

**COMMUNITY ENGAGEMENT
ADVISORY COMMITTEE**
Benton Harbor Area Schools

Section 1: Organizational Documents

Appendix

March 2020

Prepared By:

Benton Harbor Area Schools

Community Engagement Advisory Committee

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MEMORANDUM OF UNDERSTANDING
BETWEEN THE MICHIGAN DEPARTMENT OF TREASURY,
THE MICHIGAN DEPARTMENT OF EDUCATION,
AND BENTON HARBOR AREA SCHOOLS

WHEREAS, Benton Harbor Area Schools (the "District") has experienced financial and academic challenges over a prolonged period despite the diligent efforts of its officials to mitigate such challenges; And

WHEREAS, the District continues to confront daunting challenges characterized by, among other things, declining student enrollments, academic underperformance, a diminished tax base and attendant resources, ongoing shortages of full-time teachers, and an aging infrastructure; And

WHEREAS, a financially stable and academically successful District is important to the residents of the District, and of the State of Michigan as a whole; And

WHEREAS, fundamentally changing the current financial and academic trajectory of the District can serve as a catalyst to restore the quality of life which families, businesses, and visitors of the District have a right to expect and enjoy; And

WHEREAS, officials of the District wish to continue to pursue a long-term vision by achieving, first, financial stability for the District, and second, a sustainable and stable platform for growth that will ensure the District's financial integrity in a manner that enables the District to grow, prosper, and thrive; And

WHEREAS, the Michigan Department of Treasury (the "Department") is a principal department of State government under Article V, Section 3 of the Michigan Constitution and the State Treasurer, as a constitutional officer appointed by the Governor with the advice and consent of the Michigan Senate (the "State Treasurer"), serves as the head of the Department which is vested with responsibilities under State law related to finance, budgeting, and administration matters for local units, including school districts; And

WHEREAS, the District is a political subdivision of the State of Michigan organized under Public Act 451 of 1976, the Revised School Code, MCL 380.1 to 380.1853; And

WHEREAS, the Department and the Michigan Department of Education ("MDE") desire to continue to assist and encourage District officials in their performance of certain restructuring efforts intended to promote the betterment of the students and residents of the District; And

WHEREAS, as evidence of the Department's and MDE's commitment to a long-term cooperative process with District officials, the Department and MDE hereby adopt this Memorandum of Understanding (the "Memorandum").

NOW, THEREFORE, the Department, MDE, and the District (the "Parties") agree as follows:

1. COMMUNITY ENGAGEMENT AND ADVISORY COMMITTEE

1.1. Establishment and Purpose. Pursuant to this Memorandum, a Community Engagement and Advisory Committee (the "Advisory Committee") is established to achieve the purposes set out in Section 2 of this Memorandum and to facilitate the ongoing provision and exchange of information between District officials and State officials concerning operational, financial, budgetary, and other matters affecting the District that are essential to its long-term viability.

1.2. Composition. The Advisory Committee shall consist of the following eleven members:

- (a) The Deputy State Treasurer for State and Local Finance, or designee.
- (b) The Superintendent of Public Instruction, or designee.
- (c) A member of the District School Board selected by the School Board.
- (d) A staff person of the Office of School Review and Financial Accountability in the Department selected by the Deputy State Treasurer for State and Local Finance.
- (e) The Superintendent, or Interim Superintendent, of the District.
- (f) A resident of the District who has at least one child enrolled in the District during the period this Memorandum is in effect selected by a parent-teacher association or a similar organization within the District.
- (g) A member of the clergy selected by the Benton Harbor Ministerial Alliance.
- (h) A teacher employed by the District during the period this Memorandum is in effect selected by the Michigan Education Association or an affiliate member of the Association.
- (i) A student enrolled in the District during the period this Memorandum is in effect selected by the student council or a similar organization within the District.
- (j) A member of the business community selected by Cornerstone Alliance or a similar organization.
- (k) A member of the Berrien Community Foundation selected by the Foundation.

- 1.3. Non-Voting Member. In addition to the foregoing eleven members, the Advisory Committee shall include a twelfth member, who shall serve without vote, selected by mutual agreement of the Parties.

