

**LODI UNIFIED SCHOOL DISTRICT
APPROVAL OF DESIGNATION OF LODI UNIFIED SCHOOL DISTRICT AS THE LEAD
DISTRICT AND MEMBER FOR THE SUPER USDA FOODS CO-OP JOINT POWERS
AUTHORITY**

RESOLUTION NO. 2024-20

WHEREAS, the USDA Foods Program functions to support domestic nutrition programs and American agricultural producers through purchases of domestic agricultural products for use in schools and provides approximately 20% of the food served in the National School Lunch Program;

WHEREAS, recipient agencies, such as the Lodi Unified School District ("District") receive an annual entitlement to purchase USDA Foods;

WHEREAS, pursuant to applicable law, and under the guidance of the California Department of Education, the Super Co-Op Joint Powers Authority ("Super Co-Op") was formed in 2021 in order to provide school districts with greater flexibility securing USDA Foods. The Super Co-Op is governed by the Joint Powers Agreement of the Super Co-Op (the "Super Co-Op Agreement");

WHEREAS, the Super Co-Op coordinates all aspects of USDA Foods ordering and delivery and districts entitlement management for school districts throughout California;

WHEREAS, for informational purposes only, pursuant to applicable law, and under the guidance of the CDE, the Super USDA Foods Cooperative (the "Predecessor Co-Op") was formed in 2000. The Predecessor Co-Op served as a Super Co-Op's predecessor in providing school districts with greater flexibility securing USDA Foods;

WHEREAS, pursuant to Section 10.1 of the Super Co-Op Agreement, San Mateo-Foster City School District ("SMFCSD") was designated as the initial Lead District for the purposes of administering the Super Co-Op. The District has served as the Lead District since 2021 and has been compensated \$40,000.00 annually for the role;

WHEREAS, pursuant to Section 11 of the Super Co-Op Agreement, the SMFCSD now plans to step down as the Lead District for the Super Co-Op on July 1, 2024;

WHEREAS, the Lead District works with the Board of Directors to promote the best interests of the member districts as a group;

WHEREAS, the Lead District requests all USDA Foods on behalf of the member districts and makes processing diversion decisions with the Board of Directors;

WHEREAS, the Lead District is responsible for issuing, evaluating, and approving all bid documents related to the Super Co-Op's business;

WHEREAS, accepted proposals and/or bids are approved by the Lead District's governing body;

WHEREAS, the Lead District oversees the administrator contract and performance, manages Super Co-Op funds, and pays administrative fees relative to USDA Foods received by the member districts;

WHEREAS, pursuant to that certain Amendment No. 1 to the Super Co-Op Agreement (the "Amendment") dated as of March 6, 2024, the District was as an additional Member to the Super Co-Op Agreement;

WHEREAS, as the Lead District, the District shall be compensated \$40,000 annually;

WHEREAS, the Board accepts the role of Lead District (hereinafter as occasionally referred to as the "Successor Lead District") for the Super Co-Op for the 2024-2025 School Year;

WHEREAS, the Board plans to allow the Super Co-Op to operate and provide school districts with greater flexibility securing USDA Foods as it has been since its inception in 2021;

WHEREAS, Education Code sections 35010 and 35160 grant the Board the authority to bind the District contractually;

WHEREAS, Education Code section 17604 authorizes the Board, by a majority of vote, to delegate to the District Superintendent or to such persons as the Superintendent may designate, authority to enter into contracts that may be limited as to time, money or subject matter or may be blanket authorization in advance of its exercise, provided however that "...no contract made pursuant to the 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, the approval or ratification to be evidenced by a motion of the board duly passed and adopted;"

WHEREAS, it is requested that in order to facilitate efficiency in matters related to the District's role as the Lead District for the Super Co-Op for the 2024-2025 School Year, the Chief Business Officer, be authorized to take all steps and perform all actions necessary for the District's ascension as the Successor Lead District of the Super Co-Op.

NOW, THEREFORE, the Board of Education of the Lodi 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 will accept the role as a Member of the Super Co-Op pursuant to the Amendment.
3. That the District will accept the role as the Lead District for the Super Co-Op for the School Year 2024-2025, pursuant to Sections 11.3 and 11.4 of the Super Co-Op Agreement.
4. The Board hereby delegates authority to the District's Chief Business Officer to take all steps and perform all actions necessary for the District's ascension as the Successor Lead District of the Super Co-Op.
5. That the District's Superintendent, Chief Business Officer and the Superintendent's designee, is authorized and directed to take all steps and perform all actions necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

PASSED AND ADOPTED this 5th day of March 2024, by the following vote of the Board of Education of the Lodi Unified School District:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Clerk of the Board of Education

President of the Board of Education