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March 22, 2017

Mr. David Campbell  
Superintendent of Schools  
Kalamazoo Regional Educational  
Service Agency  
1819 East Milham Avenue  
Portage, Michigan 49002-3035

Re: Intermediate School District Biennial Election

Dear Mr. Campbell:

In accordance with your request, the enclosed documents are provided for your review. Please contact me with any questions, suggestions or alterations you wish to make to any of the documents.

As you know, Section 614 of the Revised School Code requires that the constituent boards' resolutions for designating a representative must be considered at not less than one public meeting *before* adoption. The requirement is a "meeting," not a "hearing." In addition, there is no required lapse of days between the first public meeting and the meeting at which the representative resolution is to be adopted, which resolution *must* include the local board's designation of the candidate or candidates to be voted on in the first ballot. It can therefore be argued that a special meeting called and held prior to the commencement of the regular board meeting on the same night would be in technical compliance with the "public meeting" requirement. However, I recommend that, whenever feasible, the first public meeting be one designated for the April board meeting or the first regular meeting in May, if such meeting occurs prior to May 15, 2017. The second meeting adopting the resolution cannot take place until on or *after* May 15, 2017 (21 days before the election).

I recommend two meetings: the first to consider the representative to be appointed, and the second to approve the representative and to designate the board's choice of candidate for each position to be filled on the intermediate school board (note comment on calendar). If the board concludes that only one meeting is necessary, disregard the enclosed resolution entitled "Resolution to Consider Designation of Electoral Representative for the June 5, 2017 Biennial Election".

I recommend that each constituent district appoint an alternate representative to serve in the event the designated representative is not able to attend the June 5, 2017 election.

The deadline for a candidate to file a nominating petition or the filing fee with the intermediate school district's election coordinator (county clerk) is 30 days before June 5, 2017. The county clerk



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shall prepare the ballots. Since the 30th day falls on a Saturday (May 6), it is our opinion that the deadline moves forward to Monday, May 8, 2017. It is a general principle in this state that where a deadline date falls on a Saturday, Sunday or legal holiday, the deadline date moves to the next secular date (Monday, May 8, 2017).

The names of the qualified candidates may not all be known until after May 8, 2017. It is not necessary, however, to know the names of the candidates at the first public meeting to consider the resolution to designate the school district's election representative. It is, however, essential that the candidates be known when finally adopting the appointment of the representative and designating the candidate or candidates for which the representative's vote is to be initially cast. Again, I encourage the "Recommended" filing of the constituent board resolution; however, this is not a statutory requirement and may be removed from the notice.


Please note that the secretary of the intermediate school board is statutorily required to send notice by certified mail of the time and place of the electoral meeting at which the board members will be selected. That notice is to be sent to the secretary of each constituent district at least 10 days before the meeting.

As you also know, there are restrictions on the eligibility of the candidates. No more than two seated board members shall be from the same school district, unless there are fewer districts than there are positions to be filled. Section 612 also provides that *not more than three members* of the ISD Board may be *servicing at the same time* as a member of a constituent school board or board of directors of a public school academy.

Also enclosed is a calendar of deadlines for the election.

Very truly yours,

THRUN LAW FIRM, P.C.

By   
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Jeffrey J. Soles

JJS/keh  
Enclosures