

AMENDED IN SENATE AUGUST 31, 1999
AMENDED IN SENATE AUGUST 18, 1999
AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 7, 1999
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 857

Introduced by Assembly Member Rod Pacheco

February 24, 1999

An act to add Sections 1209, 1279, 1280, 1281, and 1302 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 857, as amended, Rod Pacheco. County superintendents of schools.

The California Constitution provides for the election or appointment of a superintendent of schools for each county and requires the county board of education to establish the salary of the county superintendent of schools.

This bill would prohibit an elected county superintendent of schools from increasing his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the county board of education for its discussion at a public

meeting of the board and without the approval of the county board of education.

Existing law requires the county board of education to approve the annual budget of the county superintendent of schools before its submission to the county board of supervisors.

This bill would prohibit ~~the~~ *an elected* county superintendent of schools from, in any manner, disposing of any *item of* personal property belonging to the county office of education that is worth \$25,000 without obtaining an independent valuation of the property, advertising its sale, bringing the matter to the attention of the county board of education for its discussion at a public meeting, and obtaining the approval of the county board of education. For disposal of property worth less than \$25,000, the bill would require ~~the~~ *an elected* county superintendent of schools to certify the value of the property in a quarterly report to be submitted to the county board of education for its review. The bill would require ~~approval by the county board of education of any a~~ revision by ~~the~~ *an elected* county superintendent of schools of the annual budget of the county superintendent of schools in excess of \$50,000 *and a consultant contract for \$50,000 or more that constitutes a budget revision and is entered into by an elected county superintendent of schools to be incorporated in the next interim financial report or other board report when the report is submitted to the county board of education for discussion and approval at a public meeting of the county board of education.*

Existing law authorizes the county superintendent of schools to employ persons in various capacities.

The bill would restrict the authority of ~~a~~ *an elected* county superintendent of schools to hire consultants.

This bill would prohibit ~~the~~ *an elected* county superintendent of schools from increasing by \$10,000 or more the salary or bonus of any employee of the county office of education unless the matter is brought to the attention of the county board of education for its discussion at a public meeting of the board. The bill would also prohibit ~~a~~ *an elected* county superintendent of schools from increasing the retirement benefits of any employee of the county board of



education unless the latter is brought to the attention of the county board of education for its discussion at a public meeting of the board and the board approves the increase.

This bill would impose a state-mandated local program by requiring a county superintendent of schools to follow new procedures to dispose of personal property belonging to ~~the~~ *an elected* county superintendent of schools and to make certain salary increases.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1209 is added to the Education
2 Code, to read:

3 1209. An elected county superintendent of schools
4 shall not increase his or her salary, financial
5 remuneration, ; benefits, or pension in any manner or for
6 any reason without bringing the matter to the attention
7 of county board of education for its discussion at a public
8 meeting of the board and without the approval of the
9 county board of education.

10 SEC. 2. Section 1279 is added to the Education Code,
11 to read:

12 1279. (a) ~~The~~ *An elected* county superintendent of
13 schools shall not in any manner dispose of any *item of*
14 personal property worth over twenty-five thousand
15 dollars (\$25,000) that belongs to the county office of
16 education without meeting the following conditions:



1 (1) Obtaining an independent valuation of the
2 property.

3 (2) Advertising the property for sale in a newspaper of
4 general circulation within the district, or, if there is no
5 newspaper of general circulation within the district, in
6 any newspaper of general circulation that is regularly
7 circulated in the district. The advertisement shall be
8 ~~published at least once a week for a minimum of three~~
9 ~~successive weeks.~~ *published for a period of time in*
10 *accordance with the policy of the county board of*
11 *education.*

12 (3) Bringing the matter to the attention of the county
13 board of education for its discussion at a public meeting.

14 (4) Obtaining the approval of the county board of
15 education.

16 (b) ~~The~~ *An elected* county superintendent of schools
17 shall not in any manner dispose of any personal property
18 worth less than twenty-five thousand dollars (\$25,000)
19 that belongs to the county office of education unless he or
20 she certifies the value of the property in a quarterly
21 report and submits that report to the county board of
22 education for its review.

23 SEC. 3. Section 1280 is added to the Education Code,
24 to read:

25 1280. If a revision in excess of fifty thousand dollars
26 (\$50,000) is proposed by ~~the~~ *an elected* county
27 superintendent of schools to the annual budget of the
28 county superintendent of schools after the county board
29 of education has adopted the budget, the revision shall
30 ~~not be effective unless the county board of education~~
31 ~~approves the revision following discussion of the revision~~
32 ~~at a public meeting.~~ *be incorporated in the next interim*
33 *financial report or other board report when the report is*
34 *submitted to the county board of education for discussion*
35 *and approval at a public meeting of the county board of*
36 *education.*

37 SEC. 4. Section 1281 is added to the Education Code,
38 to read:



1 1281. (a) No *elected* county superintendent of
2 schools may hire as a consultant any entity in which he or
3 she has a financial interest.

4 ~~(b) Unless the county board of education approves the~~
5 ~~action following discussion at a public meeting, no county~~
6 ~~superintendent of schools may hire as a consultant any~~
7 ~~entity for an amount that meets or exceeds, or can be~~
8 ~~reasonably expected to meet or exceed, either of the~~
9 ~~following:~~

10 (1) ~~Ten thousand dollars (\$10,000) annually.~~

11 (2) ~~Fifty thousand dollars (\$50,000) over the life of the~~
12 ~~contract.~~

13 *(b) If an elected county superintendent of schools*
14 *enters into a consultant contract for fifty thousand dollars*
15 *(\$50,000) or more and the contract constitutes a budget*
16 *revision, it shall be incorporated in the next interim*
17 *financial report or other board report when the report is*
18 *submitted to the county board of education for discussion*
19 *and approval at a public meeting of the county board of*
20 *education.*

21 SEC. 5. Section 1302 is added to the Education Code,
22 to read:

23 1302. (a) ~~The~~ *An elected* county superintendent of
24 schools shall not increase by ten thousand dollars
25 (\$10,000) or more the salary or bonus of any employee of
26 the county office of education unless the matter is
27 brought to the attention of the county board of education
28 for its discussion at a public meeting of the county board
29 of education.

30 (b) ~~The~~ *An elected* county superintendent of schools
31 shall not increase the retirement benefits of any
32 employee of the county office of education unless the
33 matter is brought to the attention of the county board of
34 education for its discussion at a public meeting of the
35 county board of education and the county board of
36 education approves the increase.

37 SEC. 6. Notwithstanding Section 17610 of the
38 Government Code, if the Commission on State Mandates
39 determines that this act contains costs mandated by the
40 state, reimbursement to local agencies and school



1 districts for those costs shall be made pursuant to Part 7
2 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the
4 claim for reimbursement does not exceed one million
5 dollars (\$1,000,000), reimbursement shall be made from
6 the State Mandates Claims Fund.

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