



**West Valley-Mission Community College  
District Resolution No. 25071501**

**RESOLUTION FOR EMERGENCY WORK PURSUANT TO PUBLIC CONTRACT CODE 22035**

**WHEREAS**, the West Valley-Mission Community College has, by resolution, elected to become subject to the California Uniform Public Construction Cost Accounting Act (CUPCAA) procedures as set forth in Public Contract Code 22010, et seq; and

**WHEREAS**, in Spring 2024, water infiltration occurred at the main electrical supply conduit for the Campus Center at West Valley College; and

**WHEREAS**, underground high voltage electrical conduit investigation was required by a qualified and licensed contractor;

**WHEREAS**, in Spring 2025, further investigation including demolition of sidewalks and exposing of buried conduit duct banks was required;

**WHEREAS**, Rodan Builders Inc. acquired detailed information during the courses of investigation and were able to assist the District Facilities Department with a repair plan and details to mitigate water infiltration; and

**WHEREAS**, under such circumstances, Public Contract Code sections 22035 and 22050 permit such emergency situations to be remedied by entering into a contract or contracts which would otherwise require compliance with the public bidding process; and

**WHEREAS**, Public Contract Code Section 22035 authorizes a school district to enter into a contract for emergency repairs without first soliciting bids; and

**WHEREAS**, Public Contract Code section 22050 permits the District, in the case of such emergency, by a four-fifths vote of the Board of Education, to enter into a contract or contracts without complying with the bidding requirements and, if needed, to authorize the use of day labor or force account; and

**WHEREAS**, in addition to the existence of emergency circumstances pursuant to Public Contract Code sections 22035 and 22050, delay in the undertaking of the necessary repairs to the Project Site to undergo competitive bidding would not be in the best interest of the public; and

**WHEREAS**, competitive bidding would require significant time and resources, and would not produce a financial advantage for the District, and therefore competitive bidding is undesirable and impractical.

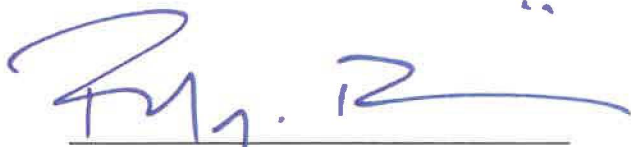
**NOW THEREFORE BE IT RESOLVED**, that the District Board of Trustees hereby finds, determines and orders as follows:

1. The foregoing recitals are adopted as true and correct.
2. The circumstances described herein constitute an emergency pursuant to Public Contract Code section 22035 and 22050.

3. The District Vice Chancellor, Facilities Development & Operations, is authorized to enter into a contract or contracts, as required, and to use, if necessary, day labor or force account for the performance of the work, including labor and furnishing of all materials or supplies in connection therewith for the Project, without advertising for or inviting bids, pursuant to the authority of this resolution and Public Contract Code sections 22035 and 22050.

**PASSED AND ADOPTED** as West Valley-Mission Community College Resolution No. 25071501 this fifteenth day of July 2025 by the following called vote:

Aye: 6  
Nay: 0  
Abstain: 0  
Absent: 1

  
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Bradley Davis  
Board Secretary  
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Anne Kepner  
Board President

WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

RESOLUTION NO. 25071502

AUTHORIZING THE CHANCELLOR TO PURSUE LEGISLATIVE ACTION TO  
EXCLUDE FEDERALLY DEFUNDED DEIA PROGRAM EXPENDITURES FROM  
THE 50 PERCENT LAW CALCULATION

WHEREAS, the West Valley-Mission Community College District Board of Trustees is deeply committed to fostering equitable educational opportunities and promoting student success in its fullest context; and

WHEREAS, the District is dedicated to taking action in support of social justice, equity, diversity, inclusion, accessibility, belonging, and anti-racism; and

WHEREAS, the West Valley-Mission Community College District Service Area, although located in an economically prosperous area of the State, contains significant populations who experience economic disadvantages and educational disparities; and

WHEREAS, California's 50 Percent Law (Education Code Section 84362), enacted in a markedly different era of public higher education, now presents structural challenges for districts striving to meet the contemporary needs of students, especially those from historically minoritized, low-income, and first-generation backgrounds; and

WHEREAS, the District's strategic priorities include supporting essential student success infrastructure—such as counselors, librarians, basic needs coordinators, and investments in technology and learning resources—which are currently classified in the denominator ... outside the instructional expenditure calculation and therefore disincentivized under the existing statute; and

WHEREAS, the District's strategic priorities include supporting essential student success infrastructure, including counselors, librarians, basic needs coordinators, and investments in technology and learning resources, which are currently counted in the denominator—rather than the numerator—of the 50 Percent Law calculation, thereby actively penalizing districts for investing in services fundamental to student retention and achievement; and

WHEREAS, the April 2025 State Auditor's review of the 50 Percent Law, along with formal recommendations from the Community College League of California and the California Community College Student Senate, affirm the urgent need for a modern, equity-driven legislative adjustment; and

WHEREAS, pending or actual reductions in federal funding for programs such as TRIO, Title V Hispanic-Serving Institutions (HSI), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI), and several others threaten the ability of districts to sustain critical support for the most vulnerable student populations; and

WHEREAS, without relief, districts face an untenable choice between legal compliance and continuation of federally defined student support programs vital to student retention, completion, and well-being; and

WHEREAS, the District is funded from community support (Basic Aid) funds and has access to local resources that could be deployed to maintain these essential programs, but such action—absent a statutory carve-out—would force the District out of compliance with the 50 Percent Law, to the detriment of both our core student success mission and legal compliance; now, therefore, be it


RESOLVED, that the West Valley-Mission Community College District Board of Trustees hereby affirms its unwavering commitment to supporting students through evidence-based, equity-minded practices and calls upon state policymakers to enact a narrowly tailored, sunset legislative revision to the 50 Percent Law; and, be it further

RESOLVED, that the Board authorizes and directs the Chancellor to engage with Assemblymember Marc Berman and others in the state legislator to advance bill language that a) secures a five-year, temporary carve-out excluding expenditures tied to federally defined student support programs (TRIO, Title V-HSI, AANAPISI, and similar programs) from the 50 Percent Law calculation; b) preserves full transparency and robust public reporting on such expenditures; and c) sunsets the carve-out upon restoration of federal funding or expiration of the defined period, whichever occurs first; and, be it further

RESOLVED, that the Chancellor shall invite input and recommendations from all campus constituents in shaping the legislative proposal to ensure alignment with the District's commitment to instructional excellence and shared governance; and, be it finally

RESOLVED, that the Board of Trustees will continue to advocate for thoughtful reforms to state law and policy that safeguard the District's capacity to protect and uplift its most at-risk students, fortifying the fabric of our institution and the broader community.

Dated: 7-15-2025

Signed: 

Anne Kepner, Board President, WVMCCD

Signed: 

Bradley J. Davis, Chancellor, WVMCCD