

## **RESOLUTION NO. 2015-37**

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, DELEGATING AUTHORITY TO THE COUNTY EXECUTIVE OFFICER OR HER 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 Supervisors, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, chief engineer, or other 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 Supervisors, at its next meeting required pursuant to Section 22050, 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; and

**WHEREAS**, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), the Board of Supervisors 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' review and determination; and

**WHEREAS**, when the Board of Supervisors 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 County Executive Officer or her designee will comport with Board of Supervisors policy regarding the procurement of public works design and construction contracts; and

**WHEREAS**, the Purchasing Agent and Director of Public Works have the authority to enter into negotiated agreements in amounts not to exceed those set forth in section 22032(b) of the Public Contract Code as amended from time to time pursuant to the Uniform Public Contract Cost Accounting Act and Napa County Code Section 2.38.040; and

**WHEREAS**, the Board of Supervisors would prefer to have emergency items in excess of the amounts delegated under Napa County Code Section 2.38.040 brought before them under Section 22050(a) when time allows, but wishes to delegate the authority for entering into emergency construction contracts to appropriate staff as it is anticipated that emergencies may arise that require a response before a meeting with four-fifths of the Board can be convened; and

**WHEREAS**, the Board of Supervisors previously delegated this authority under Board Resolution No. 2014-107 on September 9, 2014, but now desires to formally revise that delegation of authority and provide direction for its use as set forth above for all future emergencies.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Napa County as follows:

1. Hereby delegates authority to the Napa County Executive Officer or her designee, as designated in writing, the authority to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of Napa County, State of California, at a regular meeting of the Board held on the 24<sup>th</sup> day of March, 2015, by the following vote:

AYES:	SUPERVISORS	WAGENKNECHT, CALDWELL, LUCE and PEDROZA
NOES:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	DILLON

  
ALFREDO PEDROZA, Vice Chair of the  
Board of Supervisors

ATTEST: GLADYS I. COIL,  
Clerk of the Board of Supervisors

By: 

**APPROVED AS TO FORM**  
Office of County Counsel

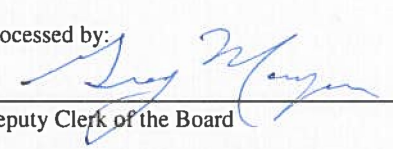
By: Thomas S. Capriola

Date: March 17, 2015

**APPROVED BY THE NAPA COUNTY  
BOARD OF SUPERVISORS**

Date: March 24, 2015

Processed by:

  
Deputy Clerk of the Board