

Resolution No. 2017.28  
BOARD OF TRUSTEES OF THE MILPITAS UNIFIED SCHOOL DISTRICT

Designation of District Representative and  
Authorization to file Application(s) for School Facility Grant

*WHEREAS*, the Milpitas Unified School District is applying to the State Allocation Board for approval of state facilities program projects pursuant to Chapter 12.5, Part 10, Division 1, commencing with Section 17010.10, et. seq., of the Education Code, for needed new construction and modernization of school facilities;

*NOW, THEREFORE, BE IT RESOLVED*, by the Milpitas Unified School District Board of Trustees as follows:

1. That the Superintendent, and Assistant Superintendent, are hereby designated as District Representative and Alternate Representative, respectively and are hereby authorized and directed to file, on behalf of the District, such applications for determination of modernization eligibility and if eligible application for funding with the State Allocation Board under Chapter 12.5 of the Education Code; and,
2. That the District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an on-going and major maintenance plan that complies with the provisions of Education Code Section 17070.75 (Regulation Sections 1859.100 through 1859.102); and,
3. That the District will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
4. That the District understands if the funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the District will be required to certify that the state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from classroom use within six months of the filing of the Notice of Completion for the project; or, it has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities; and,
5. That the facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
6. That the facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Regulation Section 1859.163.6; and,
7. That the District will engage in a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4245) of Division 5, of Title 1, of the Government Code for all contracts entered on or after November 4, 1998, for the services of any architect, structural engineer, or other design professional services for any work under the project(s); and,

8. That the District understands if this request is for new construction funding, the District has received approval of the site and the plans from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,
9. That the District understands that if this request is for modernization or Charter School Facility Program Rehabilitation funding, the District has received approval of the plans for the project from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,
10. That the District will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
11. That the District will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
12. That the Districts matching funds required pursuant to Regulation Sections 1859.77.1 or 1859.79 has either been expended by the District, deposited in the County School Facility Fund or will be expended by the District prior to the notice of completion for the project; and,
13. That the District will receive written approval of the plans and specifications for the project(s) from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
14. That if the District is requesting site acquisition funds as part of its application, the District has complied with Regulation Sections 1859.74 through 1859.75.1; and,
15. That the District understands that with the exception of an apportionment made pursuant to Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (reference Regulation Section 1859.105); and,
16. That the District understands that if the apportionment for this project was made pursuant to Regulation Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funds shall be cause for the rescission of the unexpended funds (refer to Regulation Section 1859.105.1); and,
17. That the District understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (reference Regulation Section 1859.90); and,
18. That the statements set forth in the application(s) and supporting documents are true and correct to the best of my knowledge and belief; and,
19. That all school facilities purchased or newly constructed under the project(s) for use by pupils who are individuals with exceptional needs, defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction

- between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
20. That the District will certify that all forms submitted are exact duplicates (verbatim) of the forms provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
  21. That the District understands that some or all of the State funding for the project may be returned to the State as a result of an audit pursuant to Section 1859.105, 1859.105.1, 1859.106; and,
  22. That the District will comply with the provisions of Section 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
  23. That the District understands if the SFP grants are used for the construction or modernization of school facilities on leased land, the District has entered into a lease agreement for the leased property that meets the requirements of Regulation Section 1859.22; and,
  24. That the District understands if the application contains a “Use of New Construction Grant “ request, the District will adopt a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board as specified in Sections 1859.77.2, or 1859.77.3, as appropriate; and,
  25. That the District understands if requesting additional funding for fire code requirements pursuant to Regulation Section 1859.71.2 or 1859.78.4, the District will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
  26. That the District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Section 51224, 51225.3(b), 51228(b) and 52336.1; and,
  27. That the District understands if requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the District; and,
  28. That the District understands that if this application is submitted after January 1, 2004 for modernization funding the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state and local standards for the management of any identified lead; and,
  29. That the District has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,

30. That the District has or will contract with the Department of Industrial Relations (DIR) for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), in effect January 1, 2012 through June 19, 2014, if the contract was awarded on January 1, 2012 through June 19, 2014 and the District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The District understands that if it fails to meet this requirement, it will be required to repay all State bond funds received including interest; and,
31. That the District understands that beginning with the 2005/06 fiscal year, the District will comply with Educational Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
32. That the District understands that if this application is submitted pursuant to Section 1859.180, the District certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables for the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
33. That the District has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustic conducive to teaching and learning, and the other characteristics of high performance schools; and,
34. The District understands if requesting an additional grant for high performance incentive funding, the school district governing board will have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
35. The District understands that if the application is submitted when there is insufficient Bond Authority, the District has adopted a school board resolution pursuant to Section 1859.95.1.

*PASSED AND ADOPTED* by the Board of Trustees of the Milpitas Unified School District, County, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

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Superintendent and  
Secretary to the Board