

RESOLUTION NO. 2016-16

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE
ARROWHEAD COMMUNITY SERVICES DISTRICT DELEGATING
AUTHORITY TO THE GENERAL MANAGER OR DESIGNEE
PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050(b) TO
ENTER INTO EMERGENCY PUBLIC WORKS CONTRACTS**

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may 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, pursuant to Section 22050(b), the Board of Directors, by a four-fifths vote, may delegate, by resolution or ordinance, to the General Manager or chief engineer, or other nonelected agency officer, the authority to order any action pursuant to Section 22050(a); and

WHEREAS, from time to time, sudden unexpected events may occur that pose a clear and imminent danger, requiring an immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services provided by the District; and

WHEREAS, in order to quickly and effectively order emergency action, the Board of Directors desires to delegate to the District the authority authorized under Section 22050.

WHEREAS, the Board of Directors previously delegated this authority under District Purchasing Policy Section 4.7 on July 12, 2016, but now desires to formally delegate that authority and provide direction for its use as set forth above for all future emergencies in accordance with California Public Contract Code 22050(b)(1).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Lake Arrowhead Community Services District as follows:

1. The Board of Directors hereby delegates to the General Manager, or designee as designated in writing by the General Manager the authority in the case of emergency to repair or replace a District 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. The General Manager shall make reasonable efforts to notify the Board President, and if the Board President cannot be reached, the Vice President prior to exercising the authority granted in this Resolution.
2. If the General Manager or designee orders any emergency action, the General Manager shall report to the Board of Directors at its next meeting the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency. The Board of Directors shall initially review the emergency action not later than seven days after the action, or at the Board of Directors' next regularly scheduled meeting if that meeting within 14 days of the emergency action.

3. After its initial review, the Board of Directors shall review the emergency action at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the emergency action.
4. The emergency action shall be terminated at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.
5. An “emergency” for purposes of this resolution, is a sudden unexpected occurrence that poses a clear and imminent danger requiring an immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
6. Nothing herein shall affect or limit the General Manager’s authority to make purchases in accordance with the District’s Purchasing Policy.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District, at a regular meeting of the Board held on the 13th day of September, 2016, by the following vote:

AYES: Boydston, Gross, Thompson, and Wurm
NOES: None
ABSTENTIONS: None
ABSENT: Keefe



Bill Thompson, President of the Lake Arrowhead Community Services District and of the Board of Directors

ATTEST

(SEAL)

Kathleen Field
Kathleen Field, Secretary of the Lake Arrowhead Community Services District and to the Board of Directors