



March 8, 2023

TO: LOCSD Board of Directors

FROM: Ron Munds, General Manager

SUBJECT: Agenda Item 2A - 03/08/2023 Special Board Meeting

Adopt Resolution 2023-18 Approving the Continuation of the Emergency Public Contract Code Provisions and Update on Vista de Oro Incident

President
Charles L. Cesena

Vice President
Marshall E. Ochylski

Directors
Matthew Fourcroy
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SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Board adopt the following motion:

Motion: I recommend the Board adopt Resolution 2023-18 Reaffirming the delegation of authority to General Manager or his designee pursuant to public contract code section 22050(b) to enter into emergency public works contracts.

DISCUSSION

At the January 12, 2023 Board meeting, the Board adopted a resolution delegating to the General Manager the authority provided in Public Contract Code (Code) 22050. This authority allows for the letting of contracts without a competitive bidding process during an emergency. The Code requires that the General Manager report back to review the emergency action not later than seven days after the action. The Board reaffirmed the continuation of the emergency by adopting Resolution No. 2023-04 and 2023-05 at the January 17th and 24th, 2023 special meetings respectively, 2023-06 at the February 2nd, 2023 regular meeting, 2023-10, 2023-13 and 2023-14 at the February 7th, February 14th, and February 21st, 2023 special meetings respectively, and 2023-16 at the March 2nd, 2023 regular meeting,

Staff is recommending that the Board adopt Resolution No. 2023-18 which will extend the emergency action in order to complete the necessary work to repair the Cabrillo storm water basin and provide the necessary support services for these repairs and other needs during the recovery phase of the incident.

Staff will provide any available updates on the recovery of the Vista de Oro neighborhood at the meeting.

Attachment

Resolution 2023-18

RESOLUTION NO. 2023-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) REAFFIRMING THE DELEGATION OF 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

WHEREAS, the passed Resolution Number 2023-03 approving the delegation of authority to the General Manager pursuant to Public Contract Code Section 22050(b); and

WHEREAS, the Board has reviewed the emergency action on March 2, 2023; and

WHEREAS, the Board has reviewed the emergency action on March 2, 2023 and passed Resolution Number 2023-16 approving the continued delegation of authority to the General Manager pursuant to Public Contract Code Section 22050(b).

**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 reaffirms the continued delegation of 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 8th day of March, 2023.

Charles L. Cesena, President
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Ron Munds
General Manager and Secretary to the Board

Thomas D. Green
District Legal Counsel