

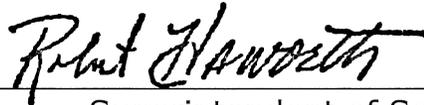
PUBLIC WORK SESSION  
OF THE  
BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools  
Elkhart, Indiana

Date: Friday, March 2, 2018

Time: 5:00 p.m.

Location: North Side Middle School  
300 Lawrence Street  
Elkhart, Indiana 46514



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Superintendent of Schools

Electronically delivered to School  
Attorney, News Media and Board  
Members on Thursday, February  
28, 2018.

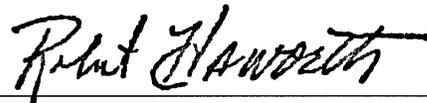
The Board's meeting site is accessible to all persons. Any person requiring accommodation or assistance should contact the Secretary to the Board of School Trustees with the School Corporation's administrative office, located at 2720 California Road, Elkhart, Indiana 46514, at 574-262-5506.

NOTICE OF SPECIAL MEETING  
OF THE  
BOARD OF SCHOOL TRUSTEES  
Elkhart Community Schools  
Elkhart, Indiana

Date: Monday, March 5, 2018

Time: 5:00 p.m.

Location: J. C. Rice Educational Services Center  
2720 California Road  
Elkhart, Indiana 46514



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Superintendent of Schools

Electronically delivered to School  
Attorney, News Media and Board  
Members on Thursday, February  
28, 2018

ELKHART COMMUNITY SCHOOLS  
BOARD OF SCHOOL TRUSTEES  
Elkhart, Indiana

Special Meeting  
March 5, 2018  
5:00 p.m.

**AGENDA**

- A. CALL TO ORDER/PLEDGE
- B. Remove from the Table the Resolutions for the 2018 High School Renovation Project and the 2018 Elkhart Area Career Center Annex Building Project.
- C. Resolution – 2018 High School Renovation Project – The Business Office recommends Board amend the Lease with the Elkhart Community School Building Corporation and to approve the issuance of bonds by the Elkhart Community School Building Corporation regarding improvements at the High School.
- D. Resolution – 2018 Elkhart Area Career Center Annex Building Project – The Business Office recommends Board authorization to enter into a Lease with the Elkhart Community School Building Corporation and to approve the issuance of bonds by the Elkhart Community School Building Corporation regarding improvements at the Elkhart Area Career Center Annex Building.
- E. Agreement - The administration recommends Board authorization for the Superintendent to enter into an Agreement with R&R Benefits/Risk Management, LLC
- F. ADJOURNMENT.

**RESOLUTIONS OF THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART  
COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, APPROVING FORM OF  
PROPOSED THIRD AMENDMENT TO LEASE FOR PURPOSES OF A PUBLIC  
HEARING ON SUCH AMENDMENT, TAKING OTHER ACTIONS REGARDING THE  
PROPOSED AMENDMENT TO LEASE AND APPROVING THE ISSUANCE OF  
BONDS BY THE ELKHART COMMUNITY SCHOOL BUILDING CORPORATION**

WHEREAS, on January 24, 2017, the Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana (the "Board"), made a preliminary determination to proceed with (A) the 2018 High School Renovation Project, as defined and described in more detail in the resolution adopted by the Board on January 24, 2017, and (B) to the extent permitted by law to take all of the necessary steps to finance all or a portion of the costs of all or any portion of the 2018 High School Renovation Project by entering into a proposed lease or leases or amendment or amendments to an existing lease or leases between an Indiana nonprofit school building corporation, as lessor, and the Elkhart Community Schools, Elkhart County, Indiana (the "School Corporation"), as lessee, relating to all or any portion of such school facilities and other school facilities operated by the School Corporation and the real property upon which such facilities are, or will be, located (any such leased facilities and real estate, collectively, the "Premises"); and

WHEREAS, within thirty (30) days after the notice of such preliminary determination was published in the local newspaper, a petition signed by at least 500 registered voters residing in, or owners of real property located in, the boundaries of the School Corporation was filed with the Elkhart County Voter Registration Office requesting the application of the petition-remonstrance process to the 2018 High School Renovation Project and the proposed financing; and

