

## Assembly Bill No. 857

### CHAPTER 838

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

[Approved by Governor October 8, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 857, 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 a 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 regularly scheduled 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 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 regularly scheduled 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 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 a revision by the county superintendent of schools of the annual budget of the county superintendent of schools in excess of \$25,000 and a consultant contract for \$25,000 or more that constitutes a budget revision and is entered into by the 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 regularly scheduled 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 county superintendent of schools to hire consultants.

This bill would prohibit the 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 regularly scheduled public meeting of the board. The bill would also prohibit the 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 regularly scheduled 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 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.

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

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

1209. A county superintendent of schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of county board of education for its discussion at a regularly scheduled public meeting of the board and without the approval of the county board of education.

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

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

- (1) Obtaining an independent valuation of the property.
- (2) Advertising the property for sale in a newspaper of general circulation within the district, or, if there is no newspaper of general circulation within the district, in any newspaper of general



circulation that is regularly circulated in the district. The advertisement shall be published for a period of time in accordance with the policy of the county board of education.

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

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

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

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

1280. If a revision in excess of twenty-five thousand dollars (\$25,000) is proposed by the county superintendent of schools to the annual budget of the county superintendent of schools after the county board of education has adopted the budget, the revision shall 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 regularly scheduled public meeting of the county board of education.

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

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

(b) If the county superintendent of schools enters into a consultant contract for twenty-five thousand dollars (\$25,000) or more and the contract constitutes a budget revision, it shall 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 regularly scheduled public meeting of the county board of education.

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

1302. (a) The county superintendent of schools shall not increase by ten thousand dollars (\$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 regularly scheduled public meeting of the county board of education.

(b) The county superintendent of schools shall not increase the retirement benefits 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 regularly scheduled public meeting of the county board of education and the county board of education approves the increase.

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



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

