**RESOLUTION OF THE BOARD OF TRUSTEES OF**

**[NAME OF LOCAL EDUCATIONAL AGENCY]**

**ORANGE COUNTY, CALIFORNIA**

[INSERT MEETING DATE]

WHEREAS, the [INSERT NAME OF LOCAL EDUCATIONAL AGENCY] (the “LEA”) desires to request the County Superintendent of Schools / Department of Education (OCDE) to make temporary transfers (the “Transfer”) of monies to meet its current operating expenses for fiscal years 20\_\_-20\_\_; and

WHEREAS, pursuant to Education Code sections 1040(a), 1042(a), 42621, and 42622, the county superintendent of schools, with the approval of the county board of education, may make temporary transfers to a school district or charter school that does not have sufficient money to its credit to meet current operating expenses, in the amounts and at times that the county superintendent of schools deems necessary; and

WHEREAS, the total amount that may be temporarily transferred to the LEA may not exceed 85% of the anticipated revenues which will accrue to the LEA during the fiscal year (“FY”). The amounts so transferred shall be repaid to the county school service fund before June 30 of the current year from any funds subsequently received by the LEA; and

WHEREAS, the Orange County Board of Education adopted the Local Educational Agency Temporary Borrowing Policy on June 18, 2025, authorizing temporary transfers in cases of exigent, urgent, or emergency circumstances when no other financing is available; and

WHEREAS, such transfers are low-interest loans not to exceed $500,000; and

WHEREAS, eligible uses of such transfers include, but are not limited to, facilities rent or lease payments, unanticipated one-time expenses, or temporary shortfalls due to LCFF apportionment corrections; and

WHEREAS, the LEA has not pledged, nor will pledge any of its expected revenue as collateral for a loan, or other borrowing of any kind or nature for the purpose of funding the LEA’s short-term cash flow, which is outstanding in whole or in part, while a Transfer is outstanding; and

WHEREAS, any Transfer to the LEA will be made from and limited to the total funds within the OCDE Temporary Borrowing Special Fund. The balance of the Temporary Borrowing Special Fund shall be determined by the Orange County Board of Education as part of their annual Budget Adoption process.; and

WHEREAS, the Board affirms that the use of temporary transfers will directly support the educational programs and services provided to students who reside in Orange County; and

NOW, THEREFORE, the Board of Trustees of the LEA FINDS, DECLARES, RESOLVES and ORDERS as follows:

1. The Transfer is in the public interest and serves a valid public purpose.
2. That a transfer of monies from the total funds, designated as the OCDE Temporary Borrowing Special Fund, be made to the LEA to cover the LEA’s current operating expenses for FY 20\_\_-20\_\_. The amount of any Transfer shall not exceed 85% of the anticipated revenues which will accrue to the LEA during that fiscal year.
3. That for FY 20\_\_-20\_\_, the Transfer be made by the OCDE in one or more installments and not prior to July 1, 20\_\_, nor later than the last Monday of April 20\_\_. The Transfer shall be repaid no later than June 30, 20\_\_. In no event shall the term of any Transfer exceed fifteen (15) months from the date of issuance.
4. That the monies transferred to the LEA shall be repaid from the first revenues accruing to the LEA before any other obligation is met. Such repayment obligation is absolute and unconditional and shall be payable from lawfully available funds of the LEA. Interest will accrue at the gross pool rate earned by the Orange County Treasurer plus a liquidity fee not to exceed 10 basis points.
5. That the LEA hereby grants OCDE a first lien and pledge of all LEA revenues accruing to the LEA for the purpose of repayment.
6. That the LEA shall reimburse OCDE for its actual costs in reviewing, processing, and administering the Transfer request.
7. That the LEA certifies it has the financial capacity to meet its obligations under this Resolution and the Temporary Transfer Agreement, has disclosed any other outstanding borrowing that could affect repayment, and agrees to provide any documentation reasonably requested by OCDE to confirm repayment ability.
8. That the Temporary Transfer Agreement attached as Exhibit B is approved, and the [INSERT TITLE OF LEA OFFICIAL] is authorized to execute the Agreement.
9. That this Resolution shall take effect immediately, and the Clerk/Secretary of the Board is directed to submit a certified copy to OCDE.

PASSED AND ADOPTED, by the Board of Trustees of the [INSERT NAME OF LOCAL EDUCATIONAL AGENCY] on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 20\_\_.

AYES: \_\_\_\_ NOES: \_\_\_\_ ABSTAIN: \_\_\_\_ ABSENT: \_\_\_\_

STATE OF CALIFORNIA )

) ss.

COUNTY OF ORANGE \_\_)

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Clerk of the Board of Trustees of the [INSERT NAME OF LOCAL EDUCATIONAL AGENCY], do hereby certify that the foregoing is a full, true and correct copy of Resolution No.\_\_\_\_\_\_\_\_\_ of said Board and that the same has not been amended or repealed.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk of the Board of Trustees of the [INSERT NAME OF LOCAL EDUCATIONAL AGENCY]