WHEREAS, on July 27, 2017, the Elkhart County Voter Registration Office certified the results of such petition-remonstrance process to be 2,485 registered voters residing in, or owners of real property located in, the boundaries of the School Corporation signed in support of the 2018 High School Renovation Project and proposed financing and 1,531 registered voters residing in, or owners of real property located in, the boundaries of the School Corporation signed in opposition to the 2018 High School Renovation Project and proposed financing; and

WHEREAS, in accordance with applicable Indiana law, the School Corporation may proceed with the 2018 High School Renovation Project and proposed financing; and

WHEREAS, the Board now finds that a need still exists for the 2018 High School Renovation Project and such facilities, and that the School Corporation cannot provide the necessary funds to pay the costs of such facilities to meet such needs; and

WHEREAS, the Elkhart Community School Building Corporation (the "Building Corporation") was incorporated to assist the School Corporation in financing, from time to time, the construction and renovation of school facilities to be operated by the School Corporation, including the 2018 High School Renovation Project; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the 2018 High School Renovation Project; and

WHEREAS, there have been prepared preliminary drawings, plans, specifications and estimates for the costs of the 2018 High School Renovation Project; and

WHEREAS, said preliminary drawings, plans and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the 2018 High School Renovation Project have been submitted to and now meet with the approval of this Board; and

WHEREAS, it now appears to this Board that said preliminary drawings, plans, specifications and estimates provide for necessary school facilities; and

WHEREAS, this Board has previously determined that, to the extent permitted by law, the Board will take all of the necessary steps to enter into an amendment to an existing lease with the Building Corporation for all or any portion of the facilities operated or to be operated by the School Corporation, pursuant to which the Building Corporation and the School Corporation will finance all or a portion of the 2018 High School Renovation Project; and

WHEREAS, the School Corporation has previously entered into a Lease, dated as of February 24, 1998 (the "Original Lease"), as amended and supplemented by an Addendum to Lease, dated as of May 5, 1998 (the "Addendum to Lease"), a First Amendment to Lease, dated as of October 1, 2003 (the "First Amendment to Lease"), a Second Amendment to Lease, dated as of April 23, 2013 (the "Second Amendment to Lease"), and an Addendum to Second Amendment to Lease, dated as of May 1, 2013 (the "Addendum to Second Amendment to Lease") (the Original Lease, as amended by the Addendum to Lease, the First Amendment to Lease, the Second Amendment to Lease and the Addendum to Second Amendment to Lease, collectively, the "Lease"), each of which is by and between the Building Corporation, as lessor, and the School Corporation, as lessee; and

WHEREAS, there has been prepared and previously submitted to the members of the Board a proposed form of a third amendment to the Lease and related addenda (the "Third Amendment to Lease") by and between the Building Corporation, as lessor, and the School Corporation, as lessee, for the lease of all or any portion of the premises subject to the Lease (collectively, the "Premises").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, that:

Section 1. Need exists for the 2018 High School Renovation Project which cannot be provided from any funds available to the School Corporation. This Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Building Corporation not already owned by the Building Corporation, (2) the extension of the ownership by the Building Corporation of the Premises beyond the current term, (3) the payment of all costs of all or any portion of the 2018 High School Renovation Project and all of the costs associated therewith by the Building Corporation and the School Corporation, and (4) the continued leasing of all or any portion of the Premises by the Building Corporation to the

School Corporation as provided by Indiana Code 20-47-3, as amended, and Indiana Code 20-47-4.

Section 2. It is hereby determined to be proper and in the public interest to re-approve the incorporation of the Building Corporation for the purpose of financing, constructing, renovating, expanding and equipping certain school facilities and leasing the same to the School Corporation, including the 2018 High School Renovation Project.

Section 3. The Board hereby re-approves the Articles of Incorporation of the Building Corporation, the Code of By-Laws of the Building Corporation and the re-appointment of William G. Cork, David C. Bonfiglio and Dr. John Hutchings to act as the current Directors of the Building Corporation and to serve the remainder of a term (unless the Director resigns, is removed or dies) of one year or until a successor is appointed and qualified.

Section 4. The 2018 High School Renovation Project is in the public interest of the patrons of the School Corporation and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state and city governments.

