

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) DELEGATING AUTHORITY TO GENERAL MANAGER OR HIS 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 appropriate nonelected agency officer the authority to order any action pursuant to Section 22050(a); and

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), that person shall report to the Board of Directors, at its next meeting required pursuant to Section 22050, the reasons justifying why the emergency will not allow a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency; and

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), the Board of Directors shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least every 14 days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the person with delegated authority has terminated that action prior to the Board of Directors' review and determination; and

WHEREAS, when the Board of Directors reviews the emergency action, it shall terminate the action 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; and

WHEREAS, the continued delegation of authority to order actions as described above to the General Manager or his designee will comport with Board of Directors policy regarding the procurement of public works design and construction contracts; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. The Board delegates the authority provided in Public Contract Code 22050 to the General Manager, or his designee.

On the motion of Director _____, seconded by Director _____
and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of
the Los Osos Community Services District this 12th day of January, 2023.

Charles L. Cesena, President
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Ron Munds
General Manager and Secretary to the Board

Jeffrey A. Minnery
District Legal Counsel