

AUTHORITY

The Board is the governing body of the bond programs created by the 1998 passage of the Leroy Greene School Facilities Act (SB 50). Education Code §170710.10 *et seq* provides the statutory authority for distributing State school bond funds, and §17076.10(a), specifically prescribes that schools that receive State funds, are required to annually submit a summary of the expenditures until all funds are expended. The statute also indicates “[t]he Board may require an audit of those reports...to ensure that all funds received...are expended in accordance with program requirements.”

Government Codes §15490 establishes the existence of the Board, and states that the Department of General Services (DGS), shall “provide assistance to the Board as the Board requires” [Gov Code § 15490(c)]. Within this structure, the OPSC is defined in regulations as “the State office within the Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director.”

Education Code §17070.35 prescribes the powers and duties of the Board, specifically stating in §17070.35 (a)(1) that the Board shall, “adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act (APA), Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter... .”

Education Code §17070.20 indicates that DGS shall administer the chapter in referring to the SFP.

Given the statutory grant of authority, the Board adopted SFP Regulations. (Cal. Code Regs., Title 2, §1859 *et. seq.* SFP Regulation 1859.106 authorizes the OPSC to conduct an audit of a district’s expenditures under the Act, including compliance with site acquisition guidelines.