

RESOLUTION No. 17/18-03
BEFORE THE BOARD OF TRUSTEES
OF THE CENTRAL UNIFIED SCHOOL DISTRICT
FRESNO COUNTY, CALIFORNIA

In the Matter of the replacement of the
Sanitary Septic System at
Houghton Kearney
Elementary School

RESOLUTION DECLARING EMERGENCY
AND AUTHORIZING REPLACEMENT OF
THE INOPERATIVE SANITARY SEPTIC
SYSTEM AT HOUGHTON KEARNEY
ELEMENTARY SCHOOL

WHEREAS, on Saturday, July 21, 2017, the Central Unified School District ("District") experienced a catastrophic system failure of the Sanitary Septic System at the District's Houghton Kearney Elementary School campus ("School"); and

WHEREAS, the discovery of the catastrophic system failure of the Sanitary Septic System is a sudden, unexpected occurrence that poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss of essential public services, in that with the discovery of the inoperative Sanitary Septic System, the School is unable to operate effectively and the discovery of the inoperative Sanitary Septic System thus constitutes an emergency under Public Contract Code section 1102; and

WHEREAS, due to this emergency, the District must replace the inoperative Sanitary Septic System, (the "Project") as soon as possible in order to permit the continuance of school classes and to prevent or mitigate the loss of essential public services, namely student instruction, per Public Contract Code section 20113, in that the District cannot safely operate classes at the School on a long-term basis without the replacement of the inoperative Sanitary Septic System; and

WHEREAS, the Project would otherwise require bidding under Public Contract Code sections 20111(a) and 20111(b), which generally require the District to advertise and contract for the purchase of non-construction services, equipment, materials, and supplies costing more than \$88,300 and for repair/reconstruction services costing more than \$175,000, through public bidding; and

WHEREAS, the delay that would occur through the normal bidding process would increase the danger to life and property and could cause the disruption or discontinuance of scheduled school classes due to the inoperative Sanitary Septic System at the School; and

WHEREAS, Public Contract Code section 20113 permits the District, by a unanimous vote of its Governing Board, and with the approval of the County Superintendent of Schools, to enter into contracts without complying with bidding requirements and/or to authorize the use of day labor or force account notwithstanding Public Contract Code section 20114 in cases of emergency, all as set forth in Public Contract Code section 20113.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE CENTRAL UNIFIED SCHOOL DISTRICT FINDS, DECLARES, AND RESOLVES AS FOLLOWS:

1. The recitals above are true and correct.
2. The Project is immediately necessary in order to permit the continuance of existing School classes and to prevent or mitigate the loss of essential public services, namely student instruction, and the District's need for such work constitutes an emergency within the meaning of Public Contract Code sections 20113 and 1102.
3. The District's Superintendent, and his designees, are therefore authorized and directed to make contracts in writing on behalf of the District and/or to use day labor or force account labor without reference to Public Contract Code section 20114, for the performance of all work and purchase of all services, materials, equipment, or supplies necessary for the Project, including, but not limited to, retention of licensed architects, engineers and other professionals necessary for assessment of the damage caused by the incident, without advertising for or inviting bids, pursuant to the authority of this Resolution and California Public Contract Code section 20113.
4. The District's Superintendent, and his designees, are authorized and directed to immediately notify the Fresno County Superintendent of Schools of the unanimous vote of the District's Governing Board to enter into contracts to undertake the Project and/or to use day labor or force account, and to request the Fresno County Superintendent of School's approval for same.
5. The District's Superintendent, and his designees, are authorized and directed to take any and all lawful measures to ensure the timely completion of the Project.
6. This authorization is contingent upon the approval and concurrence of the Fresno County Superintendent of Schools as required by Public Contract Code section 20113.

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This Resolution was adopted at a duly called meeting of the Central Unified School District held on August 8, 2017.

AYES: _____
NOES: _____
ABSENT: _____

Cesar Granda
President, Board of Trustees
Central Unified School District
Fresno County, California

I, Mark Sutton, Secretary of the Board of Trustees of the Central Unified School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on August 8, 2017.

Mark Sutton
Secretary, Board of Trustees
Central Unified School District
Fresno County, California

Approved:

_____ Date: _____
Jim Yovino
Fresno County Superintendent of Schools