

## GRAND ISLAND PUBLIC SCHOOLS

### 4480 INTERLOCAL AGREEMENTS, CONTRACTS, AND MEMORANDUM OF UNDERSTANDINGS

The Grand Island Public Schools initiates, receives, and approves interlocal agreements, contracts, and memorandum of understandings (MOU's). Interlocal agreements, contracts, and MOU's should be submitted to the Board of Education for their consideration following guidelines established in this policy. Staff designated to sign interlocal agreements, contracts, and MOU's are the Board of Education President, Superintendent, Chief Financial Officer, and the Secretary of the Board.

The Board shall be presented any interlocal agreements, contracts, or MOU's for Board approval. The process for interlocal agreements is to present documents as a first read and a final read for approval with a signature by the President of the Board of Education pursuant to the Nebraska Interlocal Cooperation Act. Contracts and MOU's for 19 months or more and more than \$30,000 shall be approved by the Board following the first read and final read process. Contracts and MOU's that are 18 months or less and less than \$30,000 (amount limit as approved in current purchasing practices) will be placed on the consent agenda for Board approval.

The Board of Education may enter into multi-year agreements of up to seven years (LB 675). No committee of the Board, individual member of the Board, or staff member shall have the power to act or bind the Board without specific formal approval authorized by the Board in a legal session and recorded in the minutes of the Board of Education. No interlocal agreement, contract, or MOU shall be legally enforceable unless approved or authorized by the Board of Education.

For the purposes of this policy, interlocal agreements, contracts, and MOU's are defined as follows:

An **interlocal agreement** is defined as any two or more public agencies entering into agreements with one another for joint or cooperative action pursuant to the Interlocal Cooperation Act. An interlocal agreement is legally binding and must be presented to the Board as an information and action agenda item approved by the Board and recorded in Board minutes.

A **contract** is defined as a legally enforceable understanding between two or more persons or legal entities (contracting parties). A contract describes an agreement that meets the legal requirements to be enforced as binding on the parties by a court of law – offer, acceptance, consideration, and intention.

A **memo of understanding** (MOU) is intended to be a document or a means for two parties to reach a decision and describes the terms of an agreement. An MOU is often used to clarify terms and may be used as the basis of a future formal contract or deed. The MOU is a written document which describes who will do what and when, such as operating procedures, and **it is not intended to be legally binding**. MOU's of more than 19 months and more than \$30,000 must be presented to the Board as an information and action agenda item approved by the Board and recorded in Board minutes. MOU's of 18 months or less and less than \$30,000 will be placed on the consent agenda for Board review and approval.

Interlocal Agreements, Contracts, and MOU's commit the Grand Island Public Schools to a service (something for something) that can be an exchange of money, services, property, or contractual rights.

Legal Reference: Neb Statute 12-1804 – Interlocal Cooperation Act

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