

**RESOLUTION NO. 2016-15**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CALWA PARK AND RECREATION DISTRICT DECLARING EMERGENCY AND AUTHORIZING IMMEDIATE ACTION TO PROCURE THE NECESSARY EQUIPMENT, SERVICES, AND SUPPLIES WITHOUT GIVING NOTICE FOR COMPETITIVE BIDS AS EMERGENCY CAUSED BY CRASH ONTO DISTRICT PROPERTY CREATES A SERIOUS HEALTH AND SAFETY ISSUE AND DOES NOT PERMIT A DELAY RESULTING FROM FORMAL COMPETITIVE BIDS**

**WHEREAS**, the Board of Directors of the Calwa Park and Recreation District has met on June 28, 2016, in public session at a duly noticed regular meeting; and

**WHEREAS**, the Board of Directors has reviewed and considered a report from the District Administrator regarding a crash onto Park Property which resulted in significant damage including to the Park fence and circuit breaker and necessary emergency repairs; and

**WHEREAS**, Public Contract Code Section 20168 authorizes the Board of Directors to pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property without competitive bidding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Calwa Park and Recreation District makes the following findings based on substantial evidence regarding the condition of the Park Property resulting from the crash:

1. We have reviewed the written and verbal reports from the District Administrator.
2. Repairs are critical to the health and safety of the residents using Calwa Park.
3. The circuit breaker and fence are in serious disrepair and there are other related effects.
4. The work necessary consists of repair to the circuit breaker and surrounding fence.
5. Failure to immediately repair prevents the use of the Park, may result in danger to the health, safety, and welfare of the Park users, and reduces revenues for the operation of the Park.
6. The Board of Directors has taken evidence regarding the condition of Park as a result of the crash and the need to take immediate action to remediate this situation.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Directors of the Calwa Park and Recreation District as follows:

1. Given the condition of Park resulting from the crash as set forth above, an emergency exists as defined in Public Contracts Code Section 1102, specifically “a sudden, unexpected

occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.”


2. The District Administrator has undertaken preliminary bids and estimates but the emergency will not permit a further delay from further formal competitive solicitation of bids.
3. Immediate remediation is necessary to respond to the emergency.
4. Due to the emergency as set forth above, public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or public property.
5. The Board approves the immediate expenditure of public money to make repairs resulting from the crash and authorizes the District Administrator to take any directly related and immediate action required to conduct such remediation, without giving notice for formal bids.

**BE IT FURTHER RESOLVED**, that the Board of Directors hereby directs the District Administrator to make status reports at each regularly scheduled Council meeting, pursuant to Section 22050 of the Public Contracts Code until the repairs have been completed.

#### CERTIFICATION

Adoption of the foregoing Resolution No. 2016- 15 was adopted on June 28 2016, by the following vote:

AYES:	3
NOES:	0
ABSTENTIONS:	0
ABSENCES:	1

   
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Secretary of the Board of Directors