

**SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**Board of Education  
Special Meeting**

**September 2, 2010  
District Office Conference Room  
113 Felspar  
*www.ssusd.org***

*We, the members of the Board of Education of the Sierra Sands Unified School District, are committed to providing the highest quality education in a safe environment to all K-12 students. We believe the school shares with the family, church, and community the responsibility for developing life-long learners who are responsible, productive*

**A G E N D A**

CALL TO ORDER AND PLEDGE TO THE FLAG

6:00 P.M.

Amy Covert  
Judy Dietrichson  
Bill Farris  
Tim Johnson  
Tom Pearl, Vice President/Clerk  
Kurt Rockwell, President  
Michael Scott

Joanna Rummer, Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA
2. CLOSED SESSION – GENERAL ADMINISTRATION
  - 2.1 Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9 subdivision (b): 1 potential case.
3. CLOSED SESSION - PERSONNEL ADMINISTRATION
  - 3.1 Evaluation of the superintendent
4. ADJOURNMENT

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**A G E N D A**

CALL TO ORDER AND PLEDGE TO THE FLAG

7:00 P.M.

Amy Covert  
Judy Dietrichson  
Bill Farris  
Tim Johnson  
Tom Pearl, Vice President/Clerk  
Kurt Rockwell, President  
Michael Scott

Joanna Rummer, Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA

2. CONSTRUCTION ADMINISTRATION

2.1 Emergency Resolution #3 1011 Authorizing Administration to Contract for Services to Mitigate a Pigeon Infestation in the Richmond Elementary School Annex

3. ADJOURNMENT

## 2. CONSTRUCTION ADMINISTRATION

### 2.1 Emergency Resolution #3 1011 Authorizing Administration to Contract for Services to Mitigate a Pigeon Infestation in the Richmond Elementary School Annex

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BACKGROUND INFORMATION: The Richmond School Annex Building is a one-of-kind specialized facility designed and constructed to meet the educational and quality of life requirements of high needs students. During the course of the replacement of the domestic water supply system in the Richmond School Annex Building, penetrations were made into the space between the roof structure and hard deck. A pigeon infestation consisting of droppings and carcasses was found to be pervasive, requiring immediate and total mitigation.

CURRENT CONSIDERATIONS: Due the recent flood in the annex building, the facility is currently unoccupied allowing for a far less costly and more expeditious mitigation. Likewise, the district is determined to limit as much as possible the time that the students, faculty, and staff are assigned away from this specialized facility. By conducting a formal bidding process, the hazard mitigation and time that the occupants of this facility are otherwise assigned will be increased significantly. Under current law, the district can declare an emergency and seek contracts by quotes rather than formal bid. A similar circumstance occurred in the early 1990s at Murray School and the same process was implemented.

FINANCIAL IMPLICATIONS: The cost of the mitigation plan, the mitigation itself and follow-up testing cannot be determined at this time, however, it will be significant. The above mentioned pigeon infestation at Murray School cost nearly \$200,000. The funding source to provide for this project is the Inyokern School Financing Authority.

SUPERINTENDENT'S RECOMMENDATION: The superintendent recommends that the board adopt emergency resolution #3 1011, authorizing administration to contract for services to design the mitigation plan, mitigate the pigeon infestation and perform follow-up environmental testing.

**BEFORE THE GOVERNING BOARD OF THE  
SIERRA SANDS UNIFIED SCHOOL DISTRICT**

**EMERGENCY RESOLUTION TO APPROVE ENTERING INTO CONTRACTS FOR  
SERVICES TO MITIGATE PIGEON INFESTATION AND RELATED WORK  
AT THE RICHMOND ELEMENTARY SCHOOL ANNEX**

**RESOLUTION NO. #3 1011**

**WHEREAS**, during the course of the replacement of the domestic water supply system in the Richmond School Annex Building, required penetrations were made into the space between the roof structure and hard deck;

**WHEREAS**, the required penetrations revealed pigeon infestation consisting of droppings and carcasses that was pervasive throughout the space between the roof structure and hard deck, and that discovery or knowledge of this condition was sudden and unexpected;

**WHEREAS**, H.M.S. Environmental, an environmental specialist retained by the District, inspected the pigeon infestation and has recommended immediate and total mitigation;

**WHEREAS**, H.M.S.Environmental has concluded that if the pigeon infestation and existing conditions are not mitigated in its entirety as soon as possible, it could pose a health risk to students and staff;

**WHEREAS**, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage; and

**WHEREAS**, Public Contract Code section 20654 provides that in an emergency when any repairs, alterations, work or improvement is necessary to any facility of a college to permit the continuance of existing college classes, or to avoid danger to life or property, the Board may, by unanimous vote, with approval of the County Superintendent of Schools, 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.

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

**RESOLUTION NO. #3 1011 (continued)**

1. That the above recitals are true and correct.
2. That timely mitigation of the pigeon infestation is necessary to continue to provide safe and adequate facilities for District students, and to avoid unnecessary health and safety risks.
3. Due to the emergency conditions as outlined in the Resolution, if the pigeon infestation is not mitigated, Richmond School Annex Building will be rendered unusable for providing instruction to students and other district activities.
4. That the District's Governing Board of Education, pursuant to Public Contract Code section 20113, unanimously finds that the pigeon infestation at the Richmond School Annex Building constitutes a contract "emergency" as defined by Public Contract Code section 1102.
5. That the Governing Board of Education hereby delegates to its Superintendent or designee, the authority to execute any and all agreements and to complete all necessary documents to mitigate the pigeon infestation, or to otherwise carry out the intent of this Resolution.
6. That this Resolution shall be effective as of the date of its adoption.

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Sierra Sands Unified School District this 2<sup>nd</sup> day of September, 2010, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

**RESOLUTION NO. #3 1011 (continued)**

I, Kurt Rockwell, President of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a special scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

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President of the Board of Education  
Sierra Sands Unified School District

I, Tom Pearl, Clerk of the Governing Board of the Sierra Sands Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board of the Sierra Sands Unified School District at a special meeting thereof held on the 2<sup>nd</sup> day of September, 2010, by the above described vote of the Governing Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Sierra Sands Unified School District Governing Board this 2<sup>nd</sup> day of September, 2010.

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Clerk of the Board of Education  
Sierra Sands Unified School  
District