

Resolution 2021R-017

By Director Baez

1. WHEREAS, Administrative Policy 3.09, Purchasing and Bidding Requirements, states “The authority to purchase goods and services resides with the Milwaukee Board of School Directors (“the Board”). All procurements must be in the name of the Milwaukee Board of School Directors...”; and
2. WHEREAS, Administrative Policy 3.09, Purchasing and Bidding Requirements, delegates authority to execute contracts binding to the Board to the Director of Facilities and Maintenance Services and the Director of Procurement & Risk Management for contracts under \$50,000, and to the Board’s three executive officers and the President of the Board for contracts above \$50,000; and
3. WHEREAS, Administrative Policy 3.09, Purchasing and Bidding Requirements, states, “Any contract executed by an individual lacking the express delegated authority to bind the Milwaukee Board of School Directors is null and void and shall not bind MPS”; and
4. WHEREAS, No portion of Administrative Policy 3.09 explicitly extends the aforementioned delegation of authority beyond the purchasing of goods and services; and
5. WHEREAS, While Administrative Policy 3.09 indicates that a Memorandum of Understanding may be utilized for the provision of services at no-cost to the District, it does not outline execution authority for such an agreement; and
6. WHEREAS, An agreement between the district and another party that may not include the exchanging of funds, goods, or services may still obligate the district to specific deliverables, benchmarks, and requirements; and
7. WHEREAS, Wisconsin State Statute 119.10(1) defines the Milwaukee Board of School Directors as a continuing body, and 119.16(1m) states that “[t]he board shall have the possession, care, control and management of the schools, facilities, operations, property and affairs of the school district”; and
8. WHEREAS, Board Governance Policy 2.03, Board Powers and Duties, states, “The Board has the legal responsibility for the conduct of the public schools and is the only official agency in the community that has such”; and
9. WHEREAS, The Board as having the legal responsibility, is ultimately responsible for all agreements made between the district and another party; now, therefore, be it
10. RESOLVED, That all MPS agreements with federal, County, State and any other governmental bodies, including memorandums of understanding, resolution agreements, agreements that bind the Board or the district to any deliverables, benchmarks, or other requirements for more than one school year be brought to the Board for approval; and, be it
11. FURTHER RESOLVED, that the Board direct the Administration, in collaboration with the Office of Board Governance and the Office of Accountability and Efficiency, to bring any necessary policy revisions to the Board for its approval.

Introduced December 17, 2020