

1 Jonathan Brenner (SBN 162366)  
2 Kristin M. Halsing (SBN 318602)  
3 EPSTEIN BECKER & GREEN, P.C.  
4 1925 Century Park East, Suite 500  
5 Los Angeles, CA 90067  
6 Telephone: 310.556.8861  
7 Facsimile: 310.553.2165  
8 jrbrenner@ebglaw.com  
9 khalsing@ebglaw.com

10 Attorneys for Plaintiff / Petitioner  
11 ORANGE COUNTY BOARD OF EDUCATION

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF ORANGE**

ORANGE COUNTY BOARD OF  
EDUCATION,  
  
Plaintiff/Petitioner,

v.

AL MIJARES, in his official capacity as  
Superintendent of Schools; TONY  
THURMOND, in his official capacity as  
Superintendent of Public Instruction; and  
DOES 1 through 10, inclusive,

Defendants/Respondents.

Case No.: 30-2019-01112665-CU-WM-CJC  
Judge Layne H. Melzer

**[Exempt from Filing Fees Per Gov't Code  
Section 6103]**

**PETITION FOR WRIT OF MANDATE  
AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

Plaintiff/Petitioner Orange County Board of Education (the "Board" or "Petitioner") petitions this Court for writs of mandate directed to Defendant/Respondent Al Mijares, in his official capacity as Orange County Superintendent of Schools ("Mijares" or "The Superintendent") and Defendant/Respondent Tony Thurmond, in his official capacity as California Superintendent of Public Instruction ("Thurmond" or "the SPI") (collectively, "Respondents") and alleges against Respondents as follows:

**INTRODUCTION**

1. By this action, the Board seeks to remedy Superintendent Mijares' failure and refusal to execute his duties to the Board, to the Orange County Department of Education

1 (“OCDE” or the “Department”), and to the citizens of Orange County regarding the submission  
2 of the Department’s annual budget for 2019-2020. The Board also seeks to remedy  
3 Superintendent Thurmond’s failure to execute his duties to review the Board’s annual budget  
4 under the process and criteria set forth in California Education Code section 1622. The actions  
5 and refusals to act of Superintendent Mijares and Superintendent Thurmond contravene the  
6 requirements of California law.

7 2. Pursuant to its legal authority granted by the Orange County Board of Supervisors  
8 in 1977 and applicable California state law, the Board adopted an annual budget for the  
9 Department for the 2019-2020 fiscal year on June 26, 2019, and then re-adopted the budget on  
10 August 1, 2019. That budget cut approximately \$170,000 from Mijares’ proposed level of  
11 spending for lobbying, travel, and conferences, which the Board felt were unnecessary  
12 expenditures and not sufficiently beneficial uses of taxpayer funds. Pursuant to his position as  
13 Secretary to the Board and Superintendent of Schools for Orange County, Mijares was required  
14 to sign and submit the Board-adopted budget to the State of California. Despite repeated requests  
15 and even a formal Board resolution directing Mijares to sign and submit the budget, he has failed  
16 and refused to do so.

17 3. Under the California Education Code, the Board is required to adopt, on or before  
18 July 1 of each fiscal year, an annual budget for the OCDE. (Cal. Ed. Code § 1622(a).) The Board  
19 is then required to file that budget with the state Superintendent of Public Instruction (Respondent  
20 Thurmond), the County Board of Supervisors, and the County auditor. (*Id.*) The Board is also  
21 granted final budgetary authority pursuant to Education Code section 1042(b), which states that  
22 county boards of education may review and revise the county superintendent’s annual itemized  
23 estimate of anticipated revenue, and specifies that an annual itemized estimate may not be filed  
24 by the county superintendent until the board of education has approved it. (Cal. Ed. Code  
25 § 1042(b).) Under the California Education Code, the Superintendent is required to submit the  
26 budget to the SPI, Thurmond, in the format prescribed by the SPI. (Cal. Ed. Code § 14050; 5 Cal.  
27 Code Reg. § 17340.) The current format prescribed by the SPI allows for either the Board  
28 Secretary or the Board clerk to sign and certify the Board-adopted budget.