Section 5. The Building Corporation, being duly organized to conduct business, may issue, sell and deliver its bonds (the "Bonds") in an original aggregate principal amount not to exceed \$10,000,000 for the purpose of financing all or a portion of the 2018 High School Renovation Project, pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing all or any portion the 2018 High School Renovation Project and may enter into contracts for the sale of the Bonds and the acquisition, renovation and expansion of said school facilities.

Section 6. Upon the redemption or retirement of the Bonds to be issued by the Building Corporation in connection with the financing of the 2018 High School Renovation Project, the School Corporation will accept from the Building Corporation the Premises free and clear of all liens and encumbrances thereon.

Section 7. The School Corporation shall apply the proceeds received by the School Corporation from the sale of all or any portion of the Premises to the Building Corporation to the costs of the 2018 High School Renovation Project not funded by the Building Corporation.

Section 8. Any member of the Board or officer or attorney or bond counsel of the School Corporation be, and hereby is, authorized and directed to file, pursuant to Indiana Code § 20-47-3-13, a petition in the Circuit Court of Elkhart County requesting the appointment of appraisers (the "Appraisers") to determine the fair market value of the Premises. If necessary, following the issuance of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of all or a portion of the Premises, any officer of the Board be, and hereby is, authorized and directed, in the name and on behalf of the School Corporation, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Building Corporation..

Section 9. The terms and conditions of the proposed form of the Third Amendment to Lease and the preliminary plans, drawings, specifications and estimates of the 2018 High

School Renovation Project are approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Third Amendment to Lease and whether the lease rentals provided therein are fair and reasonable rentals for all or any portion of the Premises prior to the final determination of such questions so that this Board may determine whether to execute the Third Amendment to Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing to be held on April 10, 2018, at 7:00 p.m., local time, in the J.C. Rice Educational Services Center, 2720 California Road, Elkhart, Indiana, or at such other date, time and location as determined by the Superintendent of the School Corporation (the "Superintendent").

Section 10. Any officer of the School Corporation be, and hereby is, authorized, empowered and directed, on behalf of the School Corporation to publish notices of said public hearings and to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

PASSED AND ADOPTED this 5<sup>th</sup> day of March, 2018.

BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS,  
ELKHART COUNTY, INDIANA

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ATTEST:

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Secretary of the Board of School Trustees

**RESOLUTIONS OF THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART  
COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, TAKING ACTIONS  
REGARDING A PROPOSED LEASE, APPROVING THE ISSUANCE OF BONDS BY  
THE ELKHART COMMUNITY SCHOOL BUILDING CORPORATION AND  
MATTERS RELATED THERETO**

WHEREAS, the Elkhart Community Schools, Elkhart County, Indiana (the “School Corporation”), operates as a public school corporation under the provisions of Indiana Code 20-26, as amended; and

WHEREAS, the Board of School Trustees of the School Corporation (the “Board”) now finds that a need exists for all or a portion of the (a) construction and equipping of an additional career center building on all or a portion of vacant property located at the southeast corner of the intersection of County Road 10 West and Whitmer Court, which upon completion will be approximately 25,000 square feet and will contain all or any portion of three to six classrooms, shop areas for diesel technology, welding and machine trades, one or more office areas, restroom facilities for staff and restroom facilities for students, locker rooms for the students and necessary custodial and storage areas, (b) site improvements, including, but not limited to, parking lots, sidewalks and landscaping to be done as a part of the construction and equipping of the additional career center building described in clause (a), (c) any other miscellaneous facility improvement, construction or equipping projects at any facility operated by the School Corporation, and (d) all projects related to any of the projects set forth in clauses (a) through and including (c)(clauses (a) through and including (d), collectively, the “2018 Elkhart Area Career Center Annex Building Project”), and the School Corporation cannot provide the necessary funds to pay the costs of such facilities to meet such needs; and

WHEREAS, the Elkhart Community School Building Corporation (the “Building Corporation”) was incorporated to assist the School Corporation in financing, from time to time, the construction and renovation of school facilities to be operated by the School Corporation, including the 2018 Elkhart Area Career Center Annex Building Project; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the 2018 Elkhart Area Career Center Annex Building Project; and

WHEREAS, there have been prepared drawings, plans, specifications and estimates for the costs of the 2018 Elkhart Area Career Center Annex Building Project; and

