

May 1, 2019 GFUESD Special Meeting – Location: 2771 Pentz Rd. Oroville, CA 95965 530 533-3467

4:00 PM

For persons wishing to review the full agenda packet, one is available in the lobby of each school site. Meeting site is wheelchair accessible. Any individuals who require special accommodations should contact the superintendent (530 533 3467).

1.0 CALL TO ORDER – TIME:

BOARD OF TRUSTEES

Deborah Ingvaldsen	President	_____
Paula Neher	Clerk	_____
Don Saul	Trustee	_____
Richard Miller	Trustee	_____

2.0 Public Comments

3.0 Flag Salute

4.0 Public Comments

5.0 Action Items

5.1 Resolution #9 Bidding of Work Necessitated By the Camp Fire Should be Waived. (REF)

5.2 Resolution #10 Uniform Public Construction Cost Accounting Procedures. (REF)

5.3 1st Reading of Amended Cell Phone Policy. (REF)

6.0 Motion to Adjourn

RESOLUTION NO. # 9
OF THE GOLDEN FEATHER UNION ELEMENTARY SCHOOL DISTRICT
TO DETERMINE THAT AN EMERGENCY EXISTS AND THAT BIDDING OF WORK
NECESSITATED BY THE CAMP FIRE SHOULD BE WAIVED

WHEREAS, generally, Public Contract Code section 20111 requires a school district to competitively bid any contract for services exceeding the bid limit, \$92,600, and construction work exceeding \$15,000 in value; and

WHEREAS, for school districts subject to the California Uniform Public Construction Cost Accounting Act, Public Contract Code section 22030, et seq. ("CUPCCAA"), including the District, any contract for construction work exceeding \$60,000.00 in value must be informally or formally bid; and

WHEREAS, an exception to section 20111 competitive bidding and the CUPCCAA competitive selection requirements exists in cases of emergency when repair and/or replacements are necessary; and

WHEREAS, in cases of emergency, the governing board of the District ("Board") may proceed pursuant to the CUPCCAA 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 (Pub. Contract Code, § 22035); and

WHEREAS, Public Contract Code section 1102 defines an emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, emergency work under section 22035 must be done pursuant to the terms of Public Contract Code section 22050; and

WHEREAS, section 22050 requires the following steps be taken:

- (1) Pursuant to a four-fifths vote of the Board, the District may repair or replace a public facility, take any directly related and immediate action required by an emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts;
- (2) Before taking any action pursuant to paragraph (1), the Board shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency;
- (3) The Board, by a four-fifths vote, may delegate to the District Superintendent and/or his designee, the authority to order any action pursuant to paragraph (1);
- (4) If a person with authority delegated pursuant to paragraph (3) orders any action specified in paragraph (1), that person shall report to the Board, at its next meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency;

- (5) If the Board orders any action specified above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the Board meets weekly, it may review the emergency action in accordance with this provision every 14 days;
- (6) If a person with delegated authority orders any action specified in paragraph (1), the Board shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with delegated authority has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this provision. If the Board meets weekly, it may, after the initial review, review the emergency action in accordance with this provision every 14 days;
- (7) When the Board reviews the emergency action, it 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;

WHEREAS, as a result of the recent Camp Fire, Golden Feather Union Elementary School District ("District") has suffered smoke damage at all school sites, loss of structures, vehicles, and water at Concow School, and damage from fallen trees and branches; and

WHEREAS, as a result of the Camp Fire, the District needed to have a contractor perform pool cleaning and repairs without delay at an existing school site, to minimize any possible injury to persons and mitigate any adverse conditions that would trigger further damage to school facilities or potential health issues for students or staff; and

WHEREAS, damage to existing District facilities caused by the Camp Fire was so severe that the District needed to utilize temporary housing sites and needed to perform work on those sites without delay, including repair and roofing on portable buildings, HVAC repairs and replacement, and security system installation, to adequately enable temporary housing sites to safely serve students and staff and provide essential public services; and

WHEREAS, as a result of the Camp Fire, the District currently needs to repair pipes from a well to an irrigation system without delay, to prevent loss of fields as the weather approaches 90 degrees; and

WHEREAS, there is not and was not sufficient time for bidding to secure a contract to perform the work necessitated by the Camp Fire; and

WHEREAS, due to the above concerns about student and teacher safety, further damage to District property, and restoring and maintaining essential public services, the District believes that pursuing a contract without formal bidding pursuant to Public Contract Code sections 22035 and 22050 is warranted; and

NOW, THEREFORE the Governing Board of the Golden Feather Union Elementary School District hereby resolves, determines, and finds by at least a four-fifths vote the following:

Section 1. That the above recitals are true and correct.

