

**MT. DIABLO UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

Resolution No. 12-13-21

**RESOLUTION DELEGATING AUTHORITY TO APPROVE CONTRACTS
FOR LEASE-LEASEBACK PROJECTS**

WHEREAS, the Mt. Diablo Unified School District (“District”) successfully passed a local general obligation bond for the purpose of modernizing certain school facilities within the District (“Modernization Bond Program”);

WHEREAS, pursuant to applicable law, the District will be awarding construction contracts to various contractors in furtherance of the Modernization Bond Program (“Contracts”) using the lease-leaseback method as authorized by Education Code § 17406;

WHEREAS, as the District Board has only one Board meeting scheduled for the month of December 2012, and in order to keep construction projects for the Modernization Bond Program moving along and to assure timely completion of projects, District staff will need to award certain lease-leaseback projects for classroom replacement and new science classroom construction (the “Lease-leaseback Agreements”) after the last Board meeting in December, for ratification by the District’s governing board at a subsequent Board meeting;

WHEREAS, Education Code section 17604 authorizes a school district’s governing board, by a majority vote, to delegate to the District’s superintendent, or to such persons as he may designate, subject to the provision that “... no contract made pursuant to such 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, said approval or ratification to be evidenced by a motion of said board duly passed and adopted; and

NOW, THEREFORE, the Governing Board of the Mt. Diablo Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct.
2. That the District’s governing board hereby delegates the authority to award the Lease-leaseback Agreements for classroom replacement and new science classroom to the District’s Superintendent, or to such persons as he may designate.

3. That all Contracts approved by the District's Superintendent, or his designee, pursuant to this delegation shall be submitted to the District's governing board for ratification.
4. That the District's Superintendent is authorized pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

ADOPTED, SIGNED and APPROVED on _____ 2012

 President, Board of Education

I, _____, Secretary of the Board of Education of the Mount Diablo Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of Education of the District by a two-thirds vote or more at a meeting of the Board held on _____, 2012, and that it was adopted by the following votes:

_____ AYES

_____ NOES

_____ ABSTAIN

_____ ABSENT

ABSTENTIONS:

 Secretary, Board of Education