

**RESOLUTION 1452-01/24 OF THE OAK GROVE SCHOOL DISTRICT
DECLARATION OF AN EMERGENCY PURSUANT TO PUBLIC CONTRACT CODE SECTIONS 22035 AND 22050**

WHEREAS, Oak Grove School District ("District") suffered loss of heating, ventilation, and air conditioning to Classroom 12, Classroom 14, Classroom 15, and Classroom 16, at Stipe Elementary School located at 5000 Lyng Dr. San Jose, CA 9511, which displaces classroom operations for students and staff; and

WHEREAS, unless immediate action is taken to repair these damages as listed above, which has created adverse health and safety conditions; and

WHEREAS, it is essential that these repairs be undertaken immediately to allow Oak Grove School District staff to uphold the normal operation of the classroom spaces so that students may return to school in a safe and healthy environment; and

WHEREAS, under Public Contract Code Sections 22035 and 22050, in an emergency, 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; and,

WHEREAS, Oak Grove School District has previously adopted the California Uniform Public Construction and Accounting Act; and

NOW, THEREFORE, IT IS RESOLVED that this Board has determined, by at least a four-fifths vote herein recorded, that pursuant to Public Contract Code Sections 22035 and 22050, for the reasons set forth above, an emergency exists in that there is both a danger to life and/or property and that delay could interfere with resuming normal school operations; and

IT IS FURTHER RESOLVED THAT, upon approval of this Resolution, the Board delegates to the Superintendent, or his designee, the authority to contract in writing with a reputable licensed contractor for the performance of the work required, such contract to be ratified by the Board; and

BE IT FURTHER RESOLVED THAT upon approval of this resolution, the Superintendent and/or the Board Designee shall have the authority to determine restoration and recovery measures that will be performed; and

PASSED AND ADOPTED this 9th day of May, 2024 by the Governing Board of the Oak Grove School District at its regular meeting held at 6578 Santa Teresa Blvd., San Jose, CA 95119.

AYES: C. Hernandez, R. Martinez, J. Pacheco, Jr, T. Jaco

NOES: None

ABSENT: D. Gonzalez

ABSTAIN: None

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Oak Grove School District School District Board of Education at a meeting held on May 9, 2024.



Board President/Clerk
Board of Trustees

Oak Grove School District