

**SAN MATEO-FOSTER CITY
SCHOOL DISTRICT
RESOLUTION No. 41/20-21**

**Authorizing the Delegation of Authority to Accept Certain Bids and Proposals and
to Award Contracts for the District's Bond Program for Summer 2021**

WHEREAS, the Board of Trustees ("Board") of the ("District") is authorized to enter into contracts on behalf of the District; and

WHEREAS, the District has an ongoing bond program comprised of Bond Measure T and X, ("Bond Program"); and

WHEREAS, pursuant to applicable law, the District intends to continue to accept bids and/or proposals for the District to enter into Bond Program contracts and to accept bids and proposals for the Bond Program; and

WHEREAS, effective administration of a school district is dependent upon assignment of functional responsibilities; and

WHEREAS, for the effective and timely management of the District's Bond Program, the Board intends to authorize the District's Superintendent, Director of Facilities and Construction and Chief Business Official during summer 2021 to accept and award contracts, including bids and/or proposals, subject to ratification by motion of the Board at a subsequent Board meeting; and

WHEREAS, Education Code section 35160 states in part that a school district's governing board "may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established;" and

WHEREAS, Education Code section 35160.1 states in part that school districts "have diverse needs unique to their individual communities and programs.... [and] should have the flexibility to create their own unique solutions;" and

WHEREAS, Education Code section 35160.1 further states in part that school districts have "authority to carry on activities and programs, including the expenditure of funds for programs and activities which, in the determination of the governing board of the school district ... are necessary or desirable in meeting their needs and are not inconsistent with the purposes for which the funds were appropriated;" and

WHEREAS, Education Code section 35161 states that "the governing board of any school district may execute any powers delegated by law to it or to the district of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the district of which it is the government board, and may delegate to an officer or employee of the district any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated;" and

WHEREAS, Education Code section 17604 authorizes a school district's governing board, by a majority vote, to delegate to a school district's superintendent, or to such persons as the superintendent may designate, authority to enter into contracts subject to the provision 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;" and

WHEREAS, Education Code section 17605 authorizes a school district's governing board, by majority vote, to adopt a rule to delegate to any officer or employee of the District as designated, "the authority to purchase supplies, materials, apparatus, equipment and services. No rule shall authorize any officer or employee to make any purchases involving an expenditure by the district in excess of the amount specified by Section 20111 of the Public Contract Code. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by the officer or employee shall be reviewed by the governing board every 60 days;" and

WHEREAS, in order to keep transactions on schedule and to effectively manage its Bond Program, the District needs to accept bids and/or proposals and to accept and award contracts promptly, subject to ratification by the Board at a subsequent Board meeting; and

NOW, THEREFORE, the Board of Trustees of the hereby finds, determines, declares, orders, and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That, during the time between June 24th, 2021 and August 12th, 2021, the Board of Trustees hereby delegates authority to the Superintendent, Director of Facilities and Construction and the Chief Business Official, to accept bids and/or proposals, and to accept and award contracts for the Bond Program limited to the subject matters set forth in Public Contract Code section 20111 *et seq.*, and subject to ratification by motion of the Board at a subsequent Board meeting.

Section 3. That contracts approved by the District's Superintendent, Director of Facilities and Construction, and Chief Business Official pursuant to this delegation of authority, shall be submitted to the Board for ratification.

Section 4. That the District's Superintendent, Director of Facilities and Construction and Chief Business Official are authorized pursuant to this Resolution to take any action and execute any documents that are necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

APPROVED, PASSED, AND ADOPTED by the Board of Trustees of the San Mateo-Foster City School District on this 28th day of June, 2021, by the following vote:

AYES: _____

ABSTENTIONS: _____

NOES: _____

ABSENT:

President of the Board of Trustees

Attested to:

Clerk of the Board of Trustees of the
San Mateo-Foster City School District