



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Calcagno seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. : 13-139

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need for space for staff of the District Attorney's Office in close proximity to the Salinas Courthouse located at 240 Church Street in Salinas, CA;
- b. Finding that the emergency work will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at 230 Church Street, Modular Building #1, in Salinas, CA is necessary to permit the continued conduct of county operations or services; 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 Director of Public Works, or his designee, to respond to the emergency (4/5ths vote required).

PASSED AND ADOPTED on this 29th day of April 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

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 of Minute Book 76 for the meeting on April 29, 2013.

Dated: May 3, 2013
File Number: RES 13-039

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

By *Denise Hancock*
Deputy

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

Resolution No. 13-139

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need for space for staff of the District Attorney’s Office in close proximity to the Salinas Courthouse located at 240 Church Street in Salinas, CA;
- b. Finding that the emergency work will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at 230 Church Street, Modular Building #1, in Salinas, CA is necessary to permit the continued conduct of county operations or services; 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 Director of Public Works, 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 authorizes 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 provided by the District Attorney’s Office in close proximity to the Salinas Courthouse located at 240 Church Street in Salinas, California.

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 230 Church Street, Modular Building #1, Salinas, California 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 Director of Public Works, or his designee, to respond to the emergency.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried this 29th day of April 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

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 of Minute Book 76 for the meeting on April 29, 2013.

Dated: May 3, 2013
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Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Dorise Hancock*
Deputy