



MAY 23 2024

Approved  
Denied  
Tabled  
Noted

**XV. B. ACTION - Resolution No. 23-24/12, An Emergency Resolution of the Board of Trustees of the Rosemead School District for Water Leakage Investigation and Repair Around the Area of Classrooms #22 and #28 at Emma W. Shuey Elementary School**

**Quick Summary / Abstract**

**Consideration of Approval of Resolution No. 23-24/12, Water Leakage Investigation and Repair around the area of Classrooms #22 and #28 at Emma W. Shuey Elementary School for the 2023-2024 School Year**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Vote \_\_\_\_\_

**From**

Maria C. Rios, Ed.D., Assistant Superintendent, Administrative Services

**Background**

The area around classrooms #22 and #28 has shown signs of a significant water leakage under the ground at Emma W. Shuey Elementary School. Upon initial investigation of the water leak, it appears that the leak may be due to an underground leakage. The presence of a significant amount of water on the grounds is sufficient to render the area around classrooms #22 and #28 unusable. This includes the student and staff restrooms near the blacktop. The school principal has temporarily closed the restrooms near classrooms #22 and #28.

**Analysis**

There is a need to conduct immediate emergency water leakage investigation and repair to ensure that the area around classrooms #22 and #28 is operable for students and staff as soon as possible. In emergency situations, the Public Contract Code (PCC) contains a provision for public agencies to enter into contracts for public work projects without competitive bidding when the total cost exceeds \$15,000.00. Public Contract Code Sections 20113 (school districts) and 20654 (community college districts) read as follows:

(a) In an emergency when 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 PCC Section 20114, authorize the use of day labor or force account for the purpose.

**Budget Impact**



The potential budget impact may exceed \$15,000.00, to be paid from Deferred Maintenance Funds. The cost is contingent upon the proposals received from contractors. If the cost exceeds \$25,000.00, the Alliance of Schools for Cooperative Insurance Programs (ASCIP) Property and Liability Insurance will reimburse the District for all costs with the exception of the District's deductible in the amount of \$25,000.00.

**Superintendent's Recommendation**

Approve.

**Supporting Documents**

 Reso 23-24-12\_Emergency Resolution - Water Leakage and Repair Shuey

**ROSEMEAD SCHOOL DISTRICT**  
Rosemead, California

**RESOLUTION NO. 23-24/12**  
**AN EMERGENCY RESOLUTION OF THE ROSEMEAD SCHOOL DISTRICT**  
**FOR UNDERGROUND WATER LEAK AT EMMA W. SHUEY ELEMENTARY**  
**SCHOOL**

**WHEREAS**, the Rosemead School District ("District") is the owner of certain real property at 8472 E. Wells Street, Rosemead, California known as Emma W. Shuey Elementary School; and

**WHEREAS**, Emma W. Shuey Elementary School has experienced significant water leakage on the school grounds between classrooms #22 and #28 and

**WHEREAS**, maintaining facilities in good repair is essential to maintaining a safe and adequate instructional environment as well as the health, safety, and welfare of students, staff, and public users of the school; and

**WHEREAS**, there is an immediate need to complete the Work to ensure the safety and security of district facilities and property and for the current school year; and

**WHEREAS**, competitive bidding for the Work will cause a significant delay in completion of the Work rendering the areas around classrooms #22 and #28 unusable for the current school year; and

**WHEREAS**, the District will move forward with investigation and repair of the water leakage around classrooms #22 and #28; and

**WHEREAS**, California Public Contract Code (PCC) Section 20113 provides:

In an emergency when any repairs, alternations, work, or improvement is necessary 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 PCC Section 20114, authorize the use of day labor or force account for the purpose.

**WHEREAS**, completion of the Work is an integral part of ensuring a safe and adequate educational environment and, therefore, it would create an incongruity and not produce any advantage to the District to competitively bid the Work.

Resolution No. 23-24/12,  
Emergency Resolution Emma W. Shuey Elementary School  
May 23, 2024  
Members, Board of Trustees

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees makes the following findings regarding the emergency that exists:

1. That the above recitals are true and correct.
2. That the District Board of Trustees, pursuant to Public Contract Code Section 20113, unanimously finds that the condition of the District property affected by water leakage between classrooms #22 and #28 to be immediately addressed.
3. That immediate completion of the Work on the District's property is necessary to ensure a safe and adequate educational environment.
4. That it would create an incongruity and not produce any advantage to the District to require competitive bidding of the Work.
5. The conditions created by the water leakage between classrooms #22 and #28 constitutes an "emergency" as defined by Public Contract Code Section 20113.
6. That the District hereby authorizes the Superintendent, or his designee, to enter into such contracts as he shall deem appropriate for the immediate investigation and repair of water leakage between classrooms #22 and #28 of the property at Emma W. Elementary Shuey, all with the approval of the Los Angeles County Superintendent of Schools as provided in Public Contract Code Section 20113. Any such contracts entered into by virtue of this emergency resolution shall be subject to and shall require subsequent ratification by the Board of Trustees of the Rosemead School District.

**ADOPTED, SIGNED, AND APPROVED**, this 23<sup>rd</sup> day of May 2024, by the Board of Trustees of the Rosemead School District by the following vote:

Vote:

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_

**ROSEMEAD SCHOOL DISTRICT  
BOARD OF TRUSTEES**

\_\_\_\_\_  
John Quintanilla, President

\_\_\_\_\_  
Diane Benitez, Clerk

Resolution No. 23-24/12,  
Emergency Resolution Emma W. Shuey Elementary School  
May 23, 2024  
Members, Board of Trustees

### **CERTIFICATION OF THE PRESIDENT OF THE BOARD OF TRUSTEES**

I, John Quintanilla, President of the Board of Trustees of the Rosemead School District, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution that was regularly introduced, passed and adopted by the said Board of Trustees at its meeting thereof held at its regular place on the 23<sup>rd</sup> day of May 2024, in the State of California, County of Los Angeles.

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John Quintanilla  
President, Board of Trustees of the  
Rosemead School District

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### **CERTIFICATION OF THE CLERK OF THE BOARD OF TRUSTEES**

I, Diane Benitez, Clerk of the Board of Trustees of the Rosemead School District, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution that was regularly introduced, passed and adopted by the said Board of Trustees at its meeting thereof held at its regular place on the 23<sup>rd</sup> day of May 2024, in the State of California, County of Los Angeles.

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Diane Benitez  
Clerk, Board of Trustees of the  
Rosemead School District