



RESOLUTION NO. 2013-29

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING THE SCOPE OF THE GENERAL MANAGER'S DELEGATED
AUTHORITY TO APPROVE EXPENDITURES, AND ESTABLISHING THE
PROCESS BY WHICH EMERGENCY FUNDS ARE AUTHORIZED**

WHEREAS, occasional situations arise during emergencies or other unanticipated circumstances where immediate purchase of goods and/or services may prevent or disrupt public services, or cause loss of private or public property; and

WHEREAS, the General Manager is currently authorized to approve expenditures up to \$2,000 without prior Board approval; and

WHEREAS, in order to increase operational efficiency and effectiveness, it is advantageous to the District to increase the General Manager's authority to approve budgeted expenditures up to \$15,000 and emergency expenditures up to \$25,000 without prior Board approval; and

WHEREAS, the District is generally required to let all works that exceed \$10,000 to the lowest responsible bidder following a call for bids and publication; and

WHEREAS, the general rule requiring publication and bid solicitation does not apply in cases of emergency under California Public Contract Code sections 22050 and 21624, or in limited circumstances under section 21623; and

WHEREAS, California Public Contract Code section 22050 allows the board, by four-fifths vote, to both delegate its authority to respond to a future emergency and to waive contract bid requirements;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Monterey Peninsula as follows:

- 1. SCOPE OF DELEGATED CONTRACTING AUTHORITY.** The General Manager's delegated authority to authorize budgeted expenditures without prior Board approval is increased from \$2,000 to \$15,000.
- 2. COMPLIANCE WITH BID REQUIREMENTS.** The General Manager shall exercise the delegated authority to enter into contracts either through compliance with all applicable bid solicitation, notice and award requirements, or through use of a recognized exemption to those requirements.

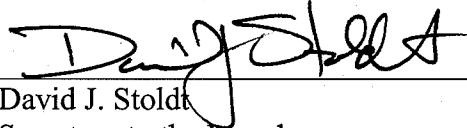
- 3. AUTHORITY PURSUANT TO PUBLIC CONTRACT CODE §22050 AND §21624.** This Resolution, if adopted by four-fifths vote, shall delegate to the General Manager the authority to declare and respond to an emergency pursuant to Public Contract Code sections 22050 and 21624, and thereby to waive bid solicitation, notice and award requirements. Before acting pursuant to this authority, the General Manager shall find that the emergency circumstance does not permit the delay that may result from a competitive solicitation for bids, and that action is necessary to respond to the emergency. Actions authorized by this section shall require strict compliance with paragraph seven of this Resolution.
- 4. DEFINITION OF EMERGENCY.** The term "emergency" as used in this Resolution is defined by California Public Contract Code section 1102, and shall mean 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.
- 5. AUTHORITY PURSUANT TO PUBLIC CONTRACT CODE SECTION 21623.** This Resolution shall also delegate to the General Manager the authority to waive the bid requirement in the limited circumstances provided by Public Contract Code section 21623 when the work consists of channel protection, maintenance work, or emergency work necessary to protect life and property from impending damage. In those circumstances, the District may, to the extent authorized by California Public Contract Code section 21623, complete work by its employees, by contract, or by a combination thereof without advertising for bids.
- 6. REPORT OF EXPENDITURES TO THE BOARD.** Whenever the General Manager exercises delegated authority to approve expenditures pursuant to this Resolution, he shall report each such expenditure to the Board at its next regular meeting.
- 7. REQUIRED TO CONVENE MEETING WITHIN SEVEN DAYS.** If the General Manager exercises delegated authority to approve expenditures pertaining to an emergency pursuant to Public Contract Code sections 22050 or 21624, without first following bid solicitation, notice and award requirements, he shall also report to the Board, at a meeting held within seven days of the delegated act, and justify why the emergency did not permit a competitive solicitation for bids and why the act was a necessary response to the emergency. The General Manager shall further comply with all applicable procedures required by California Public Contract Code section 22050.

On a motion by Director Lehman and seconded by Director Potter the foregoing resolution is duly adopted this 18th day of November 2013 by the following votes:

Ayes: Directors Lehman, Potter, Brower, Byrne, Lewis, Markey and Pendergrass
Nays: None
Absent: None

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 18th day of November 2013.

Witness my hand and seal of the Board of Directors this 17th day of December 2013.



David J. Stoldt
Secretary to the Board

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COPY CERTIFICATION

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Resolution No. 2013-29 duly adopted on the 18th day of November, 2013.



David J. Stoldt,
Secretary to the Board of Directors

12.17.13
Date