

*Resolution
Elements for 2020-21 Annual Budget
Orange County Board of Education
May 13, 2020*

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 (collectively, the "annual budget"); and

Whereas, California Education Code Section 1621(d) provides that the annual budget "may contain a fund balance designated for any specific purpose as determined by the county board of education. Those funds shall be available for appropriation by a majority vote of the members of the county board of education;" and

Whereas, there are two active and ongoing litigation matters between the Board and the Superintendent addressing disputes regarding the respective powers and authority of the Board and the Superintendent in regard to appointment of a shared General Counsel and the adoption and approval of the annual budget, and there is a third active and ongoing litigation matter that was initiated by the Orange County Employee Retirement System (OCERS) against the Superintendent; and

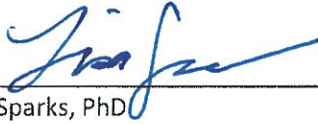
Whereas, in order to facilitate and promote the Board's ability to conduct business, make informed decisions, discharge its responsibilities, and serve the public, and in order to promote transparency in the budgeting process and expenditure of public funds, the Board has determined that the 2020-2021 annual budget should include a fund balance item and additional object codes and/or spending categories, as set forth in the resolution below.

Therefore, the Board hereby resolves as follows:

1. That the 2020-2021 annual budget include a fund balance in the amount of \$350,000, along with an accompanying budget code and category, for appropriation by the Board for the purpose of receiving and paying for special and/or other legal services, as well as special and/or other professional services, rendered or to be rendered to the Board, as determined by a majority vote of the members of the Board pursuant to Education Code Section 1621(c); and
2. That the 2020-2021 annual budget include separate object codes and/or spending categories for litigation fees, costs and other expenditures, including the aforementioned litigation matters; and
3. The County Superintendent of Schools is instructed that the above items be included in the proposed annual budget for the 2020-2021 fiscal year that will be submitted to the Board in connection with the Board's June 3, 2020, meeting.

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

