

PASADENA UNIFIED SCHOOL DISTRICT PROCUREMENT AND CONTRACTS

HAND-OUT AT THE OFFICE MANAGERS' MEETING – 02/02/12

Interoffice Memo

Date: February 2, 2012
To: All Staff
From: Christine Ward
RE: UNAUTHORIZED PLACEMENT OF ORDERS AND PURCHASES

As you are aware, procedures are in place to protect you and your staff from any unnecessary liability that may result in financial obligations imposed on you or your staff. Orders for goods and services should always be placed using the requisition process. Agreements, contracts, and memorandum of understandings should only be signed by authorized individuals. Please note that the only individuals who are authorized to sign contract documents on behalf of the District are Board Members, the Superintendent, and Chiefs. Orders placed without a valid District purchase order or contracts signed by unauthorized individuals are not valid obligations and are not enforceable against the District.

Pursuant to Education Code section 35010: "Every school district shall be under the control of a board of school trustees or a board of education." Education Code section 35010 further adds that the board shall adopt rules for the government of the school district. Official action by a school district only occurs through a formal vote of the governing board. Education Code section 35163. Education Code section 17604 authorizes the governing board to delegate authority to contract, but still requires that the contract be approved or ratified by the Board of Education for an enforceable obligation to exist.

Moreover, the Board of Education of the District has adopted Board Policy 3312 which requires that all contracts be approved or ratified by the board of education in order to be valid obligations. See also: G.L. Mezzetta, Inc. v. City of American Canyon, 78 Cal App. 4th, 1087, 1092 (2000).

Please be advised that unauthorized orders, including those that require Board ratification or contract documents signed by unauthorized individuals are not enforceable obligations against the Pasadena Unified School District. Accordingly, the District is not obligated to pay an invoice associated with these unauthorized actions; therefore the individual responsible for ordering the goods or signing a contract document would bear the sole responsibility for payment.

I hope you find this information useful, if you have any questions or concerns with this information please do not hesitate to contact me.