

**RESOLUTION NO. 13/20-21**

**SAN MATEO-FOSTER CITY SCHOOL DISTRICT  
REDESIGNATION OF SAN MATEO-FOSTER CITY SCHOOL DISTRICT AS SUPER  
USDA FOODS COOPERATIVE LEAD AGENCY**

**WHEREAS**, the USDA Foods Program functions to support domestic nutrition programs and American agricultural producers through purchases of domestic agricultural products for use in schools and provides approximately 20% of the food served in the National School Lunch Program;

**WHEREAS**, recipient agencies, such as the San Mateo-Foster City School District (“District”) receive an annual entitlement to purchase USDA Foods;

**WHEREAS**, pursuant to applicable law, and under the guidance of the California Department of Education, Food Distribution Division (“CDE”), the Super USDA Foods Cooperative (“Super Co-Op”) was formed in 2000 in order to provide school districts with greater flexibility securing USDA Foods;

**WHEREAS**, the Super Co-Op is governed by a ten member committee (Governing Council”); each member represents members from each of the nine regional groups and one representative from the Lead Agency;

**WHEREAS**, the Super Co-Op estimates 235 member districts across California for the 2021-2022 School Year and the estimated total lunches served for the Super Co-Op for the 2021-2022 School Year is estimated at 234,391,444, for an estimated total entitlement of \$86,724,834;

**WHEREAS**, unanimously on November 18, 2020, the Governing Council of Super Co-Op voted to reinstall the San Mateo-Foster City School District as the Lead Agency for the Super Co-Op for the 2021-2022 School Year;

**WHEREAS**, the Lead Agency works with the Governing Council to promote the best interests of the member districts as a group;

**WHEREAS**, the Lead Agency requests all USDA Foods on behalf of the member districts and makes processing diversion decisions with the Governing Council;

**WHEREAS**, the Lead Agency is responsible for issuing, evaluating, and approving all bid documents related to the Super Co-Op’s business;

**WHEREAS**, accepted proposals and/or bids are approved by the Lead Agency’s governing body;

**WHEREAS**, the Lead Agency oversees the administrator contract and performance, manages Super Co-Op funds, and pays administrative fees relative to USDA Foods received by the member districts;

**WHEREAS**, as the Lead Agency, the District shall be compensated \$40,000 annually;

**WHEREAS**, the Board accepts the role of Lead Agency for the Super Co-Op for the 2021-2022 School Year;

**WHEREAS**, the Board plans to allow the Super Co-Op to operate and provide school districts with greater flexibility securing USDA Foods as it has been since its inception in 2000;

**WHEREAS**, under Education Code sections 35010 and 35160 grant the Board the authority to bind the District contractually;

**WHEREAS**, Education Code section 17604 authorizes the Board, by a majority of vote, to delegate to the District Superintendent or to such persons as the Superintendent may designate, authority to enter into contracts that may be limited as to time, money or subject matter or may be blanket authorization in advance of its exercise, provided however that "...no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, the approval or ratification to be evidenced by a motion of the board duly passed and adopted;"

**WHEREAS**, it is requested that in order to facilitate efficiency in matters related to the District's role as the Lead Agency for the Super Co-Op for the 2021-2022 School Year, the Chief Business Officer, be authorized to negotiate terms and conditions for the Assignment of USDA Foods Agreements between the Lead Agency and Super Co-Op member districts; subject to the Board's final approval of all agreements.

**NOW, THEREFORE**, the Governing Board of the San Mateo-Foster City School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct.
2. That the District will accept the role as the Lead Agency for the Super Co-Op for the School Year 2021-2022.
3. The Board hereby delegates authority to the District's Chief Business Officer to approve and execute Assignment of USDA Foods Agreements in substantially the form presented to the Board subject to approval or ratification by motion of the Board at a Board meeting.
4. That the District's Superintendent, Chief Business Officer and the Superintendent's designee, is authorized and directed to take all steps and perform all actions necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

**ADOPTED** by the Governing Board of the San Mateo-Foster City School District at the regular meeting held on the 9th of December, 2020 by the following vote:

AYES	_____
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NOES	_____
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ABSENT	_____
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\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary of Said Board