

Attachment C: Board Resolution 2000-03

Re Emergency Procedures]
_____]

RESOLUTION 2000-03

WHEREAS, in the event of an emergency or disaster, the District has no procedure in effect for immediate response; and

WHEREAS, “emergency” is defined as the actual or threatened existence of conditions such as any hurricane, tornado, storm, high water, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, civil disturbance, other catastrophe, or threat that causes or may cause substantial damage or injury to persons or property within the District’s boundaries or area of jurisdiction; such other catastrophe or threat includes, but is not limited to failure of electrical, plumbing, communications or network systems or devices, which may cause an immediate treat to health and safety; and

WHEREAS, the California Public Contract Code, Division 2, Part 2, Chapter 2.5 entitled “Emergency Contracting Procedures”, and in particular Section 22050 thereof entitled “Contracts Without Bids, Procedures”, allows the governing body of a public agency, by a four-fifths (4/5) vote, to delegate a non-elected agency officer, by resolution, the authority to order any action to 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 award contracts; and

WHEREAS, pursuant to Public Contract Code Section 22050, in the event of a disaster or an emergency, the governing body of the District, the Board of Port Commissioners (Board), desires to empower an agency officer, the Executive Director of

2000-03

the District, to waive normal bid procedures, enter into any necessary contracts and commit District funds without first obtaining Board approval, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. Pursuant to San Diego Unified Port District Act, Section 58, in the event of a disaster or emergency, the Executive Director is hereby authorized to enter into any contracts, without the necessity of advertising for bids, provided immediate execution of the contract is necessary to protect human life or safety on property owned or controlled by the District, to protect District property, or to allow the District to reinstate or continue services that are essential to the District or to the District's tenants or customers, and further to expend the necessary funds therefor; said contracts to be approved, before execution, as to form and legality by the Port Attorney for the District. Such contracts shall be limited to those immediately necessary to remedy emergency conditions.

2. The Executive Director shall report to the Board at its next meeting 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.

3. If the Executive Director orders any action, the Board shall initially review the emergency action not later than Seven (7) days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than Fourteen (14) days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action, unless the Executive Director has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to said Public Contract Code Section 22050.

2000-03

4. When the Board 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 calling for bids for the necessary construction projects.

ADOPTED this 11th day of January, 2000.

sw
1/11/2000

San Diego Unified Port District

Office of the Clerk

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port District on January 11, 2000, by the following vote:

<u>Commissioners</u>	<u>Yeas</u>	<u>Nays</u>	<u>Excused</u>	<u>Absent</u>	<u>Abstained</u>
Stephen P. Cushman	_____	_____	<u>X</u>	_____	_____
Susan Lew	<u>X</u>	_____	_____	_____	_____
David Malcolm	<u>X</u>	_____	_____	_____	_____
Patricia A. McQuater	<u>X</u>	_____	_____	_____	_____
Paul H. Speer	<u>X</u>	_____	_____	_____	_____
Frank J. Urtasun	_____	_____	<u>X</u>	_____	_____
Jess Van Deventer	<u>X</u>	_____	_____	_____	_____

AUTHENTICATED BY:

Chair of the Board of Port Commissioners

ELIZABETH MOORE-STUMP

Clerk of the San Diego Unified Port District

By:

District Clerk

(Seal)

Resolution Number: 2000-03

or

Ordinance Number: _____

Adopted: 01/11/2000