1           4. Pursuant to Education Code requirements, the Board held a budget study session  
2 and a public hearing on the Superintendent's proposed 2019-2020 budget. At that hearing, and  
3 at the budget study session, the Board engaged in a discussion with OCDE staff regarding the  
4 same proposed budget, including Board member concerns regarding the Superintendent's use of  
5 lobbyists and the amount of spending on lobbying, travel, and conferences. The Board then  
6 adopted a 2019-2020 budget with approximately \$170,000 in cost reductions in those areas, and  
7 requested that Mijares sign and submit the budget.

8           5. However, in contravention of his duties of office (and his position as Secretary to  
9 the Board), Mijares failed and refused to sign the Board-approved and Board-authorized budget  
10 or file it with the SPI. Mijares' stated reasons for refusing to do so is his disagreement with the  
11 Board-approved budget reductions to lobbying, travel, and conference expenses, and his  
12 expressed concern that cooperating in any Board-initiated changes to the budget will lead the  
13 Board to make other changes to his proposed budgets in the future. Instead, Mijares unlawfully  
14 submitted *his own* budget to the CDE (which put the \$170,000 in unnecessary spending on staff  
15 travel junkets, conferences, and lobbying back in), which has not been approved or adopted by  
16 the Board. As a result of Mijares' failure to perform his duties, the Board took it upon itself to  
17 file the Board-approved and Board-adopted budget with the SPI with the signature of the Board's  
18 nominated clerk, Lisa Sparks.

19           6. Thurmond purported to reject the Board's adopted and submitted budget on the  
20 basis that the budget was not signed by Mijares as Board Secretary or submitted by Mijares as  
21 county superintendent. No provision of California law authorizes the SPI to impose such  
22 conditions on the submission of a county budget (which would in effect grant the county  
23 superintendent approval authority over the Board's budget authority), or to reject a board of  
24 education's budget because such conditions are not met. To the contrary, Education Code section  
25 1622 gives the SPI the authority to examine a county budget and to approve or disapprove it *based*  
26 *on specified criteria*. Under that section, the SPI is required to approve or disapprove the budget  
27 by September 15, and in the event of a disapproval, the SPI is required to inform the county office  
28 of education the SPI's recommendations for revision of the budget. The SPI's purported rejection

1 of the Board's budget was not for any of the reasons authorized by section 1622. Accordingly,  
2 pursuant to Education Code section 1622, the budget should have been accepted and approved by  
3 the SPI.

4 7. Presently, Thurmond refuses to accept the Board's adopted budget without  
5 Mijares' signature on the verification page and submission of the budget to him. Thus, Mijares'  
6 action, which he is duty-bound to perform, is being required by CDE and SPI for the Department's  
7 budget, which has been adopted by the Board, to be submitted and accepted.

8 8. Given Mijares' refusal to submit the Board-adopted budget as required by his  
9 duties of office and the law, the Board hereby requests that the Court issue a writ of mandamus  
10 requiring Mijares to comply with his official and legal obligations and sign and submit to the SPI  
11 the budget which the Board has adopted. The Board also requests a writ of mandamus requiring  
12 Thurmond to examine and approve or disapprove the Board's budget based upon, and in  
13 conformity with, the considerations and requirements set forth in Education Code section 1622.

14 9. Mijares' refusal to sign and submit the Board's adopted budget, and Thurmond's  
15 refusal to follow Education Code section 1622 in reviewing and approving the budget, has caused  
16 and will continue to cause the Board and the public significant harm. According to the CDE, the  
17 state and OCDE will now be forced to engage in a lengthy budget process mandated by the CDE,  
18 depriving the Board of its statutory right to exercise local control over the budget. And, should  
19 the OCDE be forced to operate under the 2018-2019 budget, the OCDE would be constrained to  
20 expend significantly less in the areas of books and supplies and certificated employees than it  
21 would under the Board's 2019-2020 budget, expenditures which are necessary in the view of both  
22 the Superintendent and the Board to serve the educational needs of the County. Finally, Mijares  
23 is also ultimately putting the Department's funding at risk by failing to sign and submit the annual  
24 budget approved and adopted by the Department's Board.

