

### **SIMMONS FUND ADVISORY COMMITTEE**

The Simmons Fund Advisory Committee (Committee) is an advisory committee to the RSU 2 Board of Directors established in the will of Melvin H. Simmons. It operates in accord with the will; the April 25, 1973 Probate Court Decree; an update to the financial institution serving as the trustee; and RSU 2 policies, including the Board Advisory Committee policy.

#### **Mission and Function of the Committee**

The mission of the Committee is to further enhance the athletic experience (an activity requiring skill or physical prowess) of Hall-Dale High School students. Proceeds from the trust shall only be used for this purpose.

The function of the Committee is to make recommendations to the RSU 2 Board of Directors for use of the Simmons Fund in keeping with the will of Melvin H. Simmons:

*All the rest, residue, and remainder of my estate, real, personal and mixed, however and whenever acquired, I give, devise and bequeath to the Depositor's Trust Company of Augusta, in trust, to invest safely and pay the income there from, less fees, as such periods as may be agreed upon, to the City of Hallowell, to be used by the City for educational purpose primarily in support of athletics at Hall-Dale High School, such as equipment for the teams, upkeep of the gym, repairs and improvements to the athletic field and costing of the several sports in which the High School is engaged. However, if such income in any year is in excess of athletic [sic] requirements, the city shall use the funds for other High School education purposes, such as instruction in physical fitness. Said trustee shall have the right to invest and reinvest said property without license of Court.*

Note: Subsequent to the will there was an update to the financial institution serving as trustee.

The Simmons Fund was further defined in an April 25, 1973 Probate Court Decree which requires:

- The financial institution to provide the City of Hallowell and the District at least 60 days prior to the beginning of the District's fiscal year, a reasonable estimate of the income expected to be produced within the fiscal year;
- That the district prior to the beginning of its fiscal year, file with the City of Hallowell a statement indicating in reasonable detail the propose uses it intends to make of the trust income;
- That within 10 days after the beginning of the District's fiscal year, the financial institution shall pay to the City of Hallowell who will forthwith pay to the District the income of the trust. The trustee is not prevented from issuing its payments more often if it prefers to do so; and
- That within 30 days of the end of the District's fiscal year, the District shall file with the City of Hallowell a detailed statement of the use made of the trust income during the prior fiscal year.

Further, it is the intent of the bequest that the District continue to finance from tax sources about the same percentage of its budget for athletic requirements in the future as in the past and that the trust income be used for support of athletics in addition to the normal tax supported programs, or the capital needs, and if such income is in excess of such athletic requirements, then for instruction in physical fitness in addition to the normal tax support program.

Note: Subsequent to the Court decree the Hall-Dale School Administrative District (District) joined the RSU 2.

### **Committee Membership**

The Committee shall be ongoing advisory committee consisting of the following members:

- An RSU 2 Board Director from Hallowell
- An RSU 2 Board Director from Farmingdale
- The Hall-Dale Athletic Director
- The Hall-Dale High School Principal
- A Hall-Dale Coach
- The President of the Hall-Dale Boosters Club
- A resident and/or parent of Farmingdale (public member)
- A resident and/or parent of Hallowell (public member)

In addition to the voting members, the Committee membership also includes two student athletes from Hall-Dale High School. RSU 2 Central Office personnel and administrators may attend and participate in any Committee meeting. All meetings shall be considered public meetings under Maine's Freedom of Access Act and conducted under Robert's Rules of Order. Members of the public are encouraged to attend and participate.

The Committee shall be chaired by an RSU 2 Board Director or his/her designee.

The public members shall serve two-year terms, and may request to serve additional term(s) under the nomination process. The Hallowell member shall be appointed in January of the odd years and the Farmingdale member shall be appointed in January of even years. Nominations for public members shall be submitted by October 15<sup>th</sup> to the RSU 2 Board Director Committee Member for the respective community, for consideration and final recommendation to the full RSU 2 Board, in consultation with the Superintendent, at the November Board meeting.

All Committee members must complete the Freedom of Access Information Training prior to serving on the Committee.

### **Committee Instructions and Assignments**

The role of the Committee is to work collaboratively to provide recommendations to the RSU 2 Board for use of the Simmons Fund interest and earnings as permitted under Maine Trust law.

The official file of the Committee, including but not limited to the Committee's needs assessment and strategic plan, bank statements and reports, meeting minutes, bid estimates, receipts for amounts expended, and required reports, shall be maintained in the RSU 2 Central Office.

1. The Committee shall meet at least quarterly.
2. All meetings are open to the public except as provided by Maine law.
3. A quorum of four Committee members is required before a vote can be taken, with a simple majority of votes needed to approve a project/expenditure.
4. The Hall-Dale principal shall be responsible for ensuring meeting notices are made in a manner consistent with the RSU 2 Board's policy and practice concerning notification of Board meetings and Maine law.
5. The Hall-Dale principal shall be responsible for taking notes and circulating draft meeting minutes among Committee members for review and edits. Minutes of the Committee's meetings are public information subject to Maine's Freedom of Access law.
6. Within ten (10) business days after each Committee meeting, the Committee shall submit to the Superintendent for inclusion in the appropriate RSU 2 Committee agenda, and/or for the next RSU 2 Board meeting, the following documentation:
  - a. Updated financial report;
  - b. Status of approved projects; and
  - c. Proposed new projects, if any, that were not included in the Committee's Annual Proposed Expenditures Report (see below).
7. The Chair of the Committee or the other RSU 2 Board member or his or her designee shall be responsible for communicating Committee matters to the public.

During the January/March quarter, the Committee shall review, prioritize, and vote on projects/expenditures for the next fiscal year (July 1<sup>st</sup> of that year through June 30<sup>th</sup> of the next year). The Committee shall submit a detailed Annual Proposed Expenditures Report to the RSU 2 Board for consideration and approval at the Board's April meeting.

All projects/expenditures that involve more than \$1,000 in expenditures for facilities, buildings, or grounds shall be reviewed and accepted by the RSU 2 Director of Buildings and Grounds prior to the Committee taking a final vote on the project. Projects \$1,000 or less will be discussed with the RSU 2 Director of Buildings and Grounds either at a Committee meeting or via email. Whenever practicable, the projects should be identified with sufficient time for the Director of Buildings and Grounds to consult with the RSU 2 Board Facilities and/or Finance Committee. RSU 2 Board policy and State law governing procurement processes, such as the issuance of Request for Proposals, shall be followed.

### **Needs Assessment and Strategic Plan**

Every four years, beginning with 2018, the Committee shall conduct a needs assessment, develop a draft strategic plan, submit the strategic plan to the RSU 2 Board for review and approval, and provide an annual status report, using the following process:

1. Conduct a needs assessment and establish short (one year), medium (two year), and long-range (three/four year) goals in consultation with the RSU 2 Director of Buildings and Grounds;

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2. Develop a strategic plan to meet the goals;
3. Determine specific projects/expenditures needed to meet the goals;
4. Determine the feasibility of each project based on building and electrical codes, sewer and water needs, and other factors;
5. Identify resources needed for the projects;
6. Establish a timeline for projects with projected beginning and ending dates;
7. Develop an evaluation process to measure the attainment of goals;
8. Submit the new needs assessment and draft strategic plan to the RSU 2 Board for consideration and approval;
9. Annually report on the progress made toward meeting the goals and update/revise the strategic plan as necessary; and
10. At the beginning of the fourth year of the current needs assessment and strategic plan, begin conducting a new needs assessment.

Legal Reference: 1 M.R.S.A. § 401 et seq.  
Cross Reference: BDF – Board Advisory Committees

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