

## **DUTIES OF THE SCHOOL BOARD CLERK AND TREASURER**

**by Cathy Miller, MSBA Director of Legal and Policy Services**

MSBA recently offered an “Officers’ Workshop,” and one of the statutes reviewed with the participants was the following:

*“M.S. 123B.14, Subd. 1. Officer selection.*

*On the first Monday of January of each year, or as soon thereafter as practicable, the board must meet and organize by selecting a chair, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the Office of Business Affairs.”*

Many requirements are contained in those few sentences. M.S. 123B.14, Subd. 1, is the source of the requirement for holding an “organizational meeting” (i.e., “. . . *the board must meet and organize. . .*”). The timing for the organizational meeting is also found here; specifically, “. . . *the first Monday of January . . . or as soon thereafter as practicable,. . .*”. Also, the law clearly notes that three school board offices are required: “. . . *a chair, clerk, and a treasurer,. . .*”.

What I want to do in this article is discuss, in a little more detail, the last portion of the statute quoted above.

The law provides for many statutory duties for the clerk and separate statutory duties for the treasurer; however, I have not heard of any districts in which the school board members holding these offices perform all of the statutory duties. In every case of which I am aware, school districts have taken advantage of the language allowing for persons other than the school board members to perform at least some of the duties of the clerk and treasurer, and the law has no problem with such an arrangement.

At some point, the law requires that the board must have adopted a resolution that combined “. . . the duties of the offices of clerk and treasurer in a single person in the Office of Business Affairs.” Most likely, said person will be the district’s business official. In actual practice, the school business official will delegate at least some of the duties. The most common arrangement I hear about is one in which most of the clerk’s duties are performed by the superintendent’s executive assistant and most of the treasurer’s duties are performed by the school business official or his/her assistant(s).

The following is a sample resolution to be used for combining the duties of clerk and treasurer if your board has not done so (or if you cannot locate the resolution you used).

*WHEREAS, Minnesota Statutes §123B.14, Subd. 1, empowers the School Board to combine the duties of the office of Clerk and Treasurer of the Board in one person in the Office of Business Affairs of the School District; and*

*WHEREAS, the School Board has decided to combine the duties of the Clerk and Treasurer in one person in the Office of Business Affairs;*

*THEREFORE, BE IT RESOLVED THAT the \_\_\_\_\_ of the School District is designated by the School Board of Independent School District No. \_\_\_\_\_ to perform the duties of Clerk and Treasurer of the School District.*

*Moved by:*

*Seconded by:*

*The following voted in favor:*

*The following voted against:*

*WHEREUPON, the resolution was declared adopted.*

Pursuant to due call and notice thereof, a regular meeting of the School Board of the Morris Area School District #2769 (Morris Area Schools), State of Minnesota, was duly held in said district on January 6, 2014 at 7:00 pm for the purpose in part, of adopting a resolution to combine several of the duties of the office of Clerk and Treasurer of the Board in one person in the Office of Business Affairs of the School District.

The following members were present: \_\_\_\_\_ and the following were absent: \_\_\_\_\_.

Upon motion duly made by Member \_\_\_\_\_, the following Resolution was adopted:

**RESOLUTION TO COMBINE SEVERAL OF THE DUTIES OF THE OFFICE OF CLERK  
AND TREASURER OF THE BOARD IN ONE PERSON IN THE OFFICE OF  
BUSINESS AFFAIRS OF THE SCHOOL DISTRICT**

WHEREAS, Minnesota Statutes §123B.14, Subd. 1, empowers the School Board to combine the duties of the office of Clerk and Treasurer of the Board in one person in the Office of Business Affairs of the School District; and

WHEREAS, the School Board has decided to combine several of the duties of the Clerk and Treasurer in one person in the Office of Business Affairs;

THEREFORE, BE IT RESOLVED THAT the Jeannie Maanum of the School District is designated by the School Board of Independent School District No. 2769 to perform several of the duties of Clerk and Treasurer of the School District.

The motion for the adoption of the foregoing Resolution was duly seconded by Board member \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_ and the following voted against the same: \_\_\_\_\_.

WHEREUPON, said resolution is declared duly passed and adopted.

INDEPENDENT SCHOOL DISTRICT #2769  
MORRIS, MINNESOTA

BY, \_\_\_\_\_

Monday, January 6, 2014