25 **JURISDICTION AND VENUE**

26 10. Venue is proper in this Court pursuant to Code of Civil Procedure section 395(a),  
27 because all of Petitioner's claims arose as a result of the acts or omissions of Respondents, some  
28 of who work, reside, or conduct business in the County of Orange. In addition, venue is proper

1 because Petitioner's claims arose as a result of the acts or omissions which occurred, or partially  
2 occurred, in Orange County.

3 **THE PARTIES**

4 11. Petitioner Orange County Board of Education is, and at all pertinent times  
5 mentioned herein was, a public entity duly existing under and by virtue of the laws of the State  
6 of California and operating as a County Board of Education providing educational services in the  
7 County of Orange.

8 12. Respondent Al Mijares, in his official capacity as Orange County Superintendent  
9 of Schools is, and at all pertinent times mentioned here was, an individual working as  
10 Superintendent of Schools in the County of Orange.

11 13. Respondent Tony Thurmond, in his official capacity as California State  
12 Superintendent of Public Instruction is, and at all pertinent times mentioned here was, an  
13 individual working as California State Superintendent of Public Instruction.

14 14. Defendants DOES 1 through 10 are sued under fictitious names, as their true  
15 names and capacities are unknown to Plaintiff. Plaintiff will amend this complaint when their true  
16 names and capacities are ascertained.

17 **GENERAL ALLEGATIONS**

18 **A. The Orange County Board of Supervisors Delegates Budgetary Authority to**  
19 **the Board of Education**

20 15. In 1977, the Orange County Board of Supervisors lawfully delegated to the Board  
21 the duties and functions allowed under Education Code section 1080, including fiscal oversight  
22 of the county superintendent pursuant to Education Code section 1042. Accordingly, the Board  
23 is now considered fiscally independent.

24 **B. The Board's Adoption of the 2019-2020 Orange County Department of**  
25 **Education Budget**

26 16. The California Education Code requires county boards of education to adopt, on  
27 or before July 1 of each fiscal year, an annual budget for their respective county departments of  
28 education. (Cal. Ed. Code § 1622(a).) The Board is also granted final budgetary authority  
pursuant to Education Code section 1042(b), which states that county boards of education may

1 review and revise the county superintendent's annual itemized estimate of anticipated revenue,  
2 and specifies that an annual itemized estimate may not be filed by the county superintendent until  
3 the board of education has approved it.

4 17. At the Board's regular meeting on May 8, 2019, it held a budget study session for  
5 the 2019-2020 fiscal year, as required by the Education Code. On June 12, 2019, the Board held  
6 a public hearing on the Superintendent-proposed 2019-2020 budget, as required by California  
7 Education Code section 1620. At that meeting and at budget study session, the Board engaged in  
8 a discussion with OCDE staff regarding that same budget. Specifically, members of the Board  
9 questioned the level of spending on lobbying, conferences, and travel, as well as the purposes of  
10 the money spent on lobbying activities. Members of the Board also inquired whether there could  
11 be any cuts made to travel, consulting, and lobbying expenses. Mijares' staff responded that no  
12 such cuts could be made, but would not provide the Board with any adequate reasons or  
13 justifications.

14 18. At the Board's June 26, 2019 meeting, the Board approved and adopted the  
15 proposed 2019-2020 budget, with approximately \$170,000 in well-placed and reasonable cost  
16 reductions for travel, conference, and lobbying expenditures. The Board determined that such  
17 reductions were appropriate to reduce unnecessary, wasteful spending. Mijares did not  
18 communicate with the Board or the Board's Executive Committee, consisting of the Board's  
19 President and Vice President, regarding the budget between June 26, 2019 and the Board's next  
20 meeting on July 17, 2019.

