

RESOLUTION NO. 004

RESOLUTION OF THE BOARD OF DIRECTORS OF THE HORN BROOK COMMUNITY SERVICES DISTRICT DECLARING AN EMERGENCY AND PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050(b) DELEGATING AUTHORITY TO THE DISTRICT BOARD PRESIDENT OR HIS DESIGNEE TO ENTER INTO EMERGENCY PUBLIC WORKS CONTRACTS FOR THE PERMANENT REPLACEMENT AND IMPROVEMENTS OF THE DESTROYED WATER SYSTEM IN THE KLAMATHON FIRE OF JULY 5th, 2018, AND THE 2021 DROUGHT, AS DESCRIBED IN THE CALIFORNIA GOVERNOR'S RESPECTIVE PROCLAMATIONS OF EMERGENCY DATED JULY 5, 2018, AND MAY 10, 2021.

WHEREAS, on or about July 5, 2018, the devastating Klamathon Fire swept through the community of Hornbrook, California, located in Siskiyou County, destroying numerous homes, structures and critical infrastructure, including the Hornbrook Community Services District water system, causing substantial damage to the water system; and

WHEREAS, on July 5, 2018, the California Governor made a Proclamation of a State Emergency for the damage caused to the community of Hornbrook, California located in Siskiyou County due to the 2018 Klamathon Fire; and

WHEREAS, on May 10, 2021, due to extreme drought conditions, extremely dry soils, and extremely high temperatures throughout much of the State of California and throughout Siskiyou County, this drought has caused water shortages and increased fire activity in Siskiyou County, including the complete failure of the wells serving the Hornbrook Community Services District water system on July 16, 2021; and

WHEREAS, on May 10, 2021, the California Governor made a Proclamation of a State Emergency for the damage caused by the drought to the communities located in Siskiyou County; and

WHEREAS, on July 16, 2021, the Hornbrook Community Services District adopted a Declaration of Water Shortage Emergency Resolution due to the District's failed wells and water system ordering emergency water use restrictions in order to conserve water for essential uses for the community of Hornbrook; and

WHEREAS, the Hornbrook Community Services District has been informed by District consultants and engineers that the perilous conditions associated with the failed wells and water system present immediate emergency conditions that require immediate action to make permanent repairs to said water system, including the drilling and installation of a new well; and

WHEREAS, the Hornbrook Community Services District has been informed by District consultants and engineers that due to the urgency of the water system repair/replacement and new well work, there is insufficient time to submit a construction contract for repair out to competitive bid; and

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, Public Contract Code section 21034(a) further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of District operations or services, the Hornbrook Community Services District may proceed at once with majority consent without the adoption of plans and specifications, and without giving notice for solicitation of competitive bids; and

WHEREAS, pursuant to Section 22050(b), the Hornbrook Community Services District, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate District officer, 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 Hornbrook Community Services District, 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 Hornbrook Community Services District 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 Hornbrook Community Services District review and determination; and

WHEREAS, when the Hornbrook Community Services District 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.

NOW, THEREFORE, BE IT RESOLVED by the Hornbrook Community Services District Board of Directors does hereby:

1. Finds that the foregoing facts are true and correct.
2. Finds that the imminent threat of an emergency, as defined by Section 1102 of the Public Works Contract Code, exists requiring immediate action and does not permit a delay resulting from competitive solicitation for bids
3. Delegates authority to the District Board President or his designee, as designated in writing, authority to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050.
4. Orders that District officers, staff, consultants and engineers in accordance with the provisions of Public Contract Code Section 22050, periodically report to the Board of

Supervisors according to the timeframes set forth therein so that I can be determined if there is a continued need for emergency action.

PASSED AND ADOPTED by the Hornbrook Community Services District Board of Directors at a regular meeting of said Board, held on 20 day of September 2021, by the following vote

AYES: 4 - Puckett, Tullado, Mellon, AND HANSON

NOES: 0

ABSENT: 1 - DUNCAN

ABSTAIN: 0



Robert Puckett, President
Hornbrook Community Services District Board

ATTEST:

Michele Hanson
Secretary

By Michele Hanson
Deputy