



MT. DIABLO UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 17/18-20
RESOLUTION OF THE BOARD OF TRUSTEES OF THE
MOUNT DIABLO UNIFIED SCHOOL DISTRICT
DECLARING AN EMERGENCY UNDER PUBLIC CONTRACT CODE § 20113

WHEREAS, the District is faced with an emergency situation as defined in Public Contract Code § 20113 requiring it to take certain measures; and

WHEREAS, the District has an emergency situation where repairs, alterations, work, or improvements to a facility must be completed in a timely manner; and

WHEREAS, the District must act to either permit the continuance of existing school classes and/or to avoid danger to life or property; and

WHEREAS, the District must act under these emergency circumstances because: (1) Delta View Elementary School experienced a failed water heater that caused water to flood the second story of the structure, weeping into the walls as well as flooding the first story where the ceilings, walls and floors were also damaged. (2) The majority of the structure was not habitable due to the damage. Potential for mold, dry rot and other effects furthering damage was very high. (3) The 2017/2018 school year was about to begin. The law allows districts to contract out such work without bids when delays could result in further damage to public property. Delays in restoration efforts could result in increased damage to school facilities and disruption to the educational process. A significant portion of the restoration expense will be reimbursed by the CSAC Excess Insurance Authority minus deductibles.

WHEREAS, the District, recognizing the potential danger and public need for the site to be operational, declares this event an emergency for current and all future events without further action of the Board of Trustees; and

WHEREAS, upon the approval by the Contra Costa County Superintendent of schools, intends to contract for labor, materials or supplies for any of the work described above, and/or intends to use day labor including its own employees, and/or intends to use contracted for labor by force account; and

WHEREAS, the District, declares the existence of this emergency situation resulting from damage caused by flooding due to a failed water heater; and

NOW, THEREFORE BE IT RESOLVED, that by unanimous vote, the Mount Diablo Unified School District hereby declares that an emergency exists per Public Contract Code § 20113 and that in response to the emergency, it intends to enter into a contract(s) without advertising or inviting bids to replace and/or repair all damage from the flooding and/or will use its own employees, day labor or contracted for labor by force account to assist in the repairs.

PASSED AND ADOPTED, by the Board of Trustees of the Mount Diablo Unified School District this 13th day of November, 2017, by the following vote:

AYES: _____

ABSTAIN: _____

NOES: _____

ABSENT: _____

DATE: _____

ATTEST: _____

President of the Board of Trustees
Mount Diablo Unified School District

Clerk of the Board of Trustees
Mount Diablo Unified School District

County Superintendent