21 19. Only a few days before its July 17, 2019 meeting, the Board received notice that  
22 the OCDE took the position that the Board did not have the authority to amend the budget without  
23 another public meeting. Board members learned that Mijares, in contravention of his duties of  
24 office and his position as Secretary to the Board, did not sign the Board-adopted budget, or file  
25 the budget with the SPI. Mijares informed the Board for the first time at that meeting that because  
26 the budget he proposed was amended at the June 26 meeting, the Board must post a new notice  
27 regarding the adopted budget and have a new public hearing. Although it did not feel it was  
28 necessary, the Board decided that it would hold a subsequent meeting to allay any potential CDE

1 concerns and to again approve its budget.

2           20.     On July 17, 2019, Board Trustee Mari Barke also requested that the OCDE send  
3 an electronic version of the budget that the Board approved. However, on July 19, 2019, Mijares  
4 informed the Board that he would not agree to amend the budget. Instead, Mijares informed the  
5 Board that he would not amend the budget, and would not provide a modified budget reflecting  
6 the Board's changes.

7           21.     On August 1, 2019, at a special meeting, the Board held a lawful public hearing  
8 and re-adopted the budget it had previously adopted at its June 26 meeting. The state-approved  
9 budget form provides for the Board Secretary or the Board clerk to sign and certify the Board-  
10 adopted budget. At the August 1 meeting, the Board appointed Trustee Lisa Sparks as the Board  
11 clerk, pursuant to Education Code § 1040(a). In the interest of joint governance, special interim  
12 Board counsel Gregory Rolen requested that Mijares sign the Board's adopted budget. Mijares  
13 ignored and failed to respond to counsel's request, and so Trustee Sparks signed the budget in her  
14 capacity as Board clerk.

15           **C.     Mijares' Refusal To Submit The Budget**

16           22.     Under California law, the Superintendent must submit to the SPI the Board-  
17 approved budget. (Cal. Ed. Code § 14050; 5 Cal. Code Reg. § 17340.) The law does not allow  
18 the Superintendent to exercise discretion in whether or not to submit a Board-adopted budget.  
19 The same is true for the Superintendent's responsibility to sign the budget. Rather, it merely  
20 imposes a ministerial administrative duty on the Superintendent to sign and submit the budget.

21           23.     Mijares has not followed the law. He has not submitted the Board-adopted budget  
22 to the SPI. Rather, instead of submitting the Board's adopted budget, he submitted his own  
23 budget, which was never adopted by the Board as required by law. Given Mijares' refusal to sign  
24 and submit the adopted budget, the Board had no choice but to submit its lawfully adopted budget  
25 itself. The Board therefore took it upon itself to file its budget with the SPI with the signature of  
26 the Board's nominated clerk, Lisa Sparks.

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1           **D.     The SPI's Improper Rejection Of The Board's Adopted Budget**

2           24.     After Trustee Sparks signed the Board's adopted budget, the Board submitted the  
3 budget to the Superintendent Thurmond, and it did so on the state-approved form and in the state-  
4 approved format. On information and belief, Thurmond failed to examine and review the budget  
5 as he was required to do pursuant to Education Code section 1622. Instead, on August 30, 2019,  
6 Thurmond purported to reject the Board's adopted and submitted budget on the basis that it was  
7 not signed by Mijares, who is the Secretary of the Board, and that it was not physically submitted  
8 by Mijares as county superintendent. This ignored the fact that the SPI's own state-approved  
9 budget form provided for signature either by the Board's secretary or clerk. It also ignored the  
10 fact that California law does not authorize the SPI to condition the discharge of his duties under  
11 Education Code section 1622 to examine and approve county department budgets in this way.  
12 Thurmond's failure to carry out his duties under Education Code section 1622 with respect to the  
13 Board's budget, and his purported rejection of that budget because it was not signed and submitted  
14 by Mijares, are unlawful.

15           25.     Since Thurmond's refusal to receive and examine the Board's budget, special  
16 counsel for the Board Gregory Rolen has attempted to engage the CDE in conversation regarding  
17 budget requirements, the SPI's duty to examine the Board-adopted budget, and possible solutions  
18 going forward. In addition, the Board has attempted to compromise with Mijares and come to a  
19 mutually agreeable budget. The Board's good faith attempts have not succeeded.

20           26.     On November 11, 2019, Thurmond, through the CDE, initiated a committee  
21 selection process for the state to intervene in the county budget development, as detailed under  
22 Education Code section 1623.