WHEREAS, said drawings, plans and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the 2018 Elkhart Area Career Center Annex Building Project have been submitted to and now meet with the approval of this Board; and

WHEREAS, it now appears to this Board that said drawings, plans, specifications and estimates provide for necessary school facilities; and

WHEREAS, the Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a lease with the Building Corporation for all or any portion of the facilities operated or to be operated by the School Corporation, pursuant to which the Building

Corporation and the School Corporation will finance all or any portion of the 2018 Elkhart Area Career Center Annex Building Project; and

WHEREAS, there has been prepared and previously submitted to the members of the Board a proposed form of a lease (the "Lease") by and between the Building Corporation, as lessor, and the School Corporation, as lessee, for the lease of all or any portion of any of the existing Building Trades Building, the existing Auto Trades Building and the existing Cold Storage Building, the respective real property upon which all such improvements are, or will be located, the land upon which one or more new career center buildings will be constructed, all of which will be conveyed to the Building Corporation, and upon completion such new career center buildings (collectively, the "Premises"); and

WHEREAS, pursuant to Indiana Code §20-26-7-37, if this Board proposes to construct, repair or alter a school building at a cost of more than One Million Dollars (\$1,000,000.00) that would be financed by a lease agreement, issuing bonds or any other available method, it must hold a public hearing at which explanations of the potential value of the proposed project to the School Corporation and the community shall be given, and at which interested parties may present testimony and ask questions; and

WHEREAS, the Board expects to pay for certain costs of the 2018 Elkhart Area Career Center Annex Building Project (collectively, the "Expenditures") prior to the issuance of the 2018B Elkhart Area Career Center Annex Building Bonds (as hereinafter defined), and to reimburse the Expenditures with the proceeds received by the School Corporation upon the issuance of the 2018B Elkhart Area Career Center Annex Building Bonds; and

WHEREAS, the Board desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c) with all or a portion of the proceeds of the 2018B Elkhart Area Career Center Annex Building Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA, that:

Section 1. Need exists for the 2018 Elkhart Area Career Center Annex Building Project, and none of the 2018 Elkhart Area Career Center Annex Building Project can be provided from any funds available to the School Corporation. This Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Building Corporation, (2) the payment of all costs of all or any portion of the 2018 Elkhart Area Career Center Annex Building Project and all of the costs associated therewith by the Building Corporation and the School Corporation, and (3) the leasing of all or any portion of the Premises by the Building Corporation to the School Corporation as provided by Indiana Code 20-47-3, as amended, and Indiana Code 20-47-4.

Section 2. It is hereby determined to be proper and in the public interest to re-approve the incorporation of the Building Corporation for the purpose of financing, constructing, renovating, expanding and equipping certain school facilities and leasing the same to the School Corporation, including the 2018 Elkhart Area Career Center Annex Building Project.

Section 3. The Board hereby re-approves the Articles of Incorporation of the Building Corporation, the Code of By-Laws of the Building Corporation and the appointment William G. Cork, David C. Bonfiglio and Dr. John Hutchings to act as the current Directors of

the Building Corporation and to serve a term (unless the Director resigns, is removed or dies) of one year or until a successor is appointed and qualified.

Section 4. The 2018 Elkhart Area Career Center Annex Building Project is in the public interest of the patrons of the School Corporation and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state and city governments.

Section 5. Pursuant to the applicable laws of the State of Indiana, the Building Corporation, being duly organized to conduct business, may (a) issue, sell and deliver its first mortgage bonds (the “2018B Elkhart Area Career Center Annex Building Bonds”) in an original aggregate principal amount not to exceed \$5,000,000 for the purpose of financing all or a portion of the 2018 Elkhart Area Career Center Annex Building Project, (b) encumber any real property or equipment acquired by it for the purpose of financing all or any portion of any of the 2018 Elkhart Area Career Center Annex Building Project and (c) enter into contracts for the sale of the 2018B Elkhart Area Career Center Annex Building Bonds and the acquisition, renovation and expansion of said school facilities.

Section 6. Upon the redemption or retirement of the 2018B Elkhart Area Career Center Annex Building Bonds to be issued by the Building Corporation in connection with the financing of the 2018 Elkhart Area Career Center Annex Building Project, the School Corporation will accept from the Building Corporation the Premises free and clear of all liens and encumbrances thereon.