2. ASSESSMENT AND OPERATING PLAN

- 2.1. Financial and Academic Assessment. Not later than 90 days after its establishment, the Advisory Committee shall submit to the State Treasurer, MDE, and School Board a written report that assesses the District's financial and academic condition. In conducting the assessment, the Advisory Committee shall establish a process to afford District parents, students, teachers, officials, and other residents of the Benton Harbor community an opportunity to provide input.
- 2.2. Operating Plan. In addition to the assessment required by this Memorandum, not later than six months after its establishment, or March 31, 2020, whichever shall first occur, the Advisory Committee shall produce a written operating plan that contains recommendations to address any deficiencies identified in its assessment. Not later than 15 days after the operating plan is completed, the Advisory Committee shall submit it to the State Treasurer, MDE, and School Board for their review and approval, without which the operating plan shall not take effect. The State Treasurer, MDE, and School Board shall approve the operating plan, if at all, not later than 30 days after it is submitted to them.

3. AMENDMENT; WAIVER OF PROVISIONS

- 3.1. Amendment. This Memorandum may be amended only in writing by mutual agreement of the State Treasurer, MDE, and the School Board. The effective date of an amendment to this Memorandum shall be the date on which the last of the following occurs:
 - (a) The amendment is approved and executed by the State Treasurer.
 - (b) The amendment is approved and executed by MDE.
 - (c) The amendment is approved and executed by the School Board.
- 3.2. Waiver. Upon approval by the State Treasurer, the Advisory Committee may waive or forbear from a provision of this Memorandum that requires an act by the District. However, no waiver of or forbearance from any provision of this Memorandum shall be deemed to arise from any inaction by the State Treasurer.

4. SEVERABILITY

If a provision of this Memorandum, or its application to any person, party or circumstance, is determined to be invalid or unenforceable for any reason, the remainder of this Memorandum and its application to other persons, entities, or circumstances shall not be affected and shall remain enforceable to the full extent permitted by law.

Given the important public purpose sought to be accomplished by this Memorandum, it is the intent of the Parties to continue to implement the provisions of this Memorandum, in whole or in part, to the fullest extent possible.

5. **COUNTERPARTS**

This Memorandum may be executed in separate counterparts, each of which when executed shall be deemed an original, but all of which when taken together shall constitute one and the same Memorandum. Execution may be accomplished by delivery of original or electronic copies of the signature page.

6. **DURATION OF MEMORANDUM**

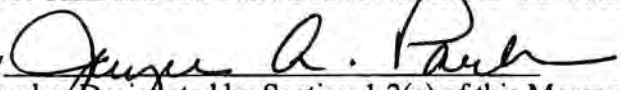
This Memorandum shall terminate at noon on the 365th day after its effective date, unless the State Treasurer earlier terminates the Memorandum or the Memorandum is extended by joint written action of the Department, MDE, and the District in the form of an amendment as provided in this Memorandum.

7. **EFFECTIVE DATE**


The effective date of this Memorandum shall be the date by which all Advisory Committee members have filed with the Office of the Great Seal of the Secretary of State of the State of Michigan their Oath of Office pursuant to Article XI, Section 1 of the Constitution of Michigan.

IN WITNESS WHEREOF, the Parties, or their designees, and the additional Advisory Committee Members, have signed and executed this Memorandum on: Oct 30, 2019.

FOR THE MICHIGAN DEPARTMENT OF TREASURY:

By 
Member Designated by Section 1.2(a) of this Memorandum

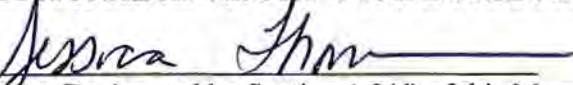
FOR THE MICHIGAN DEPARTMENT OF EDUCATION

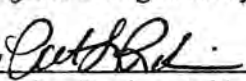
By 
Member Designated by Section 1.2(b) of this Memorandum

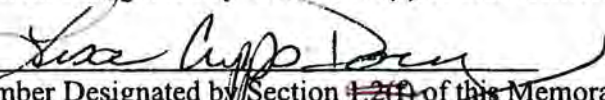

FOR BENTON HARBOR AREA SCHOOLS:

By 
Member Designated by Section 1.2(c) of this Memorandum

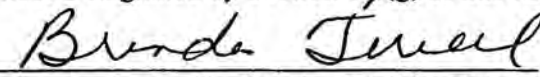
ADDITIONAL ADVISORY COMMITTEE MEMBERS:

