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PLEASE DISTRIBUTE A COPY OF THIS LETTER TO ALL BOARD MEMBERS

February 17, 2011

Secretary of the Board of Education,

The purpose of this letter is to advise you that an election for two seats on the Wayne County RESA Board of Education will be held on **Monday, June 6, 2011** at 6:00 p.m. Each seat is for a six-year term beginning July 1, 2011 and ending June 30, 2017. These seats are currently being held by Mary Blackmon and Ken Berlinn.

Per Public Acts 233 and 419 of 2004, local districts must adopt a resolution at a public meeting which names the party who is designated to cast ballots for ISD seats, and the resolution must state which candidate the designee must vote for, at least on the first ballot. The local board resolution adoption must occur no earlier than 21 days before the ISD election, which is **Monday, May 16, 2011**.

Each constituent school district board must designate a representative to this electoral body by adopting a resolution that 1) designates the person to vote in the ISD election on behalf of the local district board; 2) directs the designee which candidate the board supports for the position to be filled; and 3) directs the designee to vote for that individual at least on the first ballot taken by the electoral body.

Adoption of the resolution may not occur earlier than 21 days before the date of the biennial election. In 2011, that means that the resolution must be adopted on or after May 16, 2011. The resolution must be adopted by majority vote of the members serving on the board.

Section 380.612(2) of the Revised School Code provides: "The board shall consider the resolution at *not less* than one public meeting *before* adopting the resolution." (Emphasis added.) This language has been subject to varying interpretations.

One interpretation is that it requires local boards to hold one public meeting to consider the resolution *prior* to the meeting in which they adopt the resolution appointing a representative and identifying the candidates to vote for. Another interpretation is that a separate meeting is not required.

Several attorneys advise that to ensure technical compliance with the statute, a separate meeting to consider the resolution could be held immediately before the board meeting in which the board adopts the resolution naming the representative and the candidates.

As a result, districts are advised to check with their legal counsel for guidance on how to proceed regarding how meetings are structured to comply with the requirement.

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Enclosed are two model resolutions. Please feel free to use these models to assist you when formatting your own board resolutions.

If your board wishes to hold one meeting to consider the resolution prior to the meeting in which it appoints the representative and identifies the selected candidates, you may wish to use the model resolution entitled, Model Resolution To Consider Designation of Electoral Representative for the June 6, 2011 Biennial Election (Sample A).

When your board is ready to designate a representative and direct that person how to vote in at least the first ballot, you may wish to use the model resolution entitled, Model Resolution Designating Local District's Wayne RESA Election Representative (Sample B).

Complete information regarding ISD elections is contained in Section 380.612 and 380.614 of the School Code. The School Code prescribes that a candidate for election to the ISD board must be nominated by petitions which shall be signed by not less than 40 registered school voters of the combined constituent districts. A \$100 non-refundable filing fee may be paid in lieu of a petition. Nominating Petitions and an Affidavit of Identity form can be obtained by calling this office at 734.334.1448, or contacting the Wayne County Clerk Office, Department of Elections. Note: Candidates for the Wayne RESA Board must file their nominating petitions, or the \$100 filing fee, and an Affidavit of Identity with Delphine G. Oden, Assistant Director, Wayne County Elections, Office of the County Clerk, 2 Woodward Avenue, Room 207, Coleman A. Young Municipal Center, Detroit, MI 48226, by **Monday, May 9, 2011 at 4:00 p.m.**

Once the Wayne County Clerk notifies Wayne RESA of the candidates running for the Wayne RESA Board, a fax will be sent to all Wayne County Superintendents and District Board of Education Offices outlining the election procedure.

Please call Deidre Thornsby at Wayne RESA, 734.334.1448 if you have any questions.

Sincerely,



James Beri, Secretary
Wayne RESA Board of Education

Enclosures

cc: District Superintendent

SAMPLE A

If the LEA board wishes to hold two meetings for consideration of designating a representative to the Wayne County RESA election and the candidate to be supported by the board, this is a format that could be used in first meeting:

MODEL RESOLUTION TO CONSIDER DESIGNATION OF ELECTORAL REPRESENTATIVE FOR THE JUNE 6, 2011 BIENNIAL ELECTION

A _____ meeting of the Board of Education of _____, Michigan (the "Board"), was held in the _____ in the District, on the ____ day of _____, 2011, at ____ o'clock in the _____.

The meeting was called to order by _____, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The Revised School Code provides that board members of the Wayne County Regional Educational Service Agency ("WRESA"), Michigan, be elected biennially on the first Monday in June by an electoral body composed of one (1) person designated by the board of each constituent school district; and
2. The Revised School Code further provides that this Board shall consider the resolution of designating its representative on the electoral body at not less than one (1) public meeting before adopting the designating resolution; and
3. This Board now determines it is necessary and desirable to establish the first public meeting at which this Board will consider the proposed resolution designating the District's representative on the electoral body.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. At the public meeting of this Board to be held on the ____ day of _____, 2011, commencing at ____ o'clock, __.m., to be held at the _____, this Board will consider a resolution to appoint _____ as the designated representative of this school district for the electoral body of the ISD biennial election to be held June 6, 2011.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Motion declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of _____, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a _____ meeting held on _____, 2011, the original of which resolution is a part of the Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

Secretary, Board of Education

LPS will use this resolution on May 16

SAMPLE B

**MODEL RESOLUTION DESIGNATING LOCAL DISTRICT'S
WAYNE RESA ELECTION REPRESENTATIVE**

(To be adopted on or after May 16, 2011)

A ____ meeting of the Board of Education of _____, Michigan (the Board), was held (location), on the ____ day of _____, 2011, at ____ o'clock in the _____.

The meeting was called to order by _____, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The biennial election of the Board of the Wayne County Regional Educational Service Agency ("WRESA") will be held on Monday, June 6, 2011; and
2. The members of the WRESA Board will be elected by an electoral body composed of one (1) person designated by the Board of each of the constituent school districts; and
3. In accordance with Section 380.614(2) of the Revised School Code, this Board must now adopt a resolution which designates its representative to the electoral body and directs said representative to vote on behalf of this school Board for the specific candidate this Board supports for each position to be filled on the WRESA Board, at least on the first ballot taken by the electoral body.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board does hereby approve the designation of _____ as the representative of this Board for the electoral body, and _____ as an alternate in the event the designated representative is unable to attend, which body will elect two (2) candidates to the vacancies on the WRESA Board on Monday, June 6, 2011.

2. The designated representative is further directed to cast a vote on the first ballot on behalf of the Board for candidate _____ , and for candidate _____.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of the resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Motion declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of _____, Michigan hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a _____ meeting held on _____, 2011, the original of which resolution is a part of the Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

Secretary, Board of Education