Section 2. That an emergency existed and continues to exist that does not permit a delay resulting from a competitive solicitation for bids, and that the actions the District has already taken and currently needs to take are necessary to respond to the emergency.

Section 3. That District's superintendent or designee is authorized to execute contracts or change orders, as appropriate and as necessary with firms to perform work necessitated by the Camp Fire, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement those contracts.

Section 4. That all contracts with firms to perform work necessitated by the Camp Fire for which performance has already begun are hereby ratified.

Section 5. That District staff report on the status of this emergency to the District's Board at the Board's next regularly scheduled Board meeting and at all subsequent regularly scheduled Board meetings until the Board terminates the emergency actions.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Golden Feather Union Elementary School District on this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

President

Attested to:

Clerk

RESOLUTION NO. # 10

**RESOLUTION
OF THE BOARD OF TRUSTEES OF THE
GOLDEN FEATHER UNION ELEMENTARY SCHOOL DISTRICT
TO BECOME SUBJECT TO
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

WHEREAS, Golden Feather Union Elementary School District ("District") currently uses formal bidding procedures pursuant to Public Contract Code section 20110, et. seq., applicable to construction work performed or contracted by the District.

WHEREAS, the District is currently not subject to uniform public construction cost accounting procedures.

WHEREAS, Public Contract Code section 22030 et seq., commonly known as the California Uniform Public Construction Cost Accounting Act ("CUPCCAA"), establishes a uniform cost accounting standard and allows for an alternate method of bidding of public works projects by local public agencies.

WHEREAS, the Uniform Public Construction Cost Accounting Commission ("Commission") established under CUPCCAA has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects, and is set forth in its publication entitled, *Cost Account Policies and Procedures Manual*.

WHEREAS, the Commission has determined that compliance with the California Schools Accounting Manual meets the accounting requirements of CUPCCAA for school districts.

WHEREAS, under Public Contract Code section 22032, the dollar amount limits under CUPCCAA currently are: (a) public projects of \$60,000 or less may be performed by District employees by force account, by purchase order, or by negotiated contract; (b) public projects \$200,000 or less, may be contracted by informal procedures; and (c) public projects more than \$200,000 are subject to formal bidding procedures.

WHEREAS, other local public agencies report that benefits of becoming subject to uniform public construction cost accounting procedures pursuant to CUPCCAA include: the raised force account limit; informal bidding procedures; greater leeway in the execution of public works projects; a streamlined awards process; improved timeliness of project completion; and simplified administration.

WHEREAS, the District's governing body must elect by resolution to become subject to the provisions of CUPCCAA and file a copy of the resolution with the State Controller's Office pursuant to Public Contract Code section 22030.

NOW THEREFORE, the Board of Trustees of the Golden Feather Union Elementary School District hereby resolves, determines, and finds the following:

Section 1. That the foregoing recitals are true.

Section 2. That, based on the foregoing, it would be beneficial for the entire District to become subject to uniform public construction cost accounting procedures pursuant to CUPCCAA.

Section 3. Pursuant to Public Contract Code section 22030(a), that the Board hereby elects to become subject to the uniform public construction cost accounting procedures set forth in CUPCCAA and to the Commission's policies and procedures and cost accounting review procedures, as they may each from time to time be amended, and directs the District Superintendent or the Superintendent's designee to notify the State Controller forthwith of this election.

Section 4. That the Board hereby delegates the authority to the District's Superintendent, or designee, to award or to negotiate, execute, and enter into a contract or contracts with a qualified contractor or contractors for completion of public works projects pursuant to the procedures authorized in CUPCCAA (collectively, "Contracts").

Section 5. That the Contracts approved by the District's Superintendent, or designee, pursuant to this delegation shall be submitted to the Board for approval or ratification.

Section 6. That the District's Superintendent, or designee, is authorized pursuant to this Resolution to take any action that is necessary to complete the procedures necessary for the District to become subject to the uniform public construction cost accounting procedures set forth in CUPCCAA and to take any action authorized by CUPCCAA.

PASSED AND ADOPTED by the Board of Trustees of the Golden Feather Union Elementary School District, this ____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President

Attest:

Clerk

Electronic Device / Cell Phone Policy

Electronic Devices (Cell Phones, Tablets, MP3 Players, CD Players, Gaming Devices, etc.): All electronic devices must be **turned off from the time they arrive at school** until the bell rings at the **end of the school day**. If the device is used or turned on, it will be confiscated and turned into the main office.

Consequence: The student's parent or guardian will be required to come to the school to pick up the device.

Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

The school takes no responsibility for the loss or damage of such devices and will not investigate loss or theft.

Electronic devices may be used periodically as a student reward or for academic reasons as deemed appropriate by school administration.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)