

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF SUPERVISORS**

Resolution No. 23-_____

Resolution of the Board of Supervisors of the Monterey County Water Resources Agency to continue to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to Public Contract Code section 22050 (4/5 vote required)

WHEREAS, on January 10, 2023, the Board of Supervisors of the County of Monterey ratified a Proclamation of Local Emergency due to an atmospheric river event commencing December 26, 2022, and continuing into January of 2023 throughout Monterey County; and

WHEREAS, the proclamation gives the County certain emergency contracting authority pursuant to the Public Contract Code; and

WHEREAS, Public Contract Code section 22050(a) also provides that the Monterey County Water Resources Agency ("MCWRA") has similar emergency contracting authority in a proclaimed emergency 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"; and

WHEREAS, Public Contract Code section 22050(b) authorizes the Board of Supervisors of MCWRA to delegate to MCWRA's General Manager the authority to order any action to replace or repair a public facility as authorized by Public Contract Code 22050(a); and

WHEREAS, on January 24, 2023, the Board adopted Resolution No. 23-015 to delegate emergency contracting authority to the General Manager; and

WHEREAS, pursuant to Public Contract Code section 22050(c), the General Manager shall report to the Board of Supervisors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action; and

WHEREAS, MCWRA continues to respond to damage from the 2022/2023 atmospheric storm events, and to make necessary repairs to prevent further damage from potential future storm events this year; and

WHEREAS, the time required to obtain to competitive bids continues to unduly delay MCWRA's ability to make emergency repairs to essential facilities and equipment; and

WHEREAS, the public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to the Nacimientto spillway plunge pool, Pajaro Levee, Salinas River Lagoon slide gate levee, and flood and debris flow damage to other MCWRA infrastructure.

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of the Monterey County Water Resources Agency does hereby:

1. Find the foregoing recitals are true and correct.
2. MCWRA's emergency actions are necessary to prevent or mitigate loss or damage to life, health, property or essential public services, including but not limited to the following: Nacimiento spillway plunge pool, Pajaro Levee, Salinas River Lagoon slide gate levee, and flood and debris flow damage to other MCWRA infrastructure.
3. Pursuant to Public Contract Code section 22050(c) there is a need to continue the emergency action.

PASSED AND ADOPTED upon motion of Supervisor_____, seconded by Supervisor_____, and carried this _____ day of _____, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph Clerk of the Board of Supervisors of the Monterey County Water Resources Agency, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors of the
Monterey County Water Resources Agency

By _____,
Deputy