

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

TO: Board of Trustees
FROM: Jose F. Torres, Interim Chancellor
REVIEWED BY: Jose F. Torres, Interim Chancellor
PREPARED BY: Lawrence P. Strong, Director of Fiscal Services
DATE: June 11, 2020
SUBJECT: Consideration of Approval to Adopt Resolution #2020-06-11-FS01
Regarding the Expenditure of Proposition 30 Education Protection
Account Funds

RECOMMENDATION

It is recommended that the Board of Trustees adopt Resolution #2020-06-11-FS01 regarding the expenditure of Proposition 30 Education Protection Account Funds.

OVERVIEW

Proposition 30, the Schools and Local Public Safety Protection Act of 2012, provides temporary tax revenues for the funding of local school districts and community colleges by raising the sales and use tax by .25 cents for four years, and by raising the income tax rate for high income earners (\$250,000 for individuals and \$500,000 for couples) for seven years. The Education Protection Account (EPA) was created in the State General Fund to receive and disburse these temporary tax revenues.

Districts have sole authority to determine how the moneys received from the EPA are spent within guidelines, provided that 1) the Governing Board makes these determinations in an open session of a public meeting of the Board and 2) the District does not use any of the funds from the EPA for administrative salaries or benefits, or any other administrative costs.

ANALYSIS

Pursuant to Article XIII, Section 36 of the California Constitution, SBCCD is required to report on its website an accounting of how much money was received from the EPA and how that money was spent. Additionally, the Governing Board is also required to determine and discuss the use of EPA funds at an open public meeting prior to June 30 annually.

INSTITUTIONAL VALUES

III. Resource Management for Efficiency, Effectiveness, and Excellence

FINANCIAL IMPLICATIONS

The adoption of this resolution will not have a direct financial impact on the budget.

**RESOLUTION #2020-06-11-FS01 OF THE BOARD OF TRUSTEES OF THE
SAN BERNARDINO COMMUNITY COLLEGE DISTRICT REGARDING EXPENDITURE OF
PROPOSITION 30 EDUCATION PROTECTION ACCOUNT FUNDS**

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WHEREAS, the voters approved Proposition 30 on November 6, 2012 and Proposition 55 on November 8, 2016;

WHEREAS, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012 (sun setting 12/31/2017), and Proposition 55 Article XIII, Section 36(e) to the California Constitution effective November 8, 2016 (commencing 01/01/2018);

WHEREAS, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

WHEREAS, before June 30th of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

WHEREAS, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

WHEREAS, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

WHEREAS, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor, or any agency of state government;

WHEREAS, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

WHEREAS, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

WHEREAS, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

WHEREAS, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

WHEREAS, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

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WHEREAS, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of June 11, 2020.
2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the San Bernardino Community College District has determined to spend the monies received from the Education Protection Act as attached.

PASSED AND ADOPTED by the Governing Board on June 11, 2020, by the following vote:

AYES: Viricel, Houston, Harrison, Longville, Reyes, Williams, Ramos (advisory)

NOES: None

ABSENT: Singer, Rios (advisory)

ABSTENSIONS: None

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I, Jose Torres, Secretary of the Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution passed and adopted by the Board at a regularly called and conducted meeting held on said date.

WITNESSED my hand this 11 day of June 2020



Secretary of the Governing Board

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Expenditures through June 30, 2020

For Fund 01, Resource 1400 Education Protection Account

Description	Object Codes	Amount
AMOUNT AVAILABLE FOR THIS FISCAL YEAR		
Adjusted Beginning Fund Balance	9791-9795	0.00
Revenue Limit Sources	8010-8099	0.00
Federal Revenue	8100-8299	0.00
Other State Revenue	8300-8599	0.00
Other Local Revenue	8600-8799	15,357,236
All Other Financing Sources and Contributions	8900-8999	0.00
Deferred Revenue	9650	0.00
TOTAL AVAILABLE		15,357,236
EXPENDITURES AND OTHER FINANCING USES (Objects 1000-7999)		
Instruction	1000-1999	15,357,236
Instruction-Related Services		
Ancillary Services	4000-4999	0.00
Community Services	5000-5999	0.00
Enterprise	6000-6999	0.00
General Administration	7000-7999	0.00
Plant Services	8000-8999	0.00
Other Outgo	9000-9999	0.00
TOTAL EXPENDITURES AND OTHER FINANCING USES		15,357,236
BALANCE (Total Available minus Total Expenditures and Other Financing Uses)		0.00