

**BEFORE THE GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**EMERGENCY RESOLUTION TO APPROVE ENTERING INTO CONTRACTS
FOR SERVICES TO REPAIR WATER LEAKS AND DAMAGE AND TO
MITIGATE PIGEON INFESTATION AND RELATED WORK AT THE
RICHMOND ELEMENTARY SCHOOL ANNEX**

RESOLUTION NO. #3 1011

WHEREAS, on or about August 25, 2010, a water line recently installed above the ceiling of the storage room in Richmond School Annex Building (“Building”)burst causing flooding and water damage to the floors, walls and other areas throughout the Building;

WHEREAS, the water leak at the Building was a sudden and unexpected occurrence and immediate repairs and remediation is necessary throughout the Building to prevent or mitigate loss or impairment of District property;

WHEREAS, during the course of the replacement of the domestic water supply system in the Building, required penetrations were made into the space between the roof structure and hard deck;

WHEREAS, the required penetrations revealed pigeon infestation consisting of droppings and carcasses that was pervasive throughout the space between the roof structure and hard deck, and that discovery or knowledge of this condition was sudden and unexpected;

WHEREAS, H.M.S Environmental, an environmental specialist retained by the District, inspected the pigeon infestation and has recommended immediate and total mitigation;

WHEREAS, H.M.S Environmental has concluded that if the pigeon infestation and existing conditions are not mitigated in its entirety immediately, it could pose a health risk to students and staff;

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage; and

WHEREAS, Public Contract Code section 20113 provides that in an emergency when any repairs, alterations, work or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the Board may, by unanimous vote, with approval of the County Superintendent of Schools, make a contract in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids.

RESOLUTION NO. #3 1011 (continued)

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of Education makes the following findings regarding the emergency that exists:

1. That the above recitals are true and correct.
2. That immediate repair and remediation of the water damage at the Building is necessary to prevent or mitigate loss or impairment of District property.
3. That immediate mitigation of the pigeon infestation is necessary to continue to provide safe and adequate facilities for District students, and to avoid unnecessary health and safety risks.
3. Due to the emergency conditions as outlined in the Resolution, if the water damage is not repaired and if the pigeon infestation is not mitigated, Richmond School Annex Building will be rendered unusable for providing instruction to students and other district activities.
4. That the District's Governing Board of Education, pursuant to Public Contract Code section 20113, unanimously finds that the water damage and pigeon infestation at the Richmond School Annex Building constitutes an "emergency" as defined by Public Contract Code section 1102.
5. That the Governing Board of Education hereby delegates to its Superintendent or designee, the authority to execute any and all agreements and to complete all necessary documents to repair with water damage and mitigate the pigeon infestation, or to otherwise carry out the intent of this Resolution.
6. That this Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Sierra Sands Unified School District this 2nd day of September, 2010, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

RESOLUTION NO. #3 1011 (continued)

I, Kurt Rockwell, President of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a special scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

President of the Board of Education
Sierra Sands Unified School District

I, Tom Pearl, Clerk of the Governing Board of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board of the Sierra Sands Unified School District at a special meeting thereof held on the 2nd day of September, 2010, by the above described vote of the Governing Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Sierra Sands Unified School District Governing Board this 2nd day of September, 2010.

Clerk of the Board of Education
Sierra Sands Unified School
District