By 
Member Designated by Section 1.2(d) of this Memorandum


By 
Member Designated by Section 1.2(e) of this Memorandum

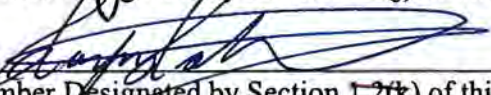
By 
Member Designated by Section 1.2(f) of this Memorandum 1.2(k) 

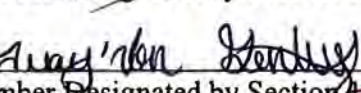
By 
Member Designated by Section 1.2(g) of this Memorandum

By 
Member Designated by Section 1.2(h) of this Memorandum

By _____
Member Designated by Section 1.2(i) of this Memorandum 1.2(f)

By 
Member Designated by Section 1.2(j) of this Memorandum

By 
Member Designated by Section 1.2(k) of this Memorandum 1.3

By 
Member Designated by Section 1.3 of this Memorandum 1.2(i)



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RACHAEL EUBANKS
STATE TREASURER

**Community Engagement Advisory Committee for
Benton Harbor Area Schools**

RESOLUTION 2019-1

ADOPTING RULES OF PROCEDURE

WHEREAS, on October __, 2019, the Michigan Department of Treasury (the "Department"), the Michigan Department of Education ("MDE), and Benton Harbor Area Schools (the "District") executed a Memorandum of Understanding (the "Memorandum") to achieve the objectives set out in that Memorandum; And

WHEREAS, pursuant to the Memorandum, the Department, MDE, and the District established a Community Engagement and Advisory Committee (the "Advisory Committee"); And

WHEREAS, it is anticipated that the Advisory Committee will hold meetings on an ongoing basis and it is important that those meetings be conducted in an orderly, efficient, and predictably regular manner; And

WHEREAS, the members of the Advisory Committee wish to adopt Rules of Procedure to govern the conduct, meetings, and work of the Advisory Committee.

NOW THEREFORE, be it resolved by the Advisory Committee as follows:

1. That the Rules of Procedure presented to the Advisory Committee at its first meeting on October 30, 2019, hereby are adopted.

2. That the minutes of the Advisory Committee meeting at which this Resolution is adopted take notice of the adoption of this Resolution.
3. This Resolution shall have immediate effect.

IN WITNESS WHEREOF, the members of the Advisory Committee, or their designees, have signed and adopted this Resolution.

FOR THE MICHIGAN DEPARTMENT OF TREASURY:

By *Jaime A. Park*
Member Designated by Section 1.2(a) of the Memorandum

FOR THE MICHIGAN DEPARTMENT OF EDUCATION

By *William A. Pearson*
Member Designated by Section 1.2(b) of the Memorandum

FOR BENTON HARBOR AREA SCHOOLS:

By *Henry Matley Sears*
Member Designated by Section 1.2(c) of the Memorandum

ADDITIONAL ADVISORY COMMITTEE MEMBERS:

By *Jason*
Member Designated by Section 1.2(d) of the Memorandum

By *Paul Red*
Member Designated by Section 1.2(e) of the Memorandum

By *Lesia Cypis*
Member Designated by Section 1.2(f) of the Memorandum

By *Ma McEl*
Member Designated by Section 1.2(g) of the Memorandum

By *Brenda Turrell*
Member Designated by Section 1.2(h) of the Memorandum

By *N/A*
Member Designated by Section 1.2(i) of the Memorandum

By *Awaydon Venturo*
Member Designated by Section 1.2(j) of the Memorandum

1.2(k) *JB*

1.2(l) *JB*

1.2(m) *JB*

By

N/A

Member Designated by Section 1.2 of the Memorandum

1.2(f) *OG*

By

N/A

Member Designated by Section 1.3 of the Memorandum

Date:

10/30/19

Benton Harbor, Michigan

COMMUNITY ENGAGEMENT ADVISORY COMMITTEE FOR BENTON HARBOR AREA SCHOOLS

Rules of Procedure

ARTICLE I

Adoption and Purpose

The Community Engagement and Advisory Committee for Benton Harbor Area Schools (the "Advisory Committee") adopts these Rules of Procedure ("Rules") to govern its organization and operations.

