

**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 delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and 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, serving the public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to Nacimiento Reservoir and San Antonio Reservoir infrastructure, levees, slide gates, roadways, pump stations culverts, and other equipment and facilities; and

WHEREAS, the time required to obtain competitive bids will unduly delay MCWRA’s ability to make emergency repairs to these essential facilities and equipment.

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 Reservoir and San Antonio Reservoir infrastructure, levees, slide gates, roadways, pump stations, culverts, and other equipment and facilities.
3. Pursuant to Public Contract Code section 22050(a), substantial evidence supports the conclusions that the need for emergency actions cannot be delayed, that MCWRA has and must continue to act as expeditiously as possible to repair necessary facilities and equipment.

4. Pursuant to Public Contract Code section 22050(b), the MCWRA General Manager is authorized to take any directly related and immediate action required to procure the necessary equipment, services, and supplies to respond to the emergency, without giving notice for bids to let contracts.
5. 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.

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