

RESOLUTION NO. 4-2011

A RESOLUTION ESTABLISHING A PROCEDURE
FOR THE REPAIR OR REPLACEMENT OF
FACILITIES IN THE EVENT OF AN EMERGENCY

SEWER AUTHORITY MID-COASTSIDE

RESOLVED, by the Board of Directors of the Sewer Authority Mid-Coastside, San Mateo County, California, as follows:

WHEREAS, it is reasonable to assume that this Authority (SAM) may be confronted with an emergency that will require immediate action to repair or replace its facilities; and that the emergency will not permit a delay resulting from a competitive solicitation for bids;

WHEREAS, in such event, the public interest and necessity will demand the immediate expenditure of funds to safeguard life, health and property; and

WHEREAS, it is in the public interest that this Board establish a procedure for the repair or replacement of SAM facilities in the event of such an emergency;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, as follows:

1. The above recitals are true and correct.
2. Pursuant to Public Contract Code Section 22050(b)(1), this Board delegates to the General Manager the authority to determine that an emergency exists; that immediate action to repair or replace SAM facilities is necessary to respond to the emergency; and that, based on substantial evidence set forth in a written document filed by the General Manager with the Secretary, the emergency will not permit a delay resulting from a competitive solicitation for bids.

For purposes hereof, an emergency is "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."

3. In the event of a determination pursuant to Section 2 hereof, the General Manager shall, within 24 hours thereof, notify the Board of such determination, and repair or replace a SAM facility, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services and supplies for such purpose, without giving notice for bids to let contracts.

The General Manager shall report to this Board, at its next meeting required pursuant to Section 4 hereof, 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.

4. The Board 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 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 action, unless the General Manager has terminated the action prior to the Board reviewing the action and making a determination that there is a need to continue the action.

5. The Board shall terminate the emergency action at the earliest possible date that conditions warrant so that the remainder of the action may be completed by giving notice for bids to let contracts.

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I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted by the Board of Directors of the Sewer Authority Mid-Coastside, San Mateo County, California, at a meeting thereof held on the 22 day of August, 2011, by the following vote:

AYES, and in favor, Directors: Harvey, Fraser, Lohman, Kowalczyk, Boyd, Woren

NOES, Directors: None

ABSENT, Directors: None

Secretary