The purpose of the Advisory Committee is to achieve the objectives set out in a Memorandum of Understanding between the Michigan Department of Treasury (the "Department"), MDE, and Benton Harbor Area Schools (the "District") dated October __, 2019.

ARTICLE II

Members - Term of Office

The term of office of each Advisory Committee member shall be coterminous with the existence of the Advisory Committee, unless a member vacates his or her office. A vacancy on the Advisory Committee shall be filled in the same manner by which the original selection was made. Each Advisory Committee member, before undertaking his or her service, shall take and subscribe the constitutional oath of office under Article XI, Section 1 of the Constitution of Michigan as if he or she were a State officer. The oath shall be filed with the Office of the Great Seal of the Secretary of State of the State of Michigan.

ARTICLE III

Officers

Section 1. Officers. The officers of the Advisory Committee shall be a Chairperson and, if applicable, a Vice-Chairperson, and one or more other officers, all of whom shall be selected by the Advisory Committee. The Chairperson shall be selected by a majority vote of Advisory Committee members at the first meeting of the Advisory Committee. The Deputy State Treasurer for State and Local Finance shall serve as temporary Chairperson at the first meeting of the Advisory Committee until a permanent Chairperson has been selected.

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Advisory Committee, unless absent.

Section 3. Vice-Chairperson. The Vice-Chairperson shall preside at all meetings of the Advisory Committee upon request of the Chairperson, including in the absence of the Chairperson. The Vice-Chairperson shall have the other duties and responsibilities as delegated by the Chairperson as permitted by law.

Section 4. Absence of Chairperson and Vice-Chairperson. Whenever the Chairperson, and Vice-Chairperson if one has been selected, are unable to attend a meeting of the Advisory Committee, the members present at that meeting shall designate a temporary presiding officer from among the members present, who shall preside at the meeting.

Section 5. Vice Chairperson Vacancy. Should the office of Vice-Chairperson become vacant and the Advisory Committee desires to appoint a replacement, the Advisory Committee shall select a successor from among the Advisory Committee membership.

Section 6. Sub-Committees. The Chairperson may establish and appoint Advisory Committee members to one or more sub-committees to assist the Advisory Committee. The Chairperson shall name a chairperson for each sub-committee who shall preside at all meetings of that sub-committee.

Section 7. Retention of Professionals. The Advisory Committee may request from the Department professional services it considers necessary. If a request is authorized by the Department, the Department shall determine the qualifications necessary. "Professional services" means services that require a high degree of intellectual skill, an advanced degree, or professional licensing or certification. Those providing the professional services are distinguished based on their specialized knowledge, experience, and expertise. Professional services include, but are not limited to, accounting, actuarial, appraisal, auditing, investment advisor, and legal services. Any use of or contract for legal services requires prior approval by the Department of Attorney General.

Section 8. Reimbursement. Advisory Committee members shall serve without compensation for their service on the Advisory Committee. However, a member may request from the Department reimbursement for actual and necessary expenses, including customary expenses related to travel, meals, and lodging which are incurred in connection with his or her official duties. A member shall provide original copies of all receipts for meals, lodging, and travel with any request for reimbursement. Any reimbursement for expenses shall be reviewed and approved in writing by the Advisory Committee before being submitted to the Department.

ARTICLE IV

Meetings

Section 1. Public Meetings. A meeting of the Advisory Committee shall be open to the public in accordance with notice posted in advance at the Department and at a location within the District selected by the Advisory Committee. To the extent practicable, within 30 days after its initial meeting in a given calendar year, the Advisory Committee shall post at the Department and at a location within the District selected by the Advisory Committee a schedule of its Regular Meetings for the remainder of that calendar year.

Section 2. Regular and Special Meetings. Regular Meetings of the Advisory Committee shall be held monthly, or at the call of the Chairperson, at the times and places determined by the Chairperson. Special Meetings of the Advisory Committee shall be held at such times and such places as may be determined by the Advisory Committee at any Regular or Special Meeting, or at any other times and places as determined by the Chairperson. The call for a Regular Meeting,

specifying the time and place of the meeting and the suggested agenda shall be delivered in person, mailed, faxed, or emailed to each Advisory Committee member prior to the date of the meeting. The call for a Special Meeting specifying the time and place for the meeting may be emailed or given by telephone to the business or home address or cell phone of each Advisory Committee member not less than 18 hours before the time of the meeting.

