



February 14, 2023

**TO:** LOCSD Board of Directors

**FROM:** Ron Munds, General Manager

**SUBJECT: Agenda Item 2A- 02/14/2023 Special Board Meeting**  
Adopt Resolution 2023-13 Approving the Continuation of the Emergency Public Contract Code Provisions; Select an Ad Hoc Committee to Monitor the Emergency Repairs to the Cabrillo Stormwater Basin; Receive an Update on the Vista de Oro Incident.

**President**  
Charles L. Cesena

**Vice President**  
Marshall E. Ochylski

**Directors**  
Matthew Fourcroy  
Troy C. Gatchell  
Christine M. Womack

**General Manager**  
Ron Munds

**District Accountant**  
Robert Stilts, CPA

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**STAFF RECOMMENDATION**

Staff recommends the Board adopt the following motion:

***Motion: I recommend the Board:***

- 1. Adopt Resolution 2023-13 Reaffirming the delegation of authority to General Manager or his designee pursuant to public contract code section 22050(b) to enter into emergency public works contracts; and***
- 2. Select an Ad Hoc committee to monitor the emergency repair work on the Cabrillo Stormwater Basin; and***
- 3. Receive an update on the Vista de Oro incident.***

**DISCUSSION**

At the January 12, 2023 Board meeting, the Board adopted a resolution delegating to the General Manager the authority provided in Public Contract Code (Code) 22050. This authority allows for the letting of contracts without a competitive bidding process during an emergency. The Code requires that the General Manager report back to review the emergency action not later than seven days after the action. The Board reaffirmed the continuation of the emergency by adopting Resolution No. 2023-04 and 2023-05 at the January 17<sup>th</sup> and 24<sup>th</sup>, 2023 special meetings respectively, 2023-06 at the February 2<sup>nd</sup>, 2023 regular meeting, and 2023-10 at the February 7<sup>th</sup> special meeting.

Staff is recommending that the Board adopt Resolution No. 2023-13 which will extend the emergency action in order complete the necessary work to repair the Cabrillo storm water basin and provide the necessary support services for these repairs and other needs during the recovery phase of the incident.

Additionally, the Board expressed an interest in forming an Ad Hoc Committee to monitor the repairs to the Cabrillo stormwater basin. The Board's bylaws state the following:

*11.2 Ad Hoc Committees. The Board President shall appoint such ad hoc committees comprised of two (2) or less Directors as may be deemed necessary or advisable by himself/herself and/or the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. Ad hoc committees shall timely provide the District General Manager with their recommendations and/or reports.*

The suggested duties of the Ad Hoc Committee are as follows:

- Review consultant reports and recommendations provided by the consulting team
- Review recommendations made by the subject area expert attorneys engaged by the District
- Participate in meetings with the emergency repair team as appropriate

### **Vista de Oro Incident Update**

There are just a few updates to report on this week:

- The FEMA submittal requesting reimbursement for the repair of the Cabrillo stormwater basin are due February 16<sup>th</sup>. The repair team is working on estimating the cost for the emergency repairs. Costs for the interim emergency response work is coming lower than anticipated.
- The District continues to provide Mission Country Disposal rolloff and porta potty services on Vista Court. Staff will be evaluating the continued need for these services this upcoming week.
- The Disaster Relief Center closed on February 14<sup>th</sup>.
- Staff attended a FEMA briefing where timely information was provided on the recovery process for public agencies.

### **Attachment**

Resolution 2023-13

**RESOLUTION NO. 2023-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) REAFFIRMING THE DELEGATION OF AUTHORITY TO GENERAL MANAGER OR HIS 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 Directors, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate 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 Directors, at its next meeting required pursuant to Section 22050, the reasons justifying why the emergency will not allow 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 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 Directors' review and determination; and

**WHEREAS**, when the Board of Directors 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 General Manager or his designee will comport with Board of Directors policy regarding the procurement of public works design and construction contracts; and

**WHEREAS**, the passed Resolution Number 2023-03 approving the delegation of authority to the General Manager pursuant to Public Contract Code Section 22050(b); and

**WHEREAS**, the Board has reviewed the emergency action on February 7, 2023; and

**WHEREAS**, the Board has reviewed the emergency action on February 7, 2023 and passed Resolution Number 2023-10 approving the continued delegation of authority to the General Manager pursuant to Public Contract Code Section 22050(b).

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS  
COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE  
AND ORDER AS FOLLOWS:**

1. The Board reaffirms the continued delegation of authority provided in Public Contract Code 22050 to the General Manager, or his designee.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_  
and on the following roll call vote, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Los Osos Community Services District this 14th day of February, 2023.

\_\_\_\_\_  
Charles L. Cesena, President  
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ron Munds  
General Manager and Secretary to the Board

\_\_\_\_\_  
Thomas D. Green  
District Legal Counsel