Section 7. The School Corporation shall apply the proceeds received by the School Corporation from the sale of all or any portion of the Premises to the Building Corporation to the costs of all or a portion of the 2018 Elkhart Area Career Center Annex Building Project not funded by the Building Corporation.

Section 8. The terms and conditions of the proposed form of the Lease and the plans, drawings, specifications and estimates of each of the 2018 Elkhart Area Career Center Annex Building Project are approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Lease and whether the lease rentals provided therein is a fair and reasonable rental for all or any portion of the Premises prior to the final determination of such questions so that this Board may determine whether to execute the Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing to be held on April 10, 2018, at 7:00 p.m., local time, in the J.C. Rice Educational Services Center, which is located at 2720 California Road, Elkhart, Indiana 46514, or at such other date, time and location as determined by the Superintendent of the School Corporation (the “Superintendent”).

Section 9. Pursuant to Indiana Code §20-26-7-37, the Board authorizes the holding of a public hearing on April 10, 2018, at 7:00 p.m., local time, in in the J.C. Rice Educational Services Center, which is located at 2720 California Road, Elkhart, or at such other date, time and location as determined by the Superintendent, at which explanations of the potential value of each of the 2018 Elkhart Area Career Center Annex Building Project to the School Corporation and the community shall be given, and at which interested parties may present testimony and questions.

Section 10. Any member of the Board, the Superintendent, the General Counsel of the School Corporation (the “General Counsel”), the Chief Financial Officer of the School Corporation (the “Chief Financial Officer”) or any officer or attorney of the School Corporation be, and hereby is, authorized and directed to file, pursuant to Indiana Code §20-47-3-13, a petition in the Circuit Court of Elkhart County requesting the appointment of appraisers (the “Appraisers”) to determine the fair market value of the Premises. Following the issuance of the 2018B Elkhart Area Career Center Annex Building Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of all or a portion of the Premises, any officer of the Board be, and hereby is, authorized and directed, in the name and on behalf of the School Corporation, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Building Corporation.

Section 11. The Board hereby declares its official intent that, to the extent permitted by law, to execute the Lease with the Building Corporation, to request the Building Corporation to issue the 2018B Elkhart Area Career Center Annex Building Bonds, in one or more series or issues, each in the original aggregate principal amount not to exceed the aggregate amount set forth above, and to reimburse costs of the respective 2018 Elkhart Area Career Center Annex Building Project consisting of the Expenditures from a portion of the proceeds of the sale of the 2018B Elkhart Area Career Center Annex Building Bonds.

Section 12. Any officer of the School Corporation, the Superintendent or the Chief Financial Officer be, and hereby is, authorized, empowered and directed, on behalf of the School Corporation to publish notices of said public hearings and to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

PASSED AND ADOPTED this 5<sup>th</sup> day of March, 2018.

BOARD OF SCHOOL TRUSTEES OF  
THE ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA

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ATTEST:

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Secretary of the Board of School Trustees

## Consulting Agreement

This is an Agreement between Elkhart Community Schools (hereinafter, “ECS”) and R&R Benefits/Risk Management, LLC of South Bend, IN (hereinafter “Consultant”). This Agreement shall take effect on January 1, 2018 and shall expire on December 31, 2018.

ECS has entered into this Agreement with Consultant for the purpose of exploring the implementation of a Health and Wellness Plan/Accountable Care Organization (hereinafter “ACO”) with a targeted placement of January 1, 2019. Consultant proposes to enter into negotiations with a regional health system (hereinafter “Health System”) to operate as an ACO and, along with any networks established by the Health System, serve as the exclusive provider of healthcare services as the singular option for ECS employees and dependents on the ECS Health Insurance Plan.

Consultant shall perform said services beginning on January 1, 2018 through December 31, 2018. In the event Consultant is successful in reaching the aforementioned goal, and the ECS Board of School Trustees and the Board of the Elkhart Teachers Association approve an agreement with the Health System to serve as the exclusive provider of healthcare services and singular provider for said services, the parties further agree ECS will enter into an agreement naming R&R Benefits/Risk Management, LLC as its consultant for the following employee benefit plans:

- Health
- Dental
- Disability (both short term and long term)
- Life Insurance

The following individuals, employed by Consultant, shall bear the primary responsibility for the performance of any services described herein above:

Troy Scott and Robert Frick

ECS shall pay Consultant the sum of \$6,000/month from January 1, 2018 to December 31, 2018, unless this Agreement is terminated prior to December 31, 2018 in the manner described herein below.

