

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	15-1783
Introduction Date	9/24/15
Enactment Number	15-1512
Enactment Date	9/24/15 <i>aj</i>

**OAKLAND UNIFIED SCHOOL DISTRICT**  
Office of the Board of Education

September 24, 2015

**TO:** Board of Education

**FROM:** Jacqueline Minor, General Counsel

**SUBJECT: Resolution No. 1516-0012 Terminating Emergency Contracts  
AUTHORIZING EMERGENCY CONTRACTS FOR THE REMOVAL OF  
PORTABLES AT BELLA VISTA ELEMENTARY SCHOOL**

**ACTION REQUESTED:**

**Approval of Resolution No. 1516-0012 Terminating Emergency Contracts for  
the Removal of Portables at Bella Vista Elementary School**

**DISCUSSION:**

By Enactment 15-0759, the Board of Education declared an emergency pursuant to the Public Contracts Code which authorized the District to enter into emergency contracts for the removal of the Portables from Bella Vista Elementary School. Under the Public Contracts Code, the Board shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. District Staff recommends that the emergency be terminated, effective September 25, 2015. The purpose of the resolution before the Board tonight is to terminate the emergency.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Approval of Resolution No. 1516-0012 Terminating Emergency Contracts for the  
Removal of Portables at Bella Vista Elementary School

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**RESOLUTION NO. 1516-0012  
OF THE  
BOARD OF EDUCATION**

**TERMINATING ENACTMENT 15-0759 AUTHORIZING EMERGENCY CONTRACTS FOR  
THE REMOVAL OF PORTABLES AT BELLA VISTA ELEMENTARY SCHOOL**

**WHEREAS**, in cases of emergency, the governing board of the District ("Board") may proceed pursuant to California Uniform Public Construction Cost Accounting Act (Pub. Contract Code § 22000, et seq., "CUPCAA"), to immediately 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**, by Enactment 15-0759, the governing board of the Oakland Unified School District found:

1. That there was an emergency as defined by applicable statute(s) ("Emergency");
2. That the removal of the Portables at Bella Vista Elementary School must commence immediately due to significant safety concerns as provided in the authorizing resolution, and therefore would not permit the delays which would result from a competitive bidding process, and that approval of a resolution was necessary to respond to the Emergency;
3. That contracts or change orders, were necessary to remove the portables related to the Emergency, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement those contracts; and
4. Directed that District staff report on the status of this Emergency at the Board's regularly scheduled Board meeting until the Board terminated the Emergency action.

**NOW THEREFORE**, the Board of Education of the Oakland Unified School District hereby resolves, determines, and finds the Emergency as defined by statute has ceased and the Emergency is hereby terminated.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 24<sup>th</sup> day of September, 2015, by the following vote, to wit:

AYES: Nina Senn, Aimee Eng, Jumoke Hinton Hodge, Vice President Jody London, President James Harris

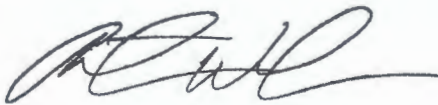
NOES: None

ABSTAINED: Shanthi Gonzales

ABSENT: Roseann Torres

**CERTIFICATION**

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 24th day of September, 2015 with a copy of such Resolution being on file in the Office of the Board of Education of said District.



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Antwan Wilson, Superintendent and Board Secretary