



MT. DIABLO UNIFIED SCHOOL DISTRICT

**RESOLUTION NO. 17/18-31**  
**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) Foothill Middle School experienced moisture intrusion under the gym floors. The water damage caused buckling of the wood floor and a trip hazard. To maintain the health and safety of students and staff, immediate action was required. (2) 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.

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 a failed heater/boiler; 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 12<sup>th</sup> day of February 2018, 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