

**THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**BOARD OF DIRECTORS OF THE SANTA BARBARA COUNTY
FLOOD CONTROL & WATER CONSERVATION DISTRICT**

**BOARD OF DIRECTORS OF THE
LAGUNA COUNTY SANITATION DISTRICT**

**BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY WATER AGENCY**

IN THE MATTER OF AUTHORIZING THE
PUBLIC WORKS DIRECTOR, OR HIS OR HER
DESIGNEE, TO TAKE EMERGENCY ACTION
TO PREVENT OR MITIGATE THE LOSS OR
IMPAIRMENT OF LIFE, HEALTH, PROPERTY,
OR ESSENTIAL SERVICES IN THE CASE OF
AN EMERGENCY

RESOLUTION NO. _____

WHEREAS, the California Public Contract Code¹ section 1102, “Emergency” means 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;

WHEREAS, history has shown that in certain circumstances Emergencies can evolve into a local, state, or federally declared disaster or state of emergency;

WHEREAS, the Public Works Department, on behalf of the County of Santa Barbara, the Santa Barbara County Flood Control and Water Conservation District, the Santa Barbara County Water Agency, and the Laguna County Sanitation District, is prepared to undertake immediate emergency response actions, in coordination with the County Executive Office, and if an emergency is declared with the Office of Emergency Management, and seek reimbursement, if available from the state and federal agencies; and

WHEREAS, Section 22050(a)(1) 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 (“Action”);

WHEREAS, pursuant to Section 22050(b)(1), the Board of Supervisors/Directors, by a four-fifths vote, may delegate, by resolution, to the appropriate county administrative officer, chief engineer, or other nonelected agency officer, the authority to order any Action (“Delegated Authority”);

¹ All references to the California Public Contract Code, unless otherwise indicated.

WHEREAS, if a person with Delegated Authority orders any Action that person shall report to the Board of Supervisors/Directors the reasons justifying why the Emergency will not permit a delay resulting from a competitive solicitation for bids and why the Action is necessary to respond to the emergency. (Pub. Contract Code § 22050(b)(3).);

WHEREAS, the Board of Supervisors/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 Supervisors'/Directors' review and determination (Pub. Contract Code § 22050(c)(2).);

WHEREAS, the continued Delegated Authority to order any Action in the case of an Emergency is hereby made a part of the emergency procurement policy of the County, Districts, and Agency;

WHEREAS, the Board of Supervisors/Directors desires that in the case of an Emergency the Public Works Director, or his or her designee, has the Delegated Authority to take Action;

WHEREAS, the Board of Supervisors/Directors previously delegated emergency authority under Board Resolution No. 15-321 on December 15, 2015, but now desires to supersede and replace that delegation and provide direction for its use as set forth above for all future Emergencies.

NOW, THEREFORE, the Board of Supervisors of Santa Barbara County, the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, the Board of Directors of the Laguna County Sanitation District, and the Board of Directors of the Santa Barbara County Water Agency, State of California, does resolve as follows:

1. "Emergency" means 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;
2. Section 22050(a)(1) 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 ("Action");
3. Section 22050(b)(1), the Board of Supervisors/Directors, by a four-fifths vote, may delegate, by resolution, to the appropriate county administrative officer, chief engineer, or other nonelected agency officer, the authority to order any Action ("Delegated Authority");
4. In the case of an Emergency the Public Works Director, or his or her designee, has the Delegated Authority to take Action;

5. The Public Works Director, or his or her designee, shall coordinate Emergency Action with the County Executive Office and, if a local, state, or Federal Emergency has been declared, with the Office of Emergency Management;
6. The Public Works Director, or his or her designee, shall report to the Board of Supervisors/Directors the reasons justifying why the Emergency will not permit a delay resulting from a competitive solicitation for bids and why the Action is necessary to respond to the emergency. (Pub. Contract Code § 22050(b)(3).); and
7. The Public Works Director, or his or her designee, shall report to the Board of Supervisors/Directors 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 Supervisors’/Directors’ review and determination. (Pub. Contract Code § 22050(c)(2).)
8. That the continued Delegated Authority to order any Action in the case of an Emergency is hereby made a part of the emergency procurement policy of the County, Districts, and Agency.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa Barbara, the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, the Board of Directors of the Laguna County Sanitation District, and the Board of Directors of the Santa Barbara County Water Agency, State of California, on this _____ day of _____, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICE
CLERK OF THE BOARD

ACCEPTED AND AGREED:

COUNTY OF SANTA BARBARA

By: _____
Deputy Clerk

By: _____
Steven Lavagnino, Chair
Board of Supervisors

MONA MIYASATO
COUNTY EXECUTIVE OFFICE
Ex-Officio Clerk of the Board of Directors of the
Santa Barbara County Flood Control & Water
Conservation District

By: _____
Deputy Clerk

SANTA BARBARA COUNTY FLOOD
CONTROL & WATER CONSERVATION
DISTRICT

By: _____
Steven Lavagnino, Chair
Board of Directors

MONA MIYASATO
COUNTY EXECUTIVE OFFICE
Ex-Officio Clerk of the Board of Directors of the
Laguna County Sanitation District

By: _____
Deputy Clerk

LAGUNA COUNTY SANITATION
DISTRICT

By: _____
Steven Lavagnino, Chair
Board of Directors

MONA MIYASATO
COUNTY EXECUTIVE OFFICE
Ex-Officio Clerk of the Board of Directors of the
Santa Barbara County Water Agency

By: _____
Deputy Clerk

SANTA BARBARA COUNTY WATER
AGENCY

By: _____
Steven Lavagnino, Chair
Board of Directors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
BETSY SCHAFFER, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy