

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

Adopt a Resolution:

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate structural defects and potential roof failure and water damage of the Tidball Store, a National Register property owned by the County located in Jolon, CA;
- b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal adoption of plans and specifications nor solicitation of bids, and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at the Tidball Store in Jolon, CA is necessary to permit the continued county operation of services, and maintain structural integrity, National Register status, and ensure public safety of a unique County asset; and
- d. Authorizing the Contracts/Purchasing Officer, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5ths vote required).

WHEREAS, California Public Contract Code Section 1102 defines an emergency as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and

WHEREAS, Public Contract Code section 22050 and Monterey County Code Section 2.32.040 authorize the County to repair or replace a public facility as well as take any directly related and immediate action to address an emergency, and requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive bid solicitation, and the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

WHEREAS, Public Contract Code Section 20134 further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services may proceed at once with the majority consent of the Board of Supervisors without adopting plans and specifications, and without giving notice for bids to let contracts; and

WHEREAS, immediate action is needed for continuity of essential public services, and to maintain continued structural integrity, National Register status, and public safety of a unique County asset, specifically the Tidball Store located in Jolon, CA.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of Monterey County hereby:

1. Finds that the foregoing facts are true and correct.
2. Declares that an emergency as defined by Section 1102 of the California Public Contract Code existed, justifying the performance of work at the Tidball Store in Jolon, CA, without adopting plans and specifications, and without giving notice for bids to let contracts.
3. Finds that emergency work is necessary to permit the continued operation of county operations or services.
4. Authorizes the Contracts/Purchasing Officer, or his designee, to execute emergency contracts and issue purchase orders as necessary.
5. Ratifies the emergency contracts and actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this _____ day of January 2014, by the following vote, to wit:

Ayes:
Noes:
Absent:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, 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 Mintue Book ___ for the meeting on January ____-, 2014.

Dated:
File Number :

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: _____