

**SAN DIEGO COUNTY BOARD OF EDUCATION
RESOLUTION # _____**

**Resolution to Approve the Proposed Uses of the
Education Protection Account (EPA) Funds for Fiscal Year 2016-17**

WHEREAS, the voters approved Proposition 30 on November 6, 2012;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

WHEREAS, before June 30th of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government;

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost for school and community college districts. The California Department of Education has determined that expenditures by county office of educations for certain administrative activities they are required to perform on behalf of the school districts are not administrative costs for the purposes of Proposition 30; therefore, may be used for salaries or benefits for administrators or any other administrative cost under these activities;

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been

properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

THEREFORE, BE IT RESOLVED, that the monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of the San Diego County Office of Education;

In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the San Diego County Office of Education has determined to spend the monies received from the Education Protection Act as attached.

PASSED AND ADOPTED this 10th day of May 2017, at the regular meeting of the San Diego County Board of Education.

SAN DIEGO COUNTY BOARD OF EDUCATION

Richard P. Shea, *President*

Alicia Muñoz, *Vice-President*

Paulette Donnellon, *Member*

Guadalupe Gonzalez, *Member*

Mark Powell, *Member*

Edward Velasquez
Interim County Superintendent of Schools

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Edward Velasquez, Secretary of the San Diego County Board of Education, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on _____, 2017.

Edward Velasquez
Secretary, San Diego County Board of Education