

YPSILANTI COMMUNITY SCHOOLS

Administration Building, Professional Development Room * 1885 Packard Rd.; Ypsilanti, MI 48197

MINUTES: REGULAR MEETING OF THE BOARD OF EDUCATION (Meeting #2 of 2)

Monday, September 23, 2019

Information retrieved from Social Media recording:

<https://www.facebook.com/ypsi.live/videos/674896376327043/>

The meeting was called to order by President Dr. Celeste Hawkins at 6:34 p.m. The Pledge of Allegiance was recited, led by Dr. Celeste Hawkins.

MEMBERS OF THE BOARD OF EDUCATION PRESENT

President Dr. Celeste Hawkins, Vice-President Brenda Meadows, Secretary Maria Sheler-Edwards, Treasurer Gillian Ream Gainsley, Trustee Ellen Champagne, Trustee Sharon Lee, Trustee Meredith Schindler

MEMBERS OF THE BOARD OF EDUCATION ABSENT: None

ACHIEVEMENTS, AWARDS AND RECOGNITION

Now into our fourth week of school, Superintendent Zachery-Ross recognized Board members for their support over the last three weeks and for going the extra mile.

ACCEPTANCE OF AGENDA: Accepted as Presented

Motion by Lee, supported by Schindler

Motion Carries (Action Recorded: Zero "Nays" Heard)

PRESENTATION

Department Update | Operations: Director of District Operations Aaron Rose presented a 2019/20 Facilities/Operations overview, including performance contracting, the sinking fund and major projects. *Board* comment on solar panels and that grants could be available. Rose replied this would be sub-committee work. Rose dialoged on the sinking fund and what is allowable and what is not. In summary, the 2019/20 sinking fund balance was \$3.9 million, with a current balance of \$2.5 million. *Board* inquiry on whether we are responsible for the bus garage on Railroad. Rose commented it is under lease and we are working with attorneys on what our responsibilities are.

PUBLIC COMMENTS #1

Andrew Fanta distributed to the Board a summary of Michigan law, Michigan Complied Laws | MCL 168.310 (Office of School Board Member; Oath; Vacancy; Conditions), and information that alleges Meadows' seat is vacant and that she moved out of District. Request to, immediately, add an Agenda item for a Board search to fill a vacant seat. Comments on possible contact with prosecuting attorney, Fox News, and, request for corrections to Board meeting minutes. *Crystal Lyte* commented on the change in YIES start/end times for 2019/20.

Board conversation: Sheler-Edwards' request to add a "Discussion" item although it was after the acceptance of the Agenda; *Sheler-Edwards* commented it could be pertinent to some of the votes coming up. *Sheler-Edwards* **MOVES TO add a discussion given the information that was presented during public comment.** *Hawkins* offered discussing this item under "Other" on the Agenda. *Sheler-Edwards'* **motion seconded** by *Ream Gainsley*. *Sheler-Edwards* states we have a motion and a second on the table. *Schindler* comments on Robert's Rules of Order/Point of Order, offering someone to research this. *Hawkins* asks Secretary of the Board of Education, Paula Gutzman, to research this information for the Board.

(Board Secretary Paula Gutzman departs, at Board President request, for Board research)

Schindler comments on Robert's Rules and changing an Agenda "in the moment".

Board recess; meeting reconvened at 7:26 p.m.

Hawkins received a message from Michigan Association of School Boards (MASB) Consultant, Mary Kerwin, regarding adding to the Agenda after an acceptance of the Agenda. *Hawkins* read about this message, which states if there was a motion to approve the agenda as presented and if passed, then the agenda is locked in "as is". *Board* comment on other sources which indicate a motion is able to be amended. *Hawkins* comments she is following the advice of our MASB consultant. Additional comments on adding an Agenda item after the Agenda is accepted. *Hawkins* comments that Sheler-Edwards is also able to reach out to Mary Kerwin.

CONSENT AGENDA

MOTION TO approve the following: 1) September 9, 2019 regular meeting minutes, and; 2) the personnel matters as per the attached list dated September 16, 2019: New Hires and Resignations.

Motion by Lee, supported by Schindler

Motion Carries (Action Recorded: Zero "Nays" Heard)

ACTION ITEMS, Business/Finance

RESOLUTION: District Appointment of Trustee & Risk Management Coordinator, Middle Cities

MOTION TO adopt the attached Resolution for District Appointment of a Trustee, an alternate trustee and a risk management coordinator to the Middle Cities Risk Management Trust.

