the District is asking of the Academy and what communication is documented. Mr. Smith responded he has reviewed several communications on this ongoing issue and the request of the District has not been resolved.
  - d. Dr. Nesbary stated the issues have been in place for 4 years and the RTAB is only recently hearing about this now and was curious to why this is being presented now. Mr. Smith responded stated the distrust and efforts of the district to communicate are not working. He believes the damage is not salvageable and has reached the point to reach out to the RTAB board.
  - e. Mr. Schrier asked if board presidents and counsel have had recent communication. Mr. Smith indicated the only communication has been between himself and Mr. Urban. He also stated they are open to meet with the Academy leadership and invites to meet were rejected.
  - f. Chair Thomas asked the Districts intent to amend the contract between the Academy and the District. Mr. Smith indicated no intent to amend the contract.
- D. Presentation - Muskegon Heights Public School Academy Request of the RTAB.
- a. Joseph Urban from Clark Hill, who is acting as legal counsel for the Academy, presented the Academy's request to the RTAB. Board member, Celeste Parker also presented on behalf of the Academy's request to the RTAB.
  - b. Dr. Nesbary asked the same question, stated the issues have been in place for 4 years and the RTAB is only recently hearing about this now and was curious to why this is being presented now. Mr. Urban responded they believe the relationship is salvageable and noted the issue became about when the District board fired the Academy board and ignored Academy board member suggestion and issues grew and is seeking a mediator to assist the relationship.
  - c. Chair Thomas asked if there is opportunity to amend the contract between the District and the Academy. Mr. Urban responded there is some room to amend the charter contract and the role of the mediator may help with a decision and responsibility matrix.

- d. Chair Thomas asked who the main point of contact is at the Academy. Mr. Urban responded that it is random but believes a mediator may help establish points of contacts between the District and Academy.
  - e. Mr. Schrier asked if the Academy would be willing to meet without a mediator. Mr. Urban responded the Academy is ready and willing to meet on terms that would be conducive to a decent relationship but noted concerns their good faith would be misinterpreted or misconstrued. The current proposal felt demanding from the District to the Academy. The Academy wants to meet and clear the air.
  - f. Dr. Johnson asked the Academy to outline their requests. Mr. Urban responded they would like their board members seated, the issues of Mr. Parkers term is still an option, the RTAB maintains the status quo with the board until the end of the school year to avoid staff from leaving, as well as to meet with a mediator.
  - g. Mr. Smith asked to be able to respond to a few of the points of the Academy's presentation and noted there are other districts in a similar situation such as Highland Park and that Mr. Urban worked on this case with him. He discussed the roles of authorizers and their role and authority.
  - h. Mr. Urban stated the Highland Park contract was very different and the RTAB creates a different situation.
- E. Discussion of Memorandum
- a. Leonard Wolfe from Dykema, who is acting as legal counsel to the RTAB, presented the memo to the RTAB outlining the four requests to the RTAB and options the RTAB has.
  - b. Dr. Johnson asked about clarity on Mr. Parkers term. Mr. Wolfe explained the options of the RTAB and what action they could take.
  - c. Mr. Schrier asked about the removal and replacement of academy board members and if it is an option to table this. Mr. Wolfe responded it is an option to take no action or table this item.
- F. Muskegon Heights Public School Academy Board Appointment (vacancy due to expiration of Ms. Mary Byrd's term)
- a. Dr. Johnson stated she believes the RTAB should appoint a board member and to consider Dr. Angelia Coleman. Mr. Schrier stated he would support a motion and Dr. Nesbary agreed they should appoint a board member and agreed with Dr. Johnson.
  - b. Motion by Dr. Johnson to appoint Dr. Angelia Coleman to the Muskegon Heights Public School Academy Board. Motion seconded by Mr. Schrier. The RTAB approved the request to appoint Dr. Angelia Coleman to the Muskegon Heights Public School Academy Board.
- G. Muskegon Heights Public School Academy Board Appointment (determination of Mr. Stephen Parker's term of office)
- a. Mr. Schrier stated his preference to let the District and Academy handle this. Dr. Johnson supported this option.
  - b. The RTAB took no action.
- H. Muskegon Heights Public School Academy Board Appointment (two additional appointments to fill new Academy Board seats due to District's expansion of Academy Board seats from 5 to 7)
- a. Dr. Nesbary stated per legal counsel, we have not formally received a request and need a recommendation from the District board to request this. Dr. Johnson stated she does

not see the need to increase seats, but the District board should have a community liaison on the board.

b. The RTAB took no action.

I. Muskegon Heights School District Board's Request for Removal and Replacement of Public School Academy Board Members

a. Mr. Schrier stated this seems to be an issue the District and Academy should handle and should work together on resolving. Dr. Nesbary wants the RTAB to consider what would the District and Academy do if there was no RTAB. He stated they should be making the decision rather than stakeholders outside the District or Academy making the decision.

b. Motion by Dr. Johnson to deny the request for removal and replacement of the Public School Academy Board Members. Motion seconded by Dr. Nesbary. The RTAB deny the request for removal and replacement of the Public-School Academy Board Members.

**6. Public Comment**

A. Kevin Smith, Public Solutions Group, PLLC, Legal counsel Muskegon Heights Public School

B. Chair Thomas provided clarification on Mr. Parker's vacancy and the appointment the RTAB made

C. Vanessa Marble, Principal, Dr. Martin Luther King Jr. Academy

D. Janette, Community Member

E. Joseph Urban, Clark Hill, Legal counsel Muskegon Heights Public School Academy

F. Trinell Scott, Muskegon Heights Public School District, Board President

G. James Burton, Community Member

H. Joe Moore, Community Member

I. Safornia Johnson, Muskegon Heights Public School District, Board Member

**7. Board Comment**

A. Chair Thomas stated the need for communication and encourages the board to communicate.

B. Dr. Johnson stated it was a breath of fresh air to hear from Principal Marble and the positive things happening.

C. Dr. Nesbary thanked everyone

**8. Adjournment**

A. There being no further business, Chair Jessica Thomas adjourned this meeting at 5:58 p.m.