

*Resolution
Budget Procedures
Orange County Board of Education
May 13, 2020*

Whereas, California Education Code 1040(a) authorizes county boards of education to “adopt rules and regulations not inconsistent with the laws of the state, for their own government”; and

Whereas, California Education Code Section 1042(a) authorizes county boards of education to “adopt rules and regulations governing the administration of the office of the county superintendent of schools”; and

Whereas, pursuant to California Education Code Sections 1040(c) and 1043, and the resolutions of the Orange County Board of Supervisors passed in February and June 1977 delegating its budgetary oversight authority to the Orange County Board of Education (the “Board”) and establishing the Board and the Orange County Superintendent of Schools (the “Superintendent”) as “fiscally independent”, the Board has exclusive authority to approve and adopt the annual fiscal budget of the Board, the Superintendent, and the office of the Superintendent (the “annual budget”); and

Whereas, California Education Code Section 17340 provides that “The county superintendent shall, on or before June 30 of each year, submit to the Superintendent of Public Instruction (SPI) a proposed budget as approved by the county board of education for the succeeding fiscal year, on forms prescribed by the Superintendent of Public Instruction, pursuant to the provisions of Section 14050 of the Education Code; and

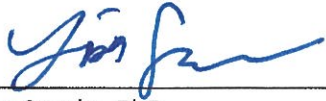
Whereas, the Board desires to make clearer certain requirements, expectations, and procedures for approval and submission of the annual budget, and to promote greater transparency in regard to the budgeting process, contractual commitments, and the receipt and use of public funds.

Therefore, the Board hereby resolves as follows:

- 1. That the Superintendent shall, in advance of entering into or consummating them, present and submit to the Board all contracts and state grants that fall within California Education Code Sections 1042, 1240, 1250, 1251, 1259, 1260, 1271, 1273, 1277, 1620-1630, 1703, 1720, 1721, 1722, or any other provision of California law that requires or authorizes the Board to approve such contracts and state grants; and*
- 2. That the Superintendent, in his capacity as Secretary to the Board, and pursuant to his duties and obligations to the Board in connection therewith, shall promptly and timely sign and submit to the Superintendent of Public Instruction (the “SPI”) the annual budget approved and adopted by the Board as the proposed annual budget in accordance with Education Code Section 17340; and*
- 3. In the event of a failure or refusal by the Superintendent to promptly and timely submit to the SPI the annual budget adopted and approved by the Board, the Board Clerk shall be authorized to and shall sign and submit such annual budget to the SPI.*

Certificate of Board Clerk

I, the undersigned Board Clerk of the Orange County Board of Education (the "Board"), hereby certify that the attached is a full, true, and correct copy of a resolution duly adopted by the Board at a meeting thereof on May 13, 2020.



Lisa Sparks, PhD
Board Clerk to the Orange County Board of Education

Date of Signature: August 5, 2020

