

RESOLUTION NO. 2018-__

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE HORN BROOK COMMUNITY SERVICES DISTRICT
DECLARING EMERGENCY PURSUANT TO
PUBLIC CONTRACT CODE §§ 22035 AND 22050**

The Board of Directors of the Hornbrook Community Services District does hereby find:

WHEREAS, the Hornbrook Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, on July 5, 2018 the District water system was seriously damaged by wildfire, causing the loss of a critical groundwater well and the loss of a sanitary roof over the community’s drinking water supply; and

WHEREAS, the District has determined that the remaining water supply is inadequate to meet domestic, sanitation and fire protection purposes for the foreseeable future; and

WHEREAS, the loss of the sanitary roof on the District primary drinking water reservoir has caused an unsanitary condition in the water supply as the drinking water is now exposed to atmosphere and various types of contamination; and

WHEREAS, the District is currently evaluating all options to supplement the remaining water supply; and

WHEREAS, the District is conducting engineering evaluation of the work required to restore the water system and is meeting with qualified contractors to provide guidance and cost estimates; and

WHEREAS, the Hornbrook community is currently without potable water supply; and

WHEREAS, development of plans, specifications, notices and other administrative requirements of the Public Contract Code needed for public bidding will extend any construction contract award by an additional 60 days or longer; and

WHEREAS, public bidding procedures will delay the construction start date by a total of 90 to 120 days; and

WHEREAS, construction of the necessary restoration work is expected to require a

period of up to 30 days; and

WHEREAS, if public bidding procedures are not used, the project completion and sanitary water supply date is expected to be August 1, 2018; and

WHEREAS, if public bidding procedures are used, project completion and a sanitary water supply is expected to be September 30, 2018, or later, causing a serious risk to the public health and safety of the community; and

WHEREAS, the risks of delay from following the public bidding process under the current grave water supply conditions far outweigh any benefits received from securing public bids; and

WHEREAS, the District Board took action for the District to become subject to the Uniform Construction Cost Accounting Act (UCCAA), set out at Public Contract Code §§ 22000-22045; and

WHEREAS, Public Contract Code § 22035 provides that in cases of emergency the District Board, as the governing body of the District, may (and upon compliance with Public Contract Code § 22050) proceed without giving notice of bids to let contracts; and

WHEREAS, Public Contract Code § 22035 also provides that the governing body may delegate to the appropriate agency manager the power to declare an emergency and/or proceed with repairs or replacements without approval by the Board; and

WHEREAS, Public Contract Code § 22050 provides contracting procedures without giving notice for bids to let contracts for these emergencies; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Hornbrook Community Services District, that the District hereby adopts the following to be effective immediately and throughout the duration of the water supply emergency:

1. All of the foregoing recitals are true and correct, and are incorporated herein.
2. The Board finds on the basis of the foregoing, including all matter incorporated by reference in the foregoing, that a continuing grave water supply emergency is facing the District such that the time required for the notice and advertisement for public bids would preclude timely action by the District to secure a safe water supply for the community.
3. The Board finds that due to the water supply emergency, that pursuant to Public Contract Code § 22035, public bidding to let contracts to restore the community water supply will not be given.
4. The Board further finds that due to the water supply emergency, that pursuant to Public Contract Code § 22050, public bidding to let contracts to secure an alternate or

supplemental water supply will not be given, in that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

- 5. The Board, pursuant to Public Contract Code § 22050(b), hereby delegates to the District General Manager the authority to order any action pursuant to Public Contract Code §22050(a)(1).
- 6. The Board shall review the above emergency action pursuant to the requirements of Public Contract Code § 22050(c).
- 7. This Resolution is effective immediately upon its adoption.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Hornbrook Community Services District on July 16, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Puckett, President, Board of Directors

ATTEST:

Michele Hanson, Secretary

CERTIFICATE OF SECRETARY

STATE OF CALIFORNIA)

)

COUNTY OF SISKIYOU)

I, Michele Hanson, the duly appointed and acting Secretary of the Board of Directors of the Hornbrook Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Special Meeting of the Board of Directors of the Hornbrook Community Services District, duly called and held at 14732 Hornbrook Road, Hornbrook, Ca. 96022, on July 16, 2018.

DATED: July 16, 2018.