

**HAMILTON UNIFIED SCHOOL DISTRICT**

**SPECIAL BOARD MEETING**

**AGENDA**

**Hamilton High School Library**

**Monday, December 7, 2015**

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5:30 p.m.      Public session.

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1.0    **OPENING BUSINESS:** Call to order and roll call.

Tomas Loera, President

Rosalinda Sanchez

Gabriel Leal

Judy Twede, Clerk

Hubert "Wendall" Lower

2.0    **FLAG SALUTE:** Report action taken in closed session.

3.0    **ADOPT AGENDA**

4.0    **PUBLIC COMMENT ON PUBLIC SESSION ITEMS:** Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard (agenda and non-agenda items). The Board may limit comments to no more than three minutes per speaker and 15 minutes per topic. Public comment will also be allowed on each specific action item prior to board action thereon.

5.0    **ACTION ITEMS:**

1. Approve Resolution 16-104: The Existence of an Emergency and Authorizing the District to Enter into a Contract per Section 20113-20114 Public Contract Code.

6.0    **ADJOURNMENT**

HAMILTON USD BOARD AGENDA ITEM  
EMERGENCY RESOLUTION 16-104  
(December 7, 2015 Special Board Meeting)

The Board is asked to approve Resolution No. 16-104, approving the emergency replacement and repair of the gas line distribution system at Hamilton Elementary School, and authorizing the District, on an emergency basis, to enter into contracts to design, repair and manage the necessary work without bidding or advertising.

Between October 25 and October 30, 2015, three earthquakes, ranging from 1.7 to 3.5 on the Richter scale, occurred approximately twelve miles SSE of Hamilton City. The effects of these quakes included disturbances to underground utilities within a 25-30 mile radius of the quakes. On November 16, 2015, maintenance staff noted several leaks in underground water lines at Hamilton Elementary School, which were excavated and repaired. On November 18, staff conducted pressure testing of the underground gas distribution system serving the permanent classroom buildings, office and cafeteria at the site, and detected leaks. The system was immediately shut down for analysis and repair. Engineering staff retained by the District have recommended replacement of the entire gas distribution system inboard of the PG&E meter/regulator to the classroom, office and cafeteria buildings served. The gas line system is necessary to heat the classrooms, and allow the stoves and ovens in the Cafeteria Kitchen to operate, providing required meals for the students,

Section 20113 of the Public Contract Code (attached) authorizes the District to enter into contracts without advertising for or inviting bids under an emergency circumstance. Section 20113 defines an emergency as a situation where the contract is necessary to either permit the continuance of existing school classes, or to avoid danger to life or property. Section 20113 of the Public Contract Code further requires that contracts entered into pursuant to its provisions be unanimously approved by the Board and approved by the County Superintendent of Schools. District staff believes that an emergency situation exists, in that no permanent heating is available at Hamilton Elementary School during the month of December, and that required student meals must be provided on an emergency basis. District staff believes that the District must forego competitive bidding requirements in order to obtain contracts to timely complete the necessary work, and has obtained contract proposals from appropriately licensed and experienced contractors and other professionals.

The attached Board Resolution states that the Board of Trustees hereby determines that an emergency situation exists within the meaning of Public Contract Code Section 20113 with respect to the performance of the Work at the School; that the District, without advertising for or inviting bids, may enter into the necessary agreements with appropriate contractors and professionals to perform the required work at the School; and that the Superintendent is authorized to execute the necessary agreements. The Resolution further states that, in the Board's judgment, it is crucial that the District be allowed to obtain contracts outside of the competitive bidding process in order to ensure that classes are uninterrupted and avoid hardship to the District, its students and educational programs at the Schools.

District staff recommends approval of the attached resolution.