Motion by Meadows, supported by Champagne (see also "new motion below")

Topics Included: *Sheler-Edwards* requests Discussion: commented this is the topic she wanted to discuss earlier. As Board secretary, she is uncomfortable calling a roll call vote for Meadows when, according to the Michigan election law, her seat is vacant. She indicated that she will call "roll call" for vote for six trustees.

Hawkins referred to the communication all Board members received from Brad Banasik, JD | Legal Counsel, Michigan Association of School Boards (MASB). His advice was that all votes are legally valid.

Ream Gainsley commented that Banasik's advice was that if Board members were not aware of a Board member sitting in violation of Bylaws, then votes are valid. The Board was just made aware of a member in violation of Bylaws. This changes things.

Hawkins commented we must operate under a legal document, which she does not believe we have been presented with. If Board members had concerns, it would have been appropriate to raise those concerns before this meeting.

Ream Gainsley calls a Point Order: requests a different member moves this motion to allow meeting to continue on.

New Motion by Lee, supported by Champagne

Roll Call Vote called by Sheler-Edwards for 6 Trustees; did not call on Meadows. Meadows follows up with an "aye" vote.

Roll Call Vote: 7/0 Yes

Yes: Meadows (not included in Sheler-Edwards' roll call, but Meadows stated "aye" on the vote), Ream Gainsley, Champagne, Lee, Schindler, Sheler-Edwards, Hawkins

ACTION ITEMS, Human Resources

Director of Transportation Contract

MOTION TO approve the hire of Kimberly Searcy as Director of Transportation, effective October 1, 2019 – June 30, 2020.

Motion by Ream Gainsley, supported by Lee

Roll Call Vote called by Sheler-Edwards for 6 Trustees; did not call on Meadows. Meadows follows up with an "aye" vote.

Roll Call Vote: 7/0 Yes, as stated by Hawkins

Yes: Meadows (not included in Sheler-Edwards' roll call, but Meadows stated an "aye" on the vote), Ream Gainsley, Champagne, Lee, Schindler, Sheler-Edwards, Hawkins

DISCUSSION

Board Facilities Sub-Committee: Superintendent Zachery-Ross led dialogue, as a reminder from our workshop, on Board Priorities and Recommended Next Steps (dated 8/12/19). Discussion/feedback for the Board to give clear direction and engagement in moving forward with the five Board Priorities areas and the three Recommended Next Steps. An email request was sent to Board members, asking for interest in a Board Facilities sub-committee and to assist in moving forward with this work. Discussion on how the Operations/Finance sub-committee and this committee could differ. Sheler-Edwards and Ream Gainsley expressed interest in this committee.

PUBLIC COMMENTS #2

Amanda Smith commented on Board image and addressing a potential legal issue. *Andrew Fanta* comments on a school Board vacancy and on immediately conducting a search for a vacancy. *Mark Wilde* commented on Board member requirements to serve for the District. Asking for resolve of a Board member currently not living within the District.

(Board Secretary Paula Gutzman returns during "Other"; appx. 8:36 p.m.)

OTHER

- *Ream Gainsley* comments on residency issue. During Public Comment, the Board received a public record search of the Ypsilanti Township Assessor's Office. The search indicates an address for Meadows on Creekway Drive in the Lincoln Schools district, with a declaration of residency on May 30, 2019.
- *Meadows* addressed her residency stating she purchased the home on Creekway Drive and also owns a home on N. Harris in Ypsilanti. She pays taxes on both homes and visits both properties frequently.
- *Ream Gainsley* comments to Meadows on declaring a residency exemption for tax purposes for the home on Creekway Drive. You can only hold the residency exemption on one property at a time. Brief comment on owning a property, being a landlord and residency. Claimed residency on Creekway home. Seems clear you are a resident in Lincoln district because you declared it as your principal residence. Ream Gainsley makes a **MOTION TO open applications from community members interested in serving in the vacancy of the school Board.**
- *Sheler-Edwards* **seconds the motion** and begins a dialogue on 30 days to fill a vacancy. She states that she has a photo of the N. Harris home with a "for rent" sign.
- *Hawkins* reminds the Board this matter did come to the Board President and Superintendent. This information is also for the public. Information was sent to Brad Banasik, J.D., Legal Consultant of MASB. Hawkins read aloud email from Brad Banasik indicating 'a school Board or District is not legally obligated to verify or investigate the residence of a school Board member. A residency issue does not create any legal liability for the school Board or District'.

She shared that the entire Board has received this information. As for votes, she sent communication to the full Board that votes are legally valid. She stated, as a body, it is not our responsibility to investigate or to ask a school Board member to resign. That is clear according to information from Brad Banasik. She also spoke of Board responsibilities and confirms other Board members have been in contact with Mr. Banasik.

