

Kent School District No. 415  
Kent, Washington

February 28, 2024

**Resolution No. 1669**

**A Resolution of Kent School District No. 415 relating to school board proceedings; creating a Labor Policy Committee of the Board; appointing initial members and delegating authority; and providing for related matters.**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF KENT SCHOOL DISTRICT NO. 415, KING COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations. The Board of Directors (the "Board") of Kent School District No. 415, King County, Washington (the "District"), takes note of the following facts and makes the following findings and determinations:

- 1.1 Our courts hold that a public officer's relationship with the public is that of a fiduciary, defined as a manager of property or money on the public's behalf. *City of Northport v. Northport Townsite Co.*, 27 Wash. 543 (1902). The language codified at RCW 42.17A.001 reinforces this fiduciary relationship. As a result, a school board's member's primary duty (a fiduciary responsibility) runs first to the school district. RCW 42.23.070 (3) and (4). That duty applies notwithstanding an elected Board member's other duties or affiliations.
- 1.2 The Code of Ethics at Chapter 42.23 RCW applies to every "municipal officer," including school district directors. Among other restrictions and subject to certain exceptions, the Code of Ethics prohibits a municipal officer from being beneficially interested, directly or indirectly, in contracts entered under the officer's supervision.
- 1.3 A tension arises when a Board member has both a duty of loyalty to the member's spouse, as well as to the District. While it may be said that a spousal duty is the "highest," the duty of a public officer prevails. The breach of the duty to the District of non-disclosure or use of information for personal gain under RCW 42.23. 070(4) is a violation of law. And, such violation may serve as a basis for recall of an elected official. It is incumbent on the District to assure the public that its elected officials are acting within the law in serving the public at large, and not individuals or special interests.
- 1.4 Additionally, the Public Employees' Collective Bargaining Act and the District's contract with it Superintendent create additional responsibilities on the District and its Board.
- 1.5 As a result, the District by this resolution creates a Labor Policy Committee of Directors without the involvement of a director or directors whose marriage or other relations may expose a director or the District to liability.
- 1.6 Washington's Open Public Meetings Act ("OPMA") applies generally to a meeting of a local government's governing board. But "meetings" relating to labor-management relations are not subject to the OPMA. RCW 42.130.140(4). To the extent permitted by law, the Labor Policy Committee shall meet as may be needed, provided that any contract approval or other action requiring Board action be taken in open session at a public meeting. Notwithstanding the foregoing, any constraints on a Director's participation in an open meeting remains subject to Chapter 42.23 RCW.

Section 2. Labor Policy Committee Created. A committee of the Board, identified as the Labor Policy Committee, is hereby created. The initial Labor Policy Committee shall be composed of Directors Margel, Farah, Clark, and Song, and supported by the Superintendent and designees of the Superintendent. Future changes to Committee membership may be made by motion of the Board. Unless prohibited by Chapter 42.23 RCW or other law, a director may vote in an open meeting on contract ratification or other matters brought before the Board. Notwithstanding the foregoing, Directors are encouraged to recuse themselves from participation and voting in such matters when such conduct may evidence unfair treatment of particular employees or their unions.

Section 3. Labor Policy Development and Implementation. The Board authorizes and directs: (a) the Superintendent and Secretary to the Board (the "Secretary"), the District's Chief Financial Officer (the "Chief Financial Officer") and designees, on behalf of the Board, to work with the Committee and to negotiate and prepare the agreements necessary to satisfy the District's obligations under the Public Employees' Collective Bargaining Act, other law and contracts; and (b) the Secretary to present the final terms of new or revised agreements requiring Board approval to the Board for final approval. Meeting of the Committee shall not be subject to the Open Public Meetings Act, unless required by law; provided, that any contract approval or other action requiring Board action be taken in open session at a public meeting.

Section 4. General Authorization and Ratification. The Secretary, the President, the Associate Superintendent, Chief Financial Officer and other appropriate officers of the District and legal counsel are severally authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such tangible medium, manual, facsimile or electronic documents, records and signatures under any security procedure or platform, and notwithstanding any other District resolution, rule, policy or procedure, as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects. All actions taken prior to the effective date of this resolution in conflict with the provisions of this resolution are, to the extent of the conflict, superseded and have no further force or effect.

Section 5. Effective Date. This resolution takes effective from and after its adoption.

ADOPTED by the Board of Directors of Kent School District No. 415, King County, Washington, this 28<sup>th</sup> day of February 2024.

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Board of Directors  
Kent School District No. 415

ATTEST:

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Mr. Israel Vela  
Secretary to the Board