Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. _____

a. Finding that the damages caused by recent flooding)
   discovered on July 19, 2010, in the North Wing of the Salinas)
   Courthouse poses an emergency requiring immediate action)
   without adopting plans and specifications or giving notice for)
   bids to let the contracts; and ratifying the execution of)
   emergency contracts and emergency actions taken by the)
   Contracts/Purchasing Officer or his designee to respond to)
   the emergency; and delegating authority to the)
   Contracts/Purchasing Officer or his designee to execute)
   additional emergency contracts as necessary (4/5th vote)
   required);………………………………)

RECITALS:

WHEREAS, on July 19, 2010, under Public Contract Code Sections 20134(a) and 22050, the Monterey County Administrative Officer proclaimed the existence or threatened existence of an emergency as defined in Section 1102 of the Public Contract Code; and

WHEREAS, Public Contract Code Section 22050 requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

WHEREAS, Public Contract Code Section 20134 further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services may proceed at once with the majority consent of the Board of Supervisors without adopting plans and specifications, and without giving notice for bids to let contracts; and

WHEREAS, immediate action has been taken and will continue to remediate existing damage and prevent further damages caused by recent flooding in the North Wing of the Salinas Courthouse, and to restore the building to a safe state for the scheduled re-occupancy by the Superior Court of Monterey County; and

WHEREAS, this immediate action includes the retention of contractors to perform the remediation work on an emergency basis as needed on an ongoing basis; and

WHEREAS, review by the Board of the emergency action is required until the action is terminated to determine that there is a need to continue the action.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby:

1.   Finds that the foregoing facts are true and correct.

2.   Declares that a local emergency as defined by Section 1102 of the Public Contract Code exists at the North Wing of the Salinas Courthouse requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts.

3.   Finds that the emergency repairs were necessary to permit the continued operation of county operations or services;

4.   Find that based on the evidence presented, this emergency does not permit a delay resulting from a competitive solicitation for bids, and immediate action is necessary to respond to the emergency.

5.   Ratifies the emergency contracts and the emergency actions taken by the County Administrative Officer or his designee to respond to the emergency.

6.   Delegates authority to the Contracts/Purchasing Officer or his designee to execute additional emergency contracts as necessary.

7.   Recognizes that the Director of Public Works or his designee will report back on the status of the emergency at the next scheduled meeting on August 23, 2010, and every fourteen days thereafter until the emergency ceases to exist.

PASSED AND ADOPTED on this 27th day of July 2010, upon motion of Supervisor _____ seconded by Supervisor _____by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book____ for the meeting on _____.

Dated: Gail T. Borkowski, Clerk of the Board of Supervisors
                                                                     County of Monterey, State of California

                                                                     By_____
                                                                               , Deputy