- *Board* comment on a resignation, Banasik's email and evidence which is a matter of public record. The Board is not obligated to investigate.
- *Hawkins* comments on being clear of Board roles and addressing the matter. After Andrew Fanta addresses the Board from the audience, Hawkins shares she will not tolerate attempts to intimidate or bully at Board meetings. Comments on performing due diligence about this matter and ensuring the Board is working within the law. The Board body does not have responsibility/obligation to investigate residency of a Board member. Hawkins is not aware of legal documents in front of the Board. She saw a picture and the MCL, but does not have legal documentation for further investigation. If there is a question of residency, citizens and Board members have the right to take this up with a court of law if they wish to go through the process to unseat a Board member.
- *Board* comments on Meadows stepping down, violating the no surprise rule, communication with the Board president regarding residency, the MLS database, public record and acknowledging this information.
- *Ream Gainsley* shared she had previously called the Board President stating if there is a residency issue, we are in violation of our Bylaws and Oath of Office. She stated there is a **MOTION ON the floor and it has been seconded for a search for a new school Board member.**
- *Hawkins* responds that Banasik says member Oath/Bylaws are not being violated.
- *Board* dialogue on not having evidence previously; now we do. Comments on MCL Code, the picture of Meadows' home and the MLS. Dialogue on a homestead exemption, guidance from MASB, a judge may rule on residency and may use this public record, the homestead exemption, and, homestead date of May 30, 2019 naming "Lincoln School District". Conversation on: 1) removing a Board member does not need to be decided, but there is a need to decide on opening a search; 2) the Board must fill a vacant seat within 30 days or the Washtenaw Intermediate School District will appoint a new member.
- *Ream Gainsley* states there is a **MOTION ON the floor to open a search and it has been seconded.**
- *Sheler-Edwards* is prepared to vote to open a search tonight.
- *Hawkins* denies the motion, believing there is no reason to make a determination. There is some evidence, but there is need to investigate. She cautions the Board in taking a position to vote to fill a seat when it is not the responsibility of the Board. She recommends tabling discussion until next Board meeting to gather information. Hawkins states that **at this time she does not have enough information to accept this motion.**
- *Ream Gainsley* confirms a tabling of the motion.
- *Hawkins* confirms the **motion is tabled.**
- *Board members* discuss next meeting date is October 14th.
- *Sheler-Edwards* comments on voting on the first motion on the table before we entertain a second motion.
- *Hawkins*, as Chair, is not accepting this motion.
- Comment regarding if there must be a vote on first motion.
- *Hawkins* is not sure if this is accurate that the Board must vote.
- *Sheler-Edwards* comments she believes as Board secretary she could do a roll call vote on the **MOTION TO Open a Search** by Ream Gainsley.

- *Hawkins* states motion is not accepted. Offers taking another recess to gather information, but will not railroad through the issue because of interest of two Board members to move this forward. Offers a recess for five minutes.
- *Ream Gainsley* comments the vote will fail if the interest is of only two members and then they will move on, but she would like to take a vote.

Board recess; meeting reconvened at 8:44 p.m.

- *Schindler* comments on evidence in front of the Board that needs action. Suggests: 1) **withdrawing motion** for tonight, OR; 2) **tabling** it until a next meeting. Comments on next 30 days and WISD now put on notice.
- *Board member* discussion to add a meeting. Date agreed upon: October 2, 2019 @ 7:00 p.m.
- *Hawkins* comments *Schindler* asks to table the matter.
- *Schindler* comments on having information and possibly a vote for a search.
- *Hawkins* inquires on the consensus of the Board to move forward in this direction. Then, asks *Schindler* to make a motion.
- *Schindler*: **MOTION TO table the motion to open a search at least until the meeting on Wednesday, October 2nd at 7:00 p.m.**
 Motion by *Schindler*, supported by Champagne
 Roll Call Vote by Sheler-Edwards: Yes: Lee, Ream Gainsley, *Schindler*, Champagne, Sheler-Edwards, *Hawkins* (Meadows, no "aye" heard). Motion Passes 7/0 per *Hawkins*.


BOARD/SUPERINTENDENT COMMENTS

- *Hawkins* request for Board members to follow process and talk with the Board President and Superintendent to add items to an agenda, and to honor the "no surprises" rule.

Meeting Adjourned: 8:51 p.m.

Minutes Prepared by: Paula Gutzman

Date Approved: October 22, 2019


 Dr. Celeste Hawkins, President
 Board of Education
 Ypsilanti Community Schools