

## **RESOLUTION NO. 17/18-5**

### **RESOLUTION OF THE GOVERNING BOARD OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT ELECTING TO COMPLY WITH SENATE BILL NO. 693 REGARDING THE CASTAIC HIGH SCHOOL PROJECT**

**WHEREAS**, Education Code Section 17406 authorizes any California public school district to construct a school and other facilities by means of an alternative construction delivery method known as “Lease-Leaseback”; and

**WHEREAS**, on October 19, 2016, the Governing Board (“Board”) of the William S. Hart Union High School District (“District”) authorized the execution of the following interrelated agreements between the District and Castaic HS Construction, Inc. (“Contractor”) for the construction of the Castaic High School Project (“Castaic HS Project”): (1) “Castaic High School Project Site Lease;” (2) “Castaic High School Project Leaseback Agreement;” and (3) “Construction Services Agreement for Castaic High School Project” (“CSA”); and

**WHEREAS**, the CSA between the District and Contractor provides that the Contractor shall comply with Education Code section 17407.5 (as such statute was worded in 2016); and

**WHEREAS**, Education Code section 17407.5 (as worded in 2016) requires every lease-leaseback contract to contain an enforceable commitment that a contractor, and all subcontractors at every tier, will use a “skilled and trained workforce” to perform the construction work; and

**WHEREAS**, effective January 1, 2017, the “skilled and trained workforce” requirements were amended by Senate Bill No. 693 (Stats. 2016, ch. 774) (“SB 693”); and

**WHEREAS**, Section 11 of SB 693 states that the amendments made by SB 693 will not apply to contracts awarded before January 1, 2017; and

**WHEREAS**, Section 11 of SB 693 further states that, for contracts awarded before January 1, 2017, a school district may grant a request by a contractor to comply instead with SB 693; and

**WHEREAS**, Contractor has requested that the District allow Contractor to comply with SB 693, as opposed to Education Code section 17407.5 as it existed in 2016; and

**WHEREAS**, District staff recommends that the Board grant the Contractor’s request because of clarifications in the law that were made in SB 693.

*(Continued on next page.)*

**NOW, THEREFORE, THE GOVERNING BOARD OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:**

**Section 1.** All of the recitals set forth above are true and correct and are incorporated as if fully set forth herein.

**Section 2.** The Board determines that good cause exists and hereby grants Contractor's request to allow Contractor to comply with SB 693, as opposed to Education Code section 17407.5 as it existed in 2016, regarding the Castaic High School Project.

**Section 3.** The Board hereby authorizes Superintendent, or her designee(s), to perform any other act as necessary to accomplish the purpose of this Resolution.

**Section 4.** This Resolution shall take effect immediately upon adoption by the Board.

**ADOPTED, SIGNED, AND APPROVED** this 30th day of August, 2017.

**GOVERNING BOARD OF THE WILLIAM S.  
HART UNION HIGH SCHOOL DISTRICT**

BY: \_\_\_\_\_  
Joe Messina, President of the Governing  
Board of the William S. Hart Union High  
School District

ATTEST:

By \_\_\_\_\_  
Steven M. Sturgeon, Clerk of the Governing  
Board of the William S. Hart Union High  
School District

STATE OF CALIFORNIA                    )  
  )       ss.  
COUNTY OF LOS ANGELES            )

I, Steven M. Sturgeon, Clerk of the Governing Board of the William S. Hart Union High School District, do hereby certify that the foregoing resolution was duly adopted by the Governing Board of said District at a meeting of the Governing Board held on the 30th day of August, 2017, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: \_\_\_\_\_  
Steven M. Sturgeon, Clerk of the Governing Board  
of the William S. Hart Union High School District

STATE OF CALIFORNIA                    )  
  )       ss.  
COUNTY OF LOS ANGELES            )

I, Steven M. Sturgeon, Clerk of the Governing Board of the William S. Hart Union High School District do hereby certify that the foregoing is a full, true and correct copy of Resolution No 17/18-5 of said Governing Board and that the same has not been amended or repealed and is fully effective as of this date.

Dated: August 30, 2017

By: \_\_\_\_\_  
Steven M. Sturgeon, Clerk of the Governing Board  
of the William S. Hart Union High School District