**HAMILTON UNIFIED SCHOOL DISTRICT**  
**Resolution No. 16-104**  
(December 7, 2015 Special Board Meeting)

**IN THE MATTER OF:**

The Existence of an Emergency and Authorizing the District to Enter into a Contract Without Advertising for or Inviting Bids to Repair and Replace Defective Gas Distribution Piping, Valves and Regulators at Hamilton Elementary School. The following RESOLUTION was duly passed by the Board of Trustees of the Hamilton Unified School District, at a scheduled meeting held on the 7th day of December, 2015, by the following roll call vote:

**SIGNED AND APPROVED BY ME AFTER ITS PASSAGE:**

_____ Tomas Loera, President	_____ Date
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_____ Judy Twede, Clerk	_____ Date
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_____ Charles Tracy, Superintendent	_____ Date
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_____ Tracey Quarne, County Superintendent Glenn County Office of Education	_____ Date
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**WHEREAS**, the Hamilton Elementary School (collectively referred to herein as the "School") is located in the Hamilton Unified School District ("District");

**WHEREAS**, the natural gas distribution system ("Gas Distribution System") at the School has failed, due to circumstances beyond the District's control and is not repairable, causing a direct endangerment to students;

**WHEREAS**, the School is in need of certain materials and work ("Work") to be immediately performed in order to restore gas utility services to the classroom, office and cafeteria buildings at Hamilton Elementary School;

**WHEREAS**, immediate performance of the Work is necessary in order to insure that there is a continuous provision of existing classes at the Schools;

**WHEREAS**, Section 20113 of the Public Contract Code authorizes the District to enter into a contract without advertising for or inviting bids under an emergency circumstance. Section 20113 defines an emergency as a situation where the contract is necessary to either permit the continuance of existing school classes, or to avoid danger to life or property;

**WHEREAS**, Section 20113 of the Public Contract Code requires that a contract entered into pursuant to its provisions be unanimously approved by the Board and approved by the County Superintendent of Schools;

**WHEREAS**, an emergency situation exists in that the Work is necessary in order to insure that existing classes are uninterrupted due to winter weather conditions;

**WHEREAS**, in order to avoid danger to life or property, the District must forego the competitive bidding requirements in order to obtain contracts to timely purchase needed materials and labor for the Work;

**WHEREAS**, the District has obtained proposals from appropriately licensed and bonded contractors needed to complete the Work, and District staff recommends that the Board authorize the Superintendent to execute the necessary agreements for the Work.

**NOW, THEREFORE, the Board of Trustees does resolve as follows:**

1. That the Board of Trustees hereby determines that an emergency situation exists within the meaning of Public Contract Code Section 20113 with respect to the performance of the Work at the Schools.
2. That the District, without advertising for or inviting bids, may enter into the necessary agreements to perform the Work at the School, and that the Superintendent is authorized to execute the necessary agreements. In the Board's judgment, it is crucial that the District be allowed to obtain a contract outside of the competitive bidding process in order to ensure that classes are uninterrupted and avoid hardship to the District, its students and educational programs at the Schools.
3. This Resolution shall take effect immediately upon its passage.

APPROVED, PASSED and ADOPTED by the Governing Board of the Hamilton Unified School District on this 7<sup>th</sup> day of December 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

## **SECTION 20113-20114 PUBLIC CONTRACT CODE**

20113. (a) 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 the approval of the county superintendent of schools, do either of the following:

(1) 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.

(2) Notwithstanding Section 20114, authorize the use of day labor or force account for the purpose.

(b) Nothing in this section shall eliminate the need for any bonds or security otherwise required by law.

20114. (a) In each school district, the governing board may make repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance as defined in Section 20115 by day labor, or by force account, whenever the total number of hours on the job does not exceed 350 hours. Moreover, in any school district having an average daily attendance of 35,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting, and perform maintenance, as defined in Section 20115, by day labor or by force account whenever the total number of hours on the job does not exceed 750 hours, or when the cost of material does not exceed twenty-one thousand dollars (\$21,000).

(b) For purposes of this section, day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.