23           27.     Mijares' refusal to sign and submit the Board's adopted budget to the CDE and  
24 SPI has caused and will cause the Board and the public significant harm. Should Mijares not so  
25 submit the budget, the state and county will be forced to engage in a lengthy budget process  
26 mandated by the CDE. In addition, should Thurmond continue to impose unlawful conditions on  
27 the submission of the Board's budget and refuse to discharge his duties under Education Code  
28 section 1622, the Board will be deprived of its statutory rights to exercise local control over the



1 budget. Moreover, the CDE has informed the Board that, should the Board not secure a budget  
2 that is signed and submitted by Mijares, the OCDE will be operate under its prior the 2018-2019  
3 budget until a new budget is approved by the SPI. The 2018-2019 budget, among other things,  
4 allows for significantly less spending in the areas of books and supplies and certificated  
5 employees. Accordingly, should the OCDE be forced to operate under that budget pending the  
6 CDE's lengthy budgetary process, the public will be significantly harmed. Finally, Mijares'  
7 failure to sign and submit the budget adopted by the Board also ultimately puts the OCDE's  
8 funding at risk.

9 **FIRST CAUSE OF ACTION**

10 **(Writ of Mandate – Code Civ. Proc. § 1085; Violation of Education Code**

11 **Section 14050 Against Respondent Al Mijares)**

12 28. Petitioner incorporates by reference paragraphs 1 through 27 as if fully set forth  
13 herein.

14 29. Mijares has an affirmative legal duty to comply with the requirements of the  
15 Education Code in submitting an annual budget for the OCDE. Mijares' legal obligation to file  
16 the Board's budget is ministerial in duty – Mijares has no discretion to determine whether or not  
17 the budget should be filed.

18 30. Education Code section 14050 mandates that a county superintendent of schools  
19 submit a budget to the state Superintendent of Public Instruction for the succeeding fiscal year in  
20 the form that the Superintendent of Public Instruction shall prescribe. The Education Code  
21 provides no mechanism for the county superintendent to exercise discretion in deciding whether  
22 or not to so submit the budget. The current budget form used by the SPI requires the signature of  
23 either the county superintendent or the clerk of the board of education. The SPI has taken the  
24 position, which the Board refutes, that the county superintendent must sign the budget. The  
25 legislature through the Education Code explicitly gives the authority to adopt the budget to the  
26 Board, not the Superintendent – a state agency may not subjugate that power.

27 31. Mijares has a clear, present, and ministerial duty to sign and submit the budget that  
28 the Board adopted on June 26, 2019 and August 1, 2019.



1 the reasons for those recommendations.” (Ed. Code § 1622, subd. (b)(1).) It also specifies that:  
2 “For the 2014-15 fiscal year and each fiscal year thereafter, the Superintendent shall disapprove  
3 a budget if any of the following occur: (A) The Superintendent has not approved a local control  
4 and accountability plan or an annual update to the local control and accountability plan filed by a  
5 county board of education pursuant to Section 52070.5 that is effective for the budget year.  
6 (B) The Superintendent determines that the budget does not include the expenditures necessary  
7 to implement the local control and accountability plan or an annual update to the local control and  
8 accountability plan that is effective for that budget year.” (Ed. Code § 1622, subd. (b)(2).)

9 38. Thurmond has a clear, present, and mandatory duty to examine and approve or  
10 disapprove the Board’s budget based upon the parameters specified by section 1622. Thurmond  
11 is not authorized to review county board of education budgets under criteria that are not set forth  
12 in section 1622, to transfer county board authority to adopt and submit annual budgets to the  
13 county superintendent or another other person or agency, or to impose administrative or other  
14 conditions on county boards for the submission of the annual budget that would dilute or transfer  
15 the board’s sole and final authority reserved for it under law to adopt and submit the annual  
16 budget.

17 39. Notwithstanding this legal duty, Thurmond has refused to examine and approve or  
18 disapprove the Board’s budget pursuant to Education Code section 1622. Instead, Thurmond has  
19 purported to reject the Board’s budget based upon a supposed lack of Mijares’ signature and  
20 physical submission. This conduct amounts to a failure to perform a ministerial duty.

