

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2019 - 09**

**A RESOLUTION PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE 22050
DELEGATING TO THE GENERAL MANAGER THE AUTHORITY TO TAKE ANY
DIRECTLY RELATED AND IMMEDIATE EMERGENCY ACTIONS AND TO PROCURE
THE NECESSARY EQUIPMENT, SERVICES, AND SUPPLIES NEEDED TO RESUME
GROUNDWATER PUMPING WITHOUT GIVING NOTICE FOR BIDS TO LET
CONTRACTS**

WHEREAS, on July 6, 2019, the District's Well #8, which is the District's primary groundwater pumping well, failed; and,

WHEREAS, in response to the unexpected failure of the Well #8, District staff immediately embarked on efforts to identify actions that would be needed to resume the ability to pump with Well #8; and,

WHEREAS, the District's alternative groundwater pumping which consists of blending with Wells #4 and #6 is not possible at this time due to the failure of Well #4 on December 1, 2018 and which is not on-line due to continuing investigations on the ability to rehabilitate it; and

WHEREAS, the failure of the District's Well #8 while Well #4 is not usable represents a sudden unexpected occurrence demanding immediate action to resume the ability to pump groundwater and to prevent or mitigate loss or damage to life, health, property or essential public services; and

WHEREAS, the District's inability to pump groundwater requires direct and immediate emergency actions to prevent and mitigate loss of essential public services including potable water service necessary for health and well being, and water that is needed for fire and emergency services to protect life and property; and

WHEREAS, the District may utilized provisions of the Uniform Public Construction Cost Accounting Act, which are incorporated in California Public Contract Code 22000 et seq. to procure the necessary equipment, services, and supplies for replacement of the wells; and

WHEREAS, California Public Contract Code 22050 (a) authorizes a public agency to take any directly related and immediate action required to replace a public facility in the case of an emergency and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts provided that the governing board of the public agency finds that, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency in the event that costs to resume groundwater pumping exceeds current estimates; and

WHEREAS, California Public Contract Code 22050 (b) authorizes the governing body of a public agency to delegate to the District's General Manager the authority to order any action to replace the public facility as authorized by Public Contract Code 22050 (a); and

WHEREAS, the time required to obtain to competitive bids will unduly delay the District's ability to resume groundwater pumping; and

WHEREAS, serving the public interest demand immediate action to prevent and mitigate loss of essential public services including potable water service necessary for health and well being, and water that is needed for fire and emergency services to protect life and property as a result of the sudden unexpected failure of the District's Well #8 and the continuing inability to utilize Well #4 and the District's overall inability to pump groundwater.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Oceano Community Services District that:

1. The foregoing recitals are true and correct.
2. That the failure of Well #8 was a sudden and unexpected failure.
3. The District's emergency actions to re-establish the ability to pump groundwater is necessary to prevent or mitigate loss or damage to life, health, property or essential public services, including but not limited to the following:
 - a. Potable water service and water service for fire flows to the District's customers.
4. Pursuant to Public Contract Code 22050 (a), substantial evidence supports the conclusions that the need for emergency actions cannot be delayed, that the District has and must continue to act as expeditiously as possible to resume the ability to pump groundwater and delays resulting from a competitive solicitation of bids will unduly impact the need to prevent or mitigate loss or damage to life, health, property or essential public services.
5. Pursuant to Public Contract Code 22050 (b), the District General Manager is authorized to take any directly related and immediate action required to re-establish the District's ability to pump groundwater and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
6. Pursuant to Public Contract Code 22050 (b), this resolution must be approved by at least of 4/5ths vote.
7. Pursuant to Public Contract Code 22050 c), the General Manager shall report to the Board of Directors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action.

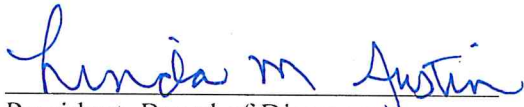
PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on July 10, 2019 by the following vote:

AYES: Vice President White, Director Replogle, Director Villa, President Austin

NOES: None

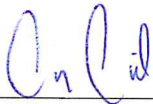
ABSTAIN: None

ABSENT: Director Gibson



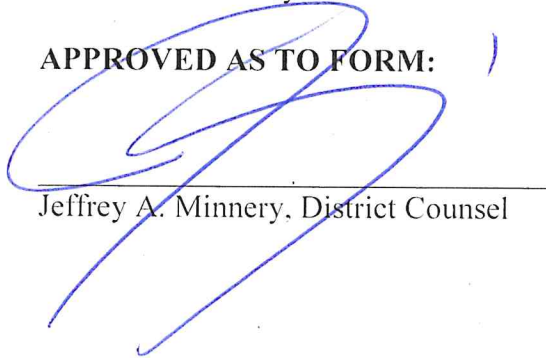
President, Board of Directors
of the Oceano Community Services District

ATTEST:



Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:



Jeffrey A. Minnery, District Counsel