

**RESOLUTION OF THE BOARD OF EDUCATION  
ORANGE COUNTY, CALIFORNIA**

July 13, 2020

**Resolution On Payment For Special Interim Legal Counsel and Disbursement of  
Funds Allocated in Board Special Purpose Fund Pursuant to Education Code §1621(c)**

*WHEREAS*, on September 12, 2018, at its regular board meeting, the Orange County Board of Education (“Board”) voted to retain the services of Gregory J. Rolan (“Mr. Rolan”) of Haight Brown & Bonesteel LLP as interim special counsel to the Board; and

*WHEREAS*, since September 12, 2018, Mr. Rolan has provided ongoing legal advice to the Board Executive Committee on matters including, but not limited to Board Governance, budgetary issues, budget litigation, Charter schools, the Brown Act, the Public Records Act, the Chino Valley Unified School District Establishment Clause litigation, inter-District transfer appeals, and expulsion appeals; and

*WHEREAS*, at the direction of the Board, Mr. Rolan has made presentations to the Board and public concerning the Board/Superintendent respective budget authority, gift of public funds and periodic legal updates;

*WHEREAS*, Mr. Rolan attended each and every Board meeting (open session and closed session) from September 12, 2018 to July 1, 2020, but for the Board meeting on March 4, 2020. This is approximately 30 Board meetings; and

*WHEREAS*, at Board meetings dated April 10, 2019, July 17, 2019, September 11, 2019, November 6, 2019, January 8, 2020, and July 1, 2020, the Board voted to approve Haight Brown & Bonesteel LLP’s legal invoices for legal services performed; and

*WHEREAS*, at Board meetings dated December 12, 2018 March 6, 2019, May 8, 2019, and July 1, 2020, the Board passed public resolutions directing the Superintendent of Schools, Dr. Al Mijares (“Superintendent”), to issue payment to Haight Brown & Bonesteel LLP for the above referenced special interim General Counsel services; and

*WHEREAS*, on or about July 25, 2019, the retained legal counsel in the Case No. 30-2018-01023385-CU-MC-CJC, Jonathan Brenner, and the legal counsel for the Superintendent; appeared before Orange County Superior Court Judge Crandall, and a bench ruling was made ordering Superintendent to pay Mr. Rolan for all of his legal services he provided to the Board since September 2018; and

*WHEREAS*, the Superintendent rendered payment to Haight Brown & Bonesteel LLP in the amount of \$119,131.43. Haight Brown & Bonesteel LLP received this payment on September 9, 2019; and

*WHEREAS*, the Superintendent has refused to pay any Haight Brown & Bonesteel LLP’s invoices from September 9, 2019 to the present; and

*WHEREAS*, California Education Code Section 1621(c) 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 majority vote by members of the County Board of Education.*”; and

*WHEREAS*, on or about May 13, 2020, during the Budget Study Session, the Board directed Associate Superintendent Renée Hendrick to create a separate budgetary line item pursuant to California Education Code Section 1621(c) and input \$350,000 for the board to access by majority vote; and

*WHEREAS*, on May 13, 2020, the Board passed a Resolution regarding the 2020-2021 budget which provides in relevant part, “... *The Board has determined that the 2020-2021 annual budget should include a fund balance item an additional object codes and/or spending categories as set forth in the resolution below. (1) That the 2020-2021 annual budget include a fund balance in the amount of \$350,000, along with an accompanying budget code in category, for the 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 by the Board, as determined by a majority vote of the members of the Board pursuant to Education Code section 1621(c)...*”; and

*WHEREAS*, the Orange County Department of Education (“Department”) created a separate budgetary line item pursuant to California Education Code section 1621(d) including the \$350,000 requested by the Board; and

*WHEREAS*, on July 1, 2020, the Board approved Item 20, the “Annual County School Services Fund Budget of the County Superintendent of Schools” by a vote of 5-0.

*THEREFORE*, the Board hereby resolves as follows:

1. It is the intent of the Board that Haight Brown & Bonesteel LLP be paid for all services rendered; and
2. It is the intent of the Board that Haight Brown & Bonesteel LLP’s invoices shall be paid from the Board’s Specific Purpose Fund §1621(c) created by the Department and approved on July 1, 2020; and
3. Passage of this Resolution shall constitute “appropriation by majority vote” of the necessary funds to pay the outstanding invoices of Haight Brown & Bonesteel LLP; and
4. The Board demands that the Department pay the outstanding invoices of Haight Brown & Bonesteel LLP.

**AYES: 4 (Williams, Barke, Sparks, Shaw)**

**NOES: 1 (Gomez)**

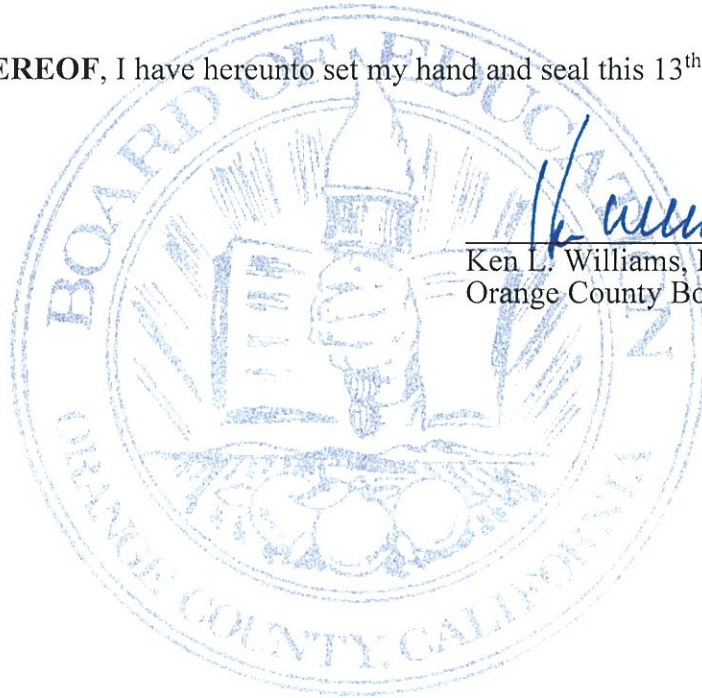
**ABSENT: 0**


**STATE OF CALIFORNIA**

**COUNTY OF ORANGE**

**I, Ken L. Williams, D.O.**, President to the Board of Education of Orange County, California hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 13<sup>th</sup> day of July 2020 and passed by a vote of said Board Members present.

**IN WITNESS THEREOF**, I have hereunto set my hand and seal this 13<sup>th</sup> day of July 2020.



  
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Ken L. Williams, D.O., President  
Orange County Board of Education