21 40. Thurmond is required to examine the Board’s budget. The Board and the public  
22 have a beneficial interest in the SPI’s performance of that duty. Because Thurmond has not done  
23 so, the OCDE, including the Board, is now operating without a state-approved budget, even  
24 though the Board has adopted a budget for the 2019-2020 fiscal year, and even though Thurmond  
25 has not cited to *any* of the reasons specified in Education Code section 1622 for the budget not  
26 having been approved by him. Thurmond’s unlawful failure to discharge his duties under  
27 Education Code section 1622 has caused, and will continue to cause, a loss of resources to the  
28 Department and to the public, and it threatens unlawfully to restructure the budgetary authority

1 and responsibilities of the Board, by transferring that authority in part to the Superintendent, and  
2 improperly creating a governing structure in which the Board and Superintendent must jointly co-  
3 approve the Department's annual budget. Such a structure is unlawful, as authority for adoption  
4 and approval of the budget under California law is exclusively the Board's.

5 41. The Board has no plain, speedy, and/or adequate remedy in the ordinary course of  
6 law.

7 **THIRD CAUSE OF ACTION**

8 **(Injunctive Relief – Code of Civil Procedure Sections 526, 527 and Civil Code**  
9 **Section 3422 Against Respondent Al Mijares)**

10 42. Petitioner incorporates by reference paragraphs 1 through 41 as if fully set forth  
11 herein.

12 43. Mijares has refused to sign and submit the Board-adopted budget for the OCDE  
13 for the 2019-2020 fiscal year, in violation of his duties under the Education Code. The Board is  
14 informed and believes that Mijares intends to and will continue to refuse to sign and submit the  
15 Board's lawfully adopted budget.

16 44. A preliminary and permanent injunction to enjoin Mijares from interfering with  
17 the Board's submission of its lawfully adopted budget to the SPI and CDE is necessary to prevent  
18 the continued interference with and violation of the rights and responsibilities of the Board and  
19 the public.

20 45. The Board has no adequate remedy at law to remedy this violation, and any  
21 pecuniary compensation would be inadequate. The Board is therefore entitled to injunctive relief  
22 pursuant to Code of Civil Procedure sections 526 and 527 and Civil Code section 3422.

23 46. Unless the Court enjoins Mijares's conduct, the Board will be irreparably injured  
24 and damaged, in that it and the OCDE will be deprived of a lawful budget for the 2019-2020 fiscal  
25 year.

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1 **FOURTH CAUSE OF ACTION**

2 **(Injunctive Relief –Code of Civil Procedure Sections 526, 527 and Civil Code**  
3 **Section 3422 Against Respondent Tony Thurmond)**

4 47. Petitioner incorporates by reference paragraphs 1 through 46 as if fully set forth  
5 herein.

6 48. Thurmond has refused to examine and approve or disapprove the Board-adopted  
7 budget for the OCDE for the 2019-2020 fiscal year, in violation of his duties under the Education  
8 Code. The Board is informed and believes that Thurmond intends to and will continue to refuse  
9 to do so.

10 49. A preliminary and permanent injunction to enjoin Thurmond from interfering with  
11 the Board’s approval of its lawfully adopted budget is necessary to prevent the continued  
12 interference with and violation of the rights and responsibilities of the Board and the public.

13 50. The Board has no adequate remedy at law to remedy this violation, and any  
14 pecuniary compensation would be inadequate. The Board is therefore entitled to injunctive relief  
15 pursuant to Code of Civil Procedure sections 526 and 527 and Civil Code section 3422.

16 51. Unless the Court enjoins Thurmond’s conduct, the Board will be irreparably  
17 injured and damaged, in that it and the OCDE will be deprived of a lawful budget for the 2019-  
18 2020 fiscal year.

19 **FIFTH CAUSE OF ACTION**

20 **(Declaratory Relief – Code of Civil Procedure Section 1060 Against Al Mijares)**

21 52. Petitioner re-alleges and incorporates by reference as though fully set forth herein  
22 the allegations of paragraphs 1 through 51 above.

