

SUMMERVILLE UNION HIGH SCHOOL DISTRICT

RESOLUTION NO. 13-14-20

**A RESOLUTION APPROVING A FACILITIES LEASE, A SITE LEASE, AND
GENERAL CONSTRUCTION PROVISIONS FOR THE ACQUISITION OF THE
PHASE 1 MODERNIZATION AT SUMMERVILLE HIGH SCHOOL**

WHEREAS, the Summerville Union High School District (the “District”) has previously identified the need to provide for modernized facilities at its Summerville High School referred to as the Phase 1 Modernization (the “Project”);

WHEREAS, Education Code section 17400, et seq. provides for the construction/modernization of school buildings on property owned by a school district and the lease to a school district of such improvements pursuant to an agreement calling for such construction;

WHEREAS, the Project is located at a site owned by the District (the “Site”);

WHEREAS, consistent with the requirements of Education Code section 17400, et seq., the Board seeks to enter into the necessary building agreements and lease agreements with an outside entity that will provide for the construction and leasing of school facilities on the Site;

WHEREAS, consistent with the Board’s desire to provide for the construction, acquisition and lease of the Project in accordance with the provisions of Education Code section 17400, et seq., District staff previously solicited proposals from firms capable of providing services to the District for the Project;

WHEREAS, it was determined that Robert E. Boyer Construction Inc. (“Boyer”) was qualified to undertake the Project on the Site consistent with the requirements of Education Code section 17400, et seq.;

WHEREAS, plans for the Project were previously approved by the Board and received final approval from the Division of State Architect of the State of California (“DSA”) on April 23, 2014 as application number 02-113454;

WHEREAS, it is the intent of the Board to have the Superintendent, Assistant Superintendent, and/or their respective designees (“Designated Officers”), execute the Documents; and

WHEREAS, a proposed Facilities Lease with an attached set of General Construction Provisions and other exhibits, along with a proposed Site Lease between the District and Boyer (collectively referred to herein as the “Documents”) are on file with the Secretary of the Board, and it is the intent of the Board to approve such Documents in substantially final form, and to authorize the execution of such Documents by the Designated Officers in the manner provided for herein.

NOW, THEREFORE, the Board of Education of the Summerville Union High School District does hereby resolve as follows:

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

Section 2. Consistency of Process and Compliance with Law. The Board hereby finds that the process undertaken by the District to date to solicit proposals for the Project, and to draft the Documents have all been undertaken and performed in a manner consistent with the requirements of Education Code section 17400, et seq., and that the District is now authorized to proceed with the commencement of the Project in the manner set forth in the Documents.

Section 3. Adequacy of Site and Suitability of Process. The Board hereby determines that the Site is a suitable location for the Project consistent with the requirements of Education Code section 17400, et seq. and that acquisition of the Project in the manner provided for at Education Code section 17400, et seq. is in the best interest of the District.

Section 4. Approval of the Leases. The Board hereby approves the Documents in substantially final form with such additional changes or revisions as may be necessary to be implemented by the Designated Officers to complete such agreements consistent with the terms and conditions of this resolution and the provisions of Education Code section 17400, et seq.

Section 5. Approval of Guaranteed Maximum Price. The Board hereby authorizes the District Superintendent to finalize the Project's Guaranteed Maximum Price in an amount not to exceed \$3,149,970.

Section 6. Authorization to Enter into Leases. The Designated Officers are hereby authorized to execute and deliver the Documents as they apply only to the Project, on behalf of the District, to Boyer in substantially the form presented to the Board with such changes therein as the Superintendent, Assistant Superintendent, or their respective designees may require or approve consistent with the terms and conditions of this resolution.

Section 7. Additional Authorization. The Designated Officers are hereby further authorized and directed to prepare, on behalf of the District, any other documentation necessary to carry out the terms for the Project as set forth in the Documents consistent with the terms and conditions of this resolution. Any actions heretofore taken by the Designated Officers, on behalf of the District, that is in conformity with the purposes and intent of this resolution and with the provisions of Education Code section 17400, et seq. with respect to the Project are hereby approved and confirmed.

Section 8. Effective Date. This resolution shall take effect immediately upon its adoption.

APPROVED, PASSED AND ADOPTED this 5th day of May, 2014, by the following vote:

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



President of the Board of Education
Summerville Union High School District

ATTEST:



Secretary of the Board of Education
Summerville Union High School District