ECS and Consultant have established the following goals to be accomplished by Consultant during the term of this agreement:

Comprehensive Global Program for All Healthcare Related Services:

- Health Insurance/ACO
- Wellness Programs
- Onsite Clinic Services for both staff and students
- Occupational Health Services
- Immunizations for ECS students
- Diabetic Care
- Care Management between Physicians, Community, and Parents
- Athletic Trainers
- Strength and Conditioning Coach(s)
- Internship Opportunities within the Health System for Students, etc.
- Sponsorship of ECS Academic, Athletic, and Co-Curricular Programming
- Create Group Purchasing Power created by Partnering with a Health System

The timeline for accomplishing these goals is as follows:

- Working Session with Dr. Haworth and Select Staff for the Project – 1/15/2018
- Letter of Authorization granting R&R Benefits/Risk Management, LLC access to ECS Data – 1/15/2018
- Create a Key Person Interview List – 1/15/2018
- Negotiation exclusively with Health System until May 1, 2018 as an extension of the prior 2017 RFP process
- Tentative Agreement with Prospective Corporate Partner – 7/1/2018
- Participate in negotiations with Teacher Association and AFSCME Local #2925 through normal collective bargaining process – 8/1/2018
- School Board Review – 8/15/2018
- Recommendation of Corporate Partner Agreement for Comprehensive Health Services/ACO to Elkhart Community School Board of School Trustees – 9/1/2018
- Educational Meetings to Full Teacher and Staff Population 10/1/2018
- Placement of ACO Program effective 1/1/19

In the event Consultant is unable to obtain preliminary acceptance by a Health System to serve as the exclusive provider by May 1, 2018, ECS will determine whether it would be beneficial for Consultant taking the following actions:

- Create an RFP to include Beacon, St. Joseph Health System, and Goshen Health System if a program cannot be secured with Health System by 5/1/2018
- May not be a 100% Exclusive Program, but will still have significant financial advantages to ECS

Should ECS, subsequent to May 1, 2018, conclude Consultant has been unable to make satisfactory progress in its negotiations with a Health System, and the RFP described above is not in its best interests, ECS shall have the right to terminate this agreement. Should ECS elect to terminate the agreement at this time, it shall have no obligation to pay additional fees and expenses accruing after having given notice of its election to terminate to Consultant. Both ECS and Consultant shall have a continuing right to terminate this agreement subsequent to May 1, 2018, upon delivery of a written notice to the other party. Should said notice be delivered, the obligation of ECS to make further payments under this agreement shall also terminate.

Consultant shall deliver detailed invoices to the Chief Financial Officer for ECS on a monthly basis which generally describes the nature of the services provided during each month. ECS shall pay said invoices within forty-five (45) days subsequent to receipt of invoice by ECS.

Consultant's primary contact with ECS shall be the Chief Financial Officer for ECS.

Consultant shall not, whether during the term of this agreement or after its termination for whatever reason, disclose or distribute to any person or entity, except as necessary for the proper performance of their duties and responsibilities under this agreement, or as required by law, any confidential information provided to Consultant by ECS.

Consultant shall be responsible for all expenses incurred in the provision of services to identified schools, including but not limited to software support services, copying, telephone services, postage, office space, etc.

ECS and Consultant agree Consultant is an independent contractor. Consultant agrees it is solely responsible for the payment of all federal (FIT, FICA Medicare), state and local taxes for compensation paid to Consultant for services rendered under the terms of this agreement.

Consultant may not delegate any obligation of the Agreement, in either case in whole or in part, to any other person, without the express prior written consent of ECS. Consultant shall have no authority to speak on behalf of ECS, or to hire employees on behalf of ECS.

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CONSULTANT

By: \_\_\_\_\_

Its: \_\_\_\_\_

ELKHART COMMUNITY SCHOOLS

By: \_\_\_\_\_  
Superintendent