

**RESOLUTION OF THE BOARD OF EDUCATION
ORANGE COUNTY CALIFORNIA**

Resolution Adopting Appointment Power
Pursuant to Education Code Section 1042(e)

OCTOBER 4, 2023

WHEREAS, Orange County Superintendent of Schools Dr. Mijares (“Superintendent Mijares”) has not attended an County Board of Education (“Board”) meeting since December 2022; and

WHEREAS, on or about February 21, 2023, the Orange County Department of Education announced Dr. Ramon Miramontes (“Dr. Miramontes”) was hired as the Deputy Superintendent of the Educational Services Division; and

WHEREAS, at the May 3, 2023 Board meeting, the Board received public comment concerning Superintendent Mijares’ absence; and

WHEREAS, on or about May 15, 2023, the Board Executive Committee made an informal email inquiry of Superintendent Mijares’ staff concerning, among other things, Superintendent Mijares’ availability and capacity to perform the duties for which he was elected; and

WHEREAS, on May 30, 2023, Superintendent Mijares’ signature was affixed to a Certificate of Appointment-Oath/Affirmation appointing Dr. Miramontes as Deputy County Superintendent of Schools; and

WHEREAS, thirty-six (36) days after the May 15, 2023 request, on June 21, 2023, Superintendent Mijares staff responded acknowledging receipt of the request; and

WHEREAS, on July 28, 2023, the Board Executive Committee again requested the information sought in the May 15, 2023 informal email inquiry; and

WHEREAS, on August 14, 2023, the Board Members were copied on an email from “OCDE Cabinet” to “Staff” stating in relevant part: “Dr. Mijares has been extremely grateful for the understanding and support he’s received throughout this process, and he eagerly looks forward to resuming his duties. In his absence, he has delegated to Deputy Superintendent of Instructional Programs, Dr. Ramon Miramontes, to fulfill the duties and responsibilities of the county superintendent”; and

WHEREAS, as of September 28, 2023, the Board Executive Committee has received no further response to their inquiries of May 15, 2023 and July 28, 2023; and

WHEREAS, California Government Code section 1770 defines what constitutes an office vacancy as a matter of law; and

WHEREAS, California Education Code section 1042(e) provides: County boards of education may do all of the following:

(e)(1) Notwithstanding Section 25304 of the Government Code, fill by appointment any vacancy that occurs during the term of office of the county superintendent of schools. In a county in which the county superintendent of schools is elected, the appointee shall hold office until the office is filled by election at the next gubernatorial election.

(2) The authority described in this subdivision shall be vested in a county board of education only upon its adoption by the county board of education at a public meeting held pursuant to Article 1 (commencing with Section 1000).

THEREFORE, BE IT RESOLVED:

1. The Orange County Board of Education hereby adopts the authority conferred by California Education Code §1042(e).
2. By this Resolution the Orange County Board of Education is hereby vested, from this point forward, with the authority conferred by California Education Code §1042(e).
3. That should any vacancy that occurs or exists in the position of the Orange County Superintendent of Schools shall be filled by Board appointment.
4. Finally, that any appointee appointed pursuant to this Resolution and Education Code §1042(e) shall hold office until the office is filled by election at the next gubernatorial election.

Adopted by the Orange County Board of Education on October 4, 2023.

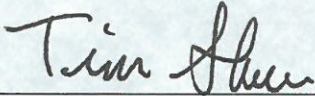
AYES:	5
NOS:	0
ABSENT:	0

State of California

County of Orange

I, Tim Shaw, President of the Board of Education of Orange County, California, hereby certify the foregoing resolution was duly and regularly adopted by the said Board at a regular meeting thereof held the 4th day of October 2023 and was passed by a vote of (5 to 0) of said members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the 4th day of October 2023.



Tim Shaw, President
Orange County Board of Education

