

Vista Unified School District  
Resolution Number 18-21

**RESOLUTION DELEGATION OF AUTHORITY IN REGARD  
TO AWARDING OF EMERGENCY CONTRACTS**

On motion of Member Vargas, seconded by Member Herrera, the following resolution is adopted:

**WHEREAS**, pursuant to Public Contract Code Section 22050 et. seq. the governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer or other nonelected agency officer, the authority to order any action to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts provided that the designee complies with the conditions set forth in the code; and

**WHEREAS**, Public Contract Code Section 20112 requires the Board to advertise for bids for public projects by publishing a notice calling for bids at least once a week for two consecutive weeks in a newspaper of general circulation published within the District; and

**WHEREAS**, from time to time emergencies arise necessitating awarding of a contract without competitive bidding to permit the continuance of existing school classes or to avoid danger to life or property; and

**WHEREAS**, the Board desires to delegate to District staff certain authority in regard to contracting for emergency public works projects.

**NOW, THEREFORE**, the Board does hereby determine, resolve, and order as follows:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Board hereby delegates the authority and discretion to the Superintendent and/or the Assistant Superintendent-Business Services to award emergency contracts for public works without competitive bidding.

**Section 3.** If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, 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.

**Section 4.** If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body 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 authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to

this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

**Section 5.** When the governing body reviews the emergency action pursuant to paragraph (1) or (2), 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.

**Section 6.** This Resolution shall take effect immediately and shall remain in effect until rescinded by the Board.

**PASSED AND ADOPTED** by the Governing Board of the Vista Unified School District at Vista, California, on this 18 day of January 2018, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

STATE OF CALIFORNIA )  
                                          )  
COUNTY OF SAN DIEGO )

I, Cipriano Vargas Clerk of the Governing Board of the Vista Unified School District of Vista, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said Board at the regular meeting thereof at the time and place of vote stated, which resolution is on file and of record in the office of said Board.

January 18, 2018  
Date

  
Clerk/Secretary of the Governing Board