

# Oxnard Union High School District

## Oxnard, California

### SPECIAL BOARD MEETING December 18, 2017

- 1. CALL TO ORDER** The Special Board Meeting of the Board of Trustees of the Oxnard Union High School District was called to order by President Davis on December 18, 2017 at 6:15 p.m., in the District Office Board Room, 220 South K Street, Oxnard, California.
- Trustees present:** Dr. Gary Davis, President  
Dr. Steve Hall, Vice President  
Karen M. Sher, Clerk  
Beatriz R. Herrera, Member  
Wayne Edmonds, Member
- Administration present:** Dr. Penelope A. DeLeon, Superintendent of Schools  
Sid Albaugh, Assistant Superintendent-Business Services  
Dr. Tom McCoy, Assistant Superintendent-Educational Services-absent  
Dr. Rocky Valles, Jr., Assistant Superintendent-Human Resources  
Sylvia Diaz, Executive Assistant
- Translators present:** Elizabeth Camacho Leon, Ana Rangel
- Guests present:** Tom McCollum.
- 2. PLEDGE OF ALLEGIANCE** President Davis asked Mr. Albaugh to lead the Pledge of Allegiance to the flag.
- 3. ADOPTION OF AGENDA** Motion: Moved by Trustee Herrera to approve the agenda dated December 18, 2017, as presented. Seconded by Trustee Sher and carried unanimously. Vote 5/0
- 4. PUBLIC COMMENTS TO ADDRESS THE BOARD OF TRUSTEES** No comments received.
- 5. ACTION** Dr. DeLeon updated Trustees of the current Thomas Fire situation in re: to school closures, air quality status, OUHSD school closures, cleaning of schools, reopening of schools on Tuesday, December 19 - 21, 2018, late concerns of several dozen back fires in Ojai and the concern of the smoke coming towards Oxnard but air quality is expected to be healthy and no need to close schools.
- A. Consideration of Adoption of Resolution No. 17-33, Resolution of the Board of Trustees of the Oxnard Union High School District Declaring an Emergency Under Public Contract Code Sections 22035 and 22050** On or about December 4, 2017, the Oxnard Union High School District suffered a disaster as our local geographic region was engulfed by fires that raged over thousands of acres. These fires caused region wide evacuations in Ventura County and into Santa Barbara County. In addition, Oxnard Union High School District has an urgent and unique need to expedite all fire recovery matters so that our students and staff return to some normalcy and that we refocus on our mission to educate our students. Under Public Contract Code Sections 22035 and 22050, a district may declare an emergency, by which in a district that has adopted the California Uniform Public Construction and Accounting Act, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. Trustee Davis asked if the district has already adopted the California Uniform Public Construction and Accounting Act. Mr. Albaugh affirmed this.

**Resolution No. 17-33, Resolution of the Board of Trustees of the Oxnard Union High School District Declaring an Emergency Under Public Contract Code Sections 22035 and 22050  
Continued**

Trustee Herrera clarified that the resolution allows the District to declare an emergency and that it allows the purchase of items required. Mr. Albaugh replied that it provides the District the flexibility to procure services, supplies or any type of equipment without adhering to the normal public code of procurement and purchasing. Trustee Herrera referred to a current Board Policy that states anything over \$10,000 would require Board approval and asked if this resolution would supercede the procedure. Mr. Albaugh affirmed it does. Trustee Hall asked if this item is approved, would it allow contractors to be hired and if it includes supplies. Mr. Albaugh replied that it does allow for both and whatever is needed in the recovery process. Trustee Hall asked if these items have to be related to the impacts of the fire. Mr. Albaugh affirmed this. Trustee Hall asked if this were approved, when would it expire or how long would it be good for. Mr. Albaugh replied that there is no set date but it would last until the recovery and repairs have been made. Trustee Hall then asked if the date could be determined by Trustees. Mr. Albaugh replied that it could. President Davis recommended June 30, 2018 as resolution 17-34 has listed. Trustee Hall asked Mr. Albaugh what he anticipates in terms of work to be done in an emergency that couldn't be done in a regular process. Mr. Albaugh replied it had not been determined but at this time it is most important to have schools clean for the students and stated circumstances could change as the backfires reported could bring in more smoke and those issues would need to be addressed. Trustee Hall asked if there is anything specific at this time. Mr. Albaugh replied the air purifiers will be approximately \$240,000 of which most will be reimbursed to the District. Trustee Hall asked if Trustees approve the resolution on a limited term, is there an option to extend the term. Mr. Albaugh affirmed this and added that it can be brought to a subsequent meeting to have it extended. Trustee Hall added that he would support the resolution only if it's for a limited term, possibly two weeks to get through winter break and then address again in the future, if needed. President Davis recommended revising the resolution to add "limited to fire recovery matters until January 17, 2018". Trustee Hall was satisfied with the recommendation. Trustee Herrera stated she supports the resolution but was wondering what might arise, besides the air purifiers, that would require major repair and also wanted to know if any physical damage to buildings has yet been reported. Mr. Albaugh replied that when the language was added the District wasn't certain of what could happen and is trying to give as much flexibility as possible and informed Trustees that no damage has been reported. Trustee Herrera asked how the sites are reporting to the district office in regards to repair needs. Dr. DeLeon replied that there is a protocol that she put in place at the beginning of the emergencies where sites are submitting concerns related to smoke, air quality, soot particulate or toxic smell odors to their Principals and are submitted daily, end of day, to Dr. DeLeon so damages can be addressed and kept on record for Joint Powers Association (JPA) reimbursement purposes. Trustee Herrera asked who will be the determining body of damages. Dr. DeLeon replied that the first line of defense is the administrator at the school and then the lists from the sites are submitted to the district office for further review. Trustee Herrera asked if masks will be purchased from this funding source. Mr. Albaugh affirmed this. Trustee Herrera recommended the resolution have a sunset be put in place and revise the language to add who is the determining body for repairs and/or supplies needed. She wanted to be clear but thought it would be the Superintendent of Schools and ultimately it would go back to Trustees. President Davis asked Trustee Herrera if he heard her correctly in that her areas that she would like clarified in the resolution are: the resolution is limited to fire recovery matters until January 17, 2018, the determination of the severity of damages are to be done solely by the Superintendent, the authority for purchasing is to be done by the Superintendent and this resolution supercedes the Board Policy related to purchasing.