Section 3. Quorum. A majority of Advisory Committee members shall constitute a quorum of the Advisory Committee for the transaction of business at a meeting, but a lesser number may adjourn a meeting of the Advisory Committee.

Section 4. Attendance. Advisory Committee members shall make all reasonable efforts to attend meetings of the Advisory Committee or of a subcommittee to which they are appointed. If a member is unable to attend a Regular Meeting or Special Meeting, he or she shall inform the Chairperson prior to that meeting. An absence shall be noted in the minutes for that meeting. A member who is present at a meeting may by motion request that one or more members who are unable to attend the meeting be granted an excused absence from that meeting. An Advisory Committee member must be physically present at a meeting of the Advisory Committee in order to participate in that meeting.

Section 5. Action by the Advisory Committee. The Advisory Committee shall only take the actions approved by a resolution or motion of the Advisory Committee which had a concurring vote of a majority of Advisory Committee members.

Section 6. Manner of Voting. Voting on all questions at a meeting of the Advisory Committee shall be by voice vote, unless a member requests a roll call vote, in which case the individual yeas and nays shall be entered in the minutes of that meeting.

Section 7. Minutes. Minutes of all the Advisory Committee meetings, including all votes, shall be kept on file by the Department. Proposed minutes for an Advisory Committee meeting shall be prepared within eight business days of the meeting. The minutes shall be corrected and approved at the succeeding meeting. If corrected, the minutes shall show both the original entry and the correction. The minutes for each meeting of the Advisory Committee shall be available to the public upon approval by the Advisory Committee.

Section 8. Submission of Agenda Items. Any Advisory Committee member may propose items for placement on an agenda by submitting the items to the Chairperson at least five calendar days prior to the Advisory Committee meeting at which the item is to be considered. An item not submitted in accordance with the preceding sentence may be added to an agenda at the discretion of the Advisory Committee.

Section 9. Resolutions and Effective Date. All resolutions shall be in writing, be numbered sequentially by year, and be kept on file at the Department and at a location within the District selected by the Advisory Committee. A resolution shall become effective on the day of its adoption immediately upon adjournment of the meeting at which it was adopted, unless otherwise stated in the resolution.

Section 11. Public Comment. Each Advisory Committee agenda shall provide for public comment. The Advisory Committee may by motion establish a uniform maximum amount of

time each member of the public shall have to offer comment and such motion, if approved by the Advisory Committee, shall remain in effect at subsequent Regular and Special Meetings until modified or rescinded by the Advisory Committee. No person shall have the right to speak more than once upon the same subject until all other persons wishing to speak upon that subject have had the opportunity to do so. Public comment in the form of written correspondence submitted to the Advisory Committee shall be noted on the record by the Chairperson during public comment, but only after all members of the public wishing to speak have done so.

ARTICLE V

Miscellaneous Provisions

Section 1. Parliamentary Procedure. To the extent practicable, the Advisory Committee shall conduct its meetings procedurally in accordance with the latest edition of *Roberts Rules of Order*.

Section 2. Ethical Duties. Advisory Committee members shall be subject to the provisions of Public Act 196 of 1973, the State Ethics Act, as well as any ethics policy adopted by the Advisory Committee.

Section 3. Conflict of Interest. Advisory Committee members shall be subject to the provisions of Public Act 317 of 1968 and Public Act 318 of 1968, as well as any ethics policy adopted by the Advisory Committee.

Section 4. Adoption of Policies. The Advisory Committee may adopt one or more policies supplementary to these Rules to govern the conduct of Advisory Committee members concerning standards of conduct, conflicts of interest, and ethics. A policy shall be identified by the year of its adoption and a sequential number.

ARTICLE VI

Amendment and Suspension of Rules of Procedure

Section 1. Amendment. These Rules may be amended by resolution adopted by the affirmative vote of a majority of Advisory Committee members. A proposed amendment shall be in writing, shall specify the words to be added to or stricken from these Rules by the proposed amendment, and be provided to Advisory Committee members in advance of the meeting at which the proposed amendment is to be considered.

Date: October 30, 2019
Benton Harbor, Michigan