



Adopted: MSBA/MASA Model Policy 101

Revised: 2023 (Originated 1995)

101 Legal Status of The Service Cooperative (Brightworks)

I. PURPOSE

It is the policy of BrightWorks, the service cooperative, to perform planning on a regional basis and to assist in meeting specific needs of clients in participating governmental units which could be better provided by a service cooperative than by the members themselves. The service cooperative must provide those programs and services which are determined to be priority needs of the particular region and must assist in meeting special needs which arise from fundamental constraints upon individual members.

II. GENERAL STATEMENT OF POLICY

- A.** BrightWorks is a public corporation subject to the control of the legislature, limited only by constitutional restrictions.
- B.** The legislature has authority to prescribe the service cooperative's powers and privileges, its boundaries and territorial jurisdictions.
- C.** BrightWorks has only the powers conferred on it by the legislature; however, the BrightWorks authority to govern, manage, and control the service cooperative, to carry out its duties and responsibilities, and to conduct the business of the service cooperative includes implied powers in addition to any specific powers granted by the legislature.

III. RELATIONSHIP TO OTHER ENTITIES

- A.** BrightWorks is an independent legal entity.
- B.** BrightWorks is to coordinate with and is not subordinate to the county(ies) in which it is situated, or to the member school districts to be served by BrightWorks.
- C.** BrightWorks is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

A. Funds

- 1.** BrightWorks, through its governing board, has authority to raise funds for the operation and maintenance of the programs offered by the cooperative, and the authority to manage and expend such funds, subject to applicable law.



2. BrightWorks has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
3. BrightWorks officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

1. BrightWorks shall, within the limitations specified by law, provide through fees from school districts and other governmental agencies, necessary funds for the programs offered by the service cooperative, payment of indebtedness, and all proper expenses.
2. BrightWorks has authority to accept gifts and donations for service cooperative programs, subject to applicable law.

C. Property

1. BrightWorks may acquire property for its own purposes. It may sell, exchange, or otherwise dispose of property which is no longer needed for its programs, subject to applicable law.
2. BrightWorks shall manage its property in a manner consistent with the functions of the service cooperative.

D. Contracts

1. BrightWorks is empowered to enter into contracts in the manner provided by law.
2. BrightWorks has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minnesota Statutes section 465.71 or other applicable law.
3. BrightWorks has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.

E. Actions and Suits

The service cooperative has authority to sue and to be sued.



Legal References: Minn. Stat. § 123A.21 (Service Cooperatives) Minn. Const. art. 13, § 1
Minn. Stat. § 465.035 (Public Corporation, Conveyance or Lease of Land)
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.6175; 471.64 (Rights, Powers, Duties; Municipalities)

Cross References: MSBA/MASA Model Policy 201 (Legal Status of School Board)
MSBA/MASA Model Policy 704 (Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 705 (Investments)
MSBA/MASA Model Policy 706 (Acceptance of Gifts)
MSBA School Law Bulletin "F" (School District Contract and Bidding Procedures)