**Approved**

**Motion:** Trustee Sher moved to adopt resolution No. 17-33, resolution of the Board of Trustees of the Oxnard Union High School District declaring an emergency under public contract code sections 22035 and 22050, as amended. Seconded by Trustee Herrera and carried unanimously. Vote 5/0

**B. Consideration of Adoption of Resolution No. 17-34, Resolution to Authorize the Board President to Take Action on Behalf of the Governing Board to Aid Fire Recovery Efforts of the Oxnard Union High School District**

The Ventura County fires caused the closure of our schools, due to unhealthy air quality, emanating from smoke and debris. To ensure the safe and healthy return of our students and staff, inspection, clean-up and other repairs and abatement are required- some of which will be discovered upon detailed inspection of facilities. Due to the unpredictable nature of the fires, it is important the critical decisions be made in a timely, and sometimes urgent fashion. Understanding this, the timing of regularly scheduled Board meetings and/or the potential inability to convene Special Board Meetings may hamper the District's ability to respond to emergency situations.

President Davis asked if this resolution is only for fire recovery efforts and will not take the place of Special Board meetings even if a Special Board meeting could be convened with a quorum of three members. Dr. DeLeon affirmed this. President Davis recommended including the Vice President in addition to the Board President to this resolution. Trustee Sher asked if there would be a reason to not require this daily or annually as we don't have one in place. She used an earthquake as an example and asked what the Superintendent's and Trustees' roles are when one occurs and there isn't an ability to convene a Special Board meeting. President Davis asked her if she felt there is a need for a standing resolution, as in concept, to cover a catastrophe, should one occur. Trustee Hall added there are provisions in the Brown Act that address emergencies but suggested, in the future, as a Board, an agenda item that prepares them should a disaster occur; allow for protocols to be put in place. Trustee Sher confirmed that this resolution only covers the Thomas Fire and items related to this emergency but agreed with Trustee Hall's recommendation. Trustee Herrera asked Dr. DeLeon for some examples of emergencies that might occur between this meeting and the January 17<sup>th</sup> regularly scheduled Board Meeting. Dr. DeLeon replied that her concern is that winter break is approaching and Trustees or staff will be on vacation and there might be some other action that would require Trustees approval. Her example was the Fillmore fire that is still close to Camarillo and if it gets closer and there is some type of damage caused by it or State of Emergency that has to be declared for other action beyond purchasing. Trustee Herrera asked if this resolution is for preventative measures only. Dr. DeLeon affirmed this. Trustee Herrera asked other Trustees if they plan to go on vacation during the break that wouldn't allow for a Special Board meeting to be convened. All Trustees plan to be available, if needed. Trustee Hall recommended a Special Board meeting be scheduled in case an emergency arises before school resumes on Monday, January 8, 2018. Trustees decided that Thursday, January 4, 2018 at 3:30pm would work well for everyone, if needed. Trustees also decided that an agenda item for an emergency plan be placed on the agenda for January 17, 2018 Board Meeting. President Davis asked Mr. Albaugh to express Trustees' deepest appreciation for getting schools ready for inspection and ready to open on Tuesday, December 19, 2017.


Motion: no action was necessary at this time.

**18. ADJOURNMENT**

President Davis adjourned Open Session at 7:00pm

Approved as presented  
January 17, 2018

**BOARD OF TRUSTEES**



Karen M. Sher, Clerk



Dr. Penelope A. DeLeon, Secretary  
and Superintendent of Schools

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