23 53. An actual controversy has arisen and now exists between and among the Board  
24 and Mijares, in that the Board contends that it has lawfully adopted a budget and that Mijares  
25 must sign and submit that budget, and Mijares disputes his obligation to do so.

26 54. The Board therefore seeks judicial determination of the rights and duties of the  
27 parties under the Education Code, particularly section 14050, and a declaration that California  
28 law requires that Mijares must sign and submit to the SPI the budget which the Board has adopted.

1 **SIXTH CAUSE OF ACTION**

2 **(Declaratory Relief – Code of Civil Procedure Section 1060**

3 **Against Tony Thurmond)**

4 55. Petitioner re-alleges and incorporates by reference as though fully set forth herein  
5 the allegations of paragraphs 1 through 54 above.

6 56. An actual controversy has arisen and now exists between and among the Board  
7 and Thurmond, in that the Board contends that it has lawfully adopted a budget and that  
8 Thurmond must examine and approve or disapprove the budget, and Thurmond disputes his  
9 obligation to do so.

10 57. The Board therefore seeks judicial determination of the rights and duties of the  
11 parties under the Education Code, particularly section 1622, and a declaration that California law  
12 requires that Thurmond must examine and approve or disapprove the budget which the Board has  
13 adopted.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Petitioner prays as follows:

16 1. On the First Cause of Action, for a Writ of Mandate directing Respondent Mijares  
17 to Sign and Submit the budget which the Board adopted on June 26, 2019 and August 1, 2019 or  
18 in the alternative to show cause before this Court at a specified time and place why this relief  
19 should not be granted.

20 2. On the Second Cause of Action, for a Writ of Mandate directing Respondent  
21 Thurmond to examine and approve or disapprove based on the factors listed in Education Code  
22 section 1622 the budget which the Board adopted on June 26, 2019 and August 1, 2019 or in the  
23 alternative to show cause before this Court at a specified time and place why this relief should not  
24 be granted.

25 3. On the Third Cause of Action, for preliminary and permanent injunctive relief to  
26 preclude Respondent Mijares from interfering with the submission of the Board’s adopted budget  
27 to the California Superintendent of Public Instruction.

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1           4.       On the Fourth Cause of Action, for preliminary and permanent injunctive relief to  
2 preclude Respondent Thurmond from interfering with the examination and approval or disapproval  
3 of the Board's adopted budget based on the factors listed in Education Code section 1622.

4           5.       On the Fifth Cause of Action, for a declaratory judgment declaring that Respondent  
5 Mijares must sign and submit to the California Superintendent of Public Instruction the budget  
6 which the Board has adopted.

7           6.       On the Sixth Cause of Action, for a declaratory judgment declaring that Respondent  
8 Thurmond must examine and approve or disapprove based on the factors listed in Education Code  
9 section 1622 the budget which the Board has adopted.

10          7.       For a Temporary Restraining Order and preliminary and permanent injunctive relief  
11 requiring Respondent Mijares to sign and submit the Board's adopted budget to the California  
12 Superintendent of Public Instruction.

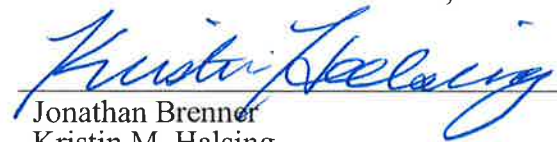
13          8.       For a Temporary Restraining Order and preliminary and permanent injunctive relief  
14 requiring Respondent Thurmond to examine and approve or disapprove based on the factors listed  
15 in Education Code section 1622 the budget which the Board has adopted.

16          9.       For reasonable attorneys' fees and costs of suit herein.

17          10.      For such other relief as the court may deem just and proper.

18  
19 DATED: November 18, 2019

By: EPSTEIN BECKER & GREEN, P.C.

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21 

Jonathan Brenner  
Kristin M. Halsing

22  
23 Attorneys for Plaintiff/Petitioner  
24 ORANGE COUNTY BOARD OF  
25 EDUCATION  
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