

**EXTRACT OF MINUTES OF MEETING
OF SCHOOL BOARD OF
INDEPENDENT SCHOOL DISTRICT NO. 716
BELLE PLAINE, MINNESOTA**

Pursuant to due call and notice thereof, a meeting of the School Board of Independent School District No. 716, Belle Plaine, Minnesota, was held on the ____ day of _____, 2015, at _____ p.m.

The following Board members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION APPROVING JOINT POWERS AGREEMENT

WHEREAS, the SouthWest Metro Educational Cooperative is a joint powers entity formed under Minn. Stat. § 471.59.

WHEREAS, Independent School District No. 716 is a founding and collaborating member district of the SouthWest Metro Educational Cooperative through Board resolution which ultimately established the SouthWest Metro Educational Cooperative as a joint powers entity on July 1, 2013.

WHEREAS, the resolution forming the SouthWest Metro Educational Cooperative incorporated a joint powers agreement setting forth the governance

and other standards for and of the SouthWest Metro Educational Cooperative.

WHEREAS, the SouthWest Metro Educational Cooperative joint powers agreement anticipated the possible formation of an Intermediate District with the member school district boards agreeing as follows:

**ARTICLE VI
CONTINUED OPERATION AS AN INTERMEDIATE DISTRICT**

If the Minnesota Legislature adopts enabling legislation approving the establishment of the District as an Intermediate District under Chapter 136D of the Minnesota Statutes, or other law, and if the Collaborating Districts individually vote to reorganize the District (Educational Cooperative) as an Intermediate District, the Collaborating District Boards hereby agree to continue the District as an Intermediate District in accordance with the terms of this Agreement, any amendments to this Agreement, the bylaws of the District, as amended, and applicable laws.

WHEREAS, the 2015 Minnesota State Legislature in Special Session passed Minn. Stat. § 136D.41:

136D.41 LISTED DISTRICTS MAY FORM INTERMEDIATE DISTRICT.

Notwithstanding any other law to the contrary, two or more of the Independent School Districts Nos. 108, 110, 111, and 112 of Carver County, Independent School Districts Nos. 716, 717, 719, 720, and 721 of Scott County, and Independent School District No. 2905 of Le Sueur County, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of facilities for, and instruction in, special education, career and technical education, adult basic education, and alternative education. Each school district that becomes a party to such an agreement is a "participating school district" for purposes of sections 136D.41 to 136D.49. The agreement may provide for the exercise of these powers by a joint school board created as set forth in sections 136D.41 to 136D.49.

WHEREAS, an Intermediate District is defined in Minn. Stat. § 136D.01:

136D.01 INTERMEDIATE DISTRICT.

"Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, postsecondary, and adult students in the areas of vocational education, special education, and other authorized services.

WHEREAS, a proposed Joint Powers Agreement has been prepared which establishes the SouthWest Metro Intermediate District as a joint powers entity under Minn. Stat. § 471.59 as authorized by Minn. Stat. § 136D.41.

WHEREAS, the SouthWest Metro Intermediate District would serve to replace the functions of the SouthWest Metro Educational Cooperative.

WHEREAS, a copy of the proposed Joint Powers Agreement is attached and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 716, as follows:

1. That the attached Joint Powers Agreement be and hereby is approved;
2. That the Chairman and Clerk are hereby authorized to execute and deliver the attached Joint Powers Agreement; and
3. That in the event that less than two of the Collaborating Districts (as the term is defined in the attached Joint Powers Agreement) approve the Joint Powers Agreement, this Resolution shall be void and have no force or effect.
4. That in the event an Intermediate District is formed, the Governing Board of the SouthWest Metro Educational Cooperative, shall be directed to transfer all assets, liabilities, and functions to the SouthWest Metro Intermediate

District and subsequently dissolve the Educational Cooperative.

5. That, pursuant to Minn. Stat. § 136D.45, Subd. 2, this resolution shall be published once in a newspaper in the District or in a newspaper having general circulation in the district and shall become effective 30 days after publication, unless within the 30-Day period a petition for referendum on the resolution is filed with the school board, signed by qualified voters of the school district equal in number to five percent of the number of voters voting at the last annual school district election. In such case, the resolution shall not become effective until approved by a majority of the voters voting thereon at a regular or special election.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against:

whereupon said resolution was declared duly passed and adopted.

