



Study Session Agenda

October 18, 2022

4:00 p.m.

Via Zoom Only!

Link to Meeting:

<https://us02web.zoom.us/j/86534973256?pwd=ZIB3YVdydW9RMStVTWdvSIZ0Y2lxdz09>

Webinar ID: 865 3497 3256

Passcode: 794432

Dial-In Phone Numbers: 1-253-215-8782 or 1-669-900-6833

1. School District Resolutions and Proclamations Overview

Presenters:

Lee Marchisio, Foster Garvey

Jim McNeill, Foster Garvey

[Resolution Writing\(100673357.2\).pdf \(p. 2\)](#)

4:00-4:20 p.m. Presentation

4:20-4:30 p.m. Questions and Answers

4:30-5:15 p.m. Discussion

2. Adjournment: 5:15 p.m.

SCHOOL DISTRICT RESOLUTIONS AND PROCLAMATIONS OVERVIEW

Shoreline School District No. 412, October 18, 2022

Lee Marchisio

Jim McNeill

Foster
Garvey

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Outline

- Resolutions
 - Basics
 - Compared to ordinances and proclamations
 - When required
 - Anatomy of a resolution
- Practical Considerations

What is a resolution?

- Statement of policy
- Board action that...
 - Implements a core function of the Board
 - Authorizes the conduct of significant district business

What is a resolution?

- Contrast with city/county ordinances
 - Ordinances are laws of general application
 - Ordinances are enforced against everyone
 - School districts do not exercise general regulatory authority over others
 - School district resolutions apply to district conduct, property and facilities

What is a resolution?

- Contrast with proclamations
 - Proclamations typically are statements of opinion or support
 - E.g., recognizing individual achievements, celebrating shared successes
 - No school district statutes refer to district proclamations
 - Significant “proclamations” or “declarations” should be made by resolution
 - E.g., declarations of emergency for public works
 - Contrast with state/gubernatorial proclamations that carry force of law

When must districts conduct business by formal resolution?

- **General Rule:** Boards may conduct most business by motion and vote recorded in meeting minutes
 - “[I]n substance there is no difference between a resolution and a motion.” *Spokane v. Ridpath*, 74 Wash. 4 (1913).
 - Examples:
 - Motion to call hearing on a proposal to change the district’s name. RCW 28A.320.025.
 - Motion or resolution to express collective support or opposition to an initiative or ballot proposition. RCW 42.17A.555, .635; RCW 42.52.180.
- But State law requires a formal resolution in many cases
 - See appendix

When should districts conduct business by formal resolution?

- Best practice: use a resolution to memorialize significant district business and operations
- Why?
 - Establishes written legislative record
 - Evidences foundation for action
 - Supports institutional knowledge
 - Facilitates open government

Anatomy of a Resolution

- Legal name of district
- Resolution number
- Title/Summary describing the purpose of the resolution
- Enacting clause – “be it resolved”

Anatomy of a Resolution

- Recitals - the “whereas” statements
 - Lays factual foundation for action
 - Describes procedures followed (e.g., notice and hearing)
- Substantive provisions
 - Specify the precise action taken or policy adopted
 - Should relate to the facts stated in the recitals
- Effective date
- Signatures and attestation

Who at the District can write resolution?

- District staff. Almost all resolutions may be drafted by the appropriate district staff member. *Examples:*
 - Personnel policies by Human Resources personnel
 - Budget approval by Fiscal Director/Business Manager
- Board Directors. Resolutions may be drafted by Board Directors for review and coordination with the appropriate district staff. *Examples:*
 - Statements of Board positions or opinions related to community initiatives

When should the District rely on others to draft resolutions?

- General counsel: sensitive, complex, or significant actions. *Examples:*
 - Director removal
 - District reorganization
- Bond Counsel (attorney). Finance related resolutions, including:
 - Levy and bond election resolutions; bond issuance resolutions
 - Resolutions transferring money to and from funds
 - Levy certification resolutions

Questions and Discussion

Contact Us



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Appendix:

Laws that Require School Districts to Act By Resolution

Resolutions required by school district statutes (Title 28A RCW)

- Adopt district budget and fund appropriations
 - RCW 28A.505.060
- Budget extensions
 - RCW 28A.505.170 (first class districts); RCW 28A.505.180 (second class districts)
- Request OSPI to direct a portion of the district's basic education allocation to district's capital projects and/or bond redemption funds
 - RCW 28A.150.270
- Call election on bond issuance
 - RCW 28A.530.020

Resolutions required by school district statutes (Title 28A RCW)

- Alteration of Bond and State match proceeds
 - RCW 28A.530.020
- Call election to validate and ratify district indebtedness
 - RCW 28A.535.020
- Issue non-voted indebtedness in excess of \$250,000
 - RCW 28A.530.080

Resolutions required by school district statutes (Title 28A RCW)

- Set board member per diem compensation
 - RCW 28A.343.400
- Declare board positions vacant after 4 consecutive absences
 - RCW 28A.343.390 (district directors)
- Request election on reapportionment of director districts
 - RCW 28A.343.050
- Set director meetings more frequent than monthly (or by bylaws)
 - RCW 28A.343.380

Resolutions required by school district statutes (Title 28A RCW)

- Authorizer renewal, nonrenewal, or revocation of charter school
 - RCW 28A.710.150, .200 (charter school authorizers)
- Call election to form new school district or adjust bonded indebtedness among districts
 - RCW 28A.315.265 (regional committee on school district organization)

Resolutions required by other state statutes

- Call for a special election (works in conjunction with district bond and levy statutes)
 - RCW 29A.04.330(2); Wash. Const. Art. 7, Sections 2(a) and (b); RCW 39.36.050; RCW 84.52.053; RCW 84.52.056
- Reimburse employees for personal vehicle, travel, or other expenses in lieu of detailed account of actual expenses
 - RCW 42.24.090
- Set times for regular meetings (or through bylaws)
 - RCW 42.30.070
- Waive certain competitive bidding requirements (or by district policy)
 - RCW 39.04.280(2)

Resolutions required by other state statutes

- Reject competitive bids for work or purchases, or waive competitive bidding requirements in an emergency
 - RCW 28A.335.190(5), (6)
- Establish procedures for small works rosters and for securing telephone or written bids for small purchases
 - RCW 39.04.155, .190
- Cancel district warrants not presented within one year of call
 - RCW 39.56.040
- Petition for and consent to bankruptcy plan of readjustment
 - RCW 39.64.050, .060

Resolutions required by administrative rules and regulations

- Establish or terminate separate fund accounts
 - See *Accounting Manual for Public School Districts* at 1-4 (2021-22)
- Interfund loans and interfund transfers
 - WAC 392-123-135 through -160 (loans) and *Accounting Manual* at 3-60 (transfers)
- Establish imprest bank accounts and petty cash funds
 - See *Accounting Manual* at 3-21
- Issue revenue anticipation notes
 - See *Accounting Manual* at 3-37
- Create a “special fund” under RCW 39.50.070
 - See *Accounting Manual* at 3-40

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