

RESOLUTION NO. SCV-132

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA CLARITA VALLEY WATER AGENCY
DELEGATING AUTHORITY TO THE GENERAL MANAGER TO ACT ON BEHALF OF
THE BOARD DURING AN EMERGENCY AND AMENDING THE SCV WATER
PURCHASING POLICY**

WHEREAS, on September 3, 2019 the Santa Clarita Valley Water Agency (SCV Water) Board of Directors approved a Purchasing Policy by a unanimous vote of those present; and

WHEREAS, Section 5.2 of the SCV Water Purchasing Policy authorizes the General Manager to act on behalf of the Board of Directors and to make any required purchases and enter into any required contracts in the event of an emergency, and to timely report to the Board on any such purchases or contracts that exceed \$30,000; and

WHEREAS, with regards to public works bidding requirements, Public Contract Code Section 21531(a) requires SCV Water to comply with public works bidding requirements for works that cost more than \$30,000, and;

WHEREAS, Public Contract Code Section 21531(b) provides that in case of an emergency, the Board may forgo such bidding requirements provided that it complies with Public Contract Code Section 22050; and

WHEREAS, Public Contract Code 22050(b)(1) authorizes the Board, by a four-fifths vote, to delegate authority to the General Manager to take emergency action without giving notice for bids, provided that the General Manager complies with the requirements of Section 22050; and

WHEREAS, while Section 5.2 of the Purchasing Policy is consistent with Public Contract Code Section 22050, the Board desires to make it clear that it is delegating authority to the General Manager to take actions authorized by Public Contract Code Section 22050 during an emergency on behalf of the Board of Directors; and

WHEREAS, the Board further desires to amend the Purchasing Policy to more clearly incorporate the requirements of Public Contract Code Section 22050 for actions that would normally be subject to Public Contract Code Section 21531(b).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Public Contract Code Section 22050(b)(1), the Board of Directors hereby delegates authority to the General Manager in the event of an emergency to order any action authorized by Public Contract Code Section 22050(a)(1) and (2).

2. The Board hereby adopts the amendments to the Santa Clarita Valley Water Agency Purchasing Policy as described in the attached Exhibit A to this Resolution.


President

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Santa Clarita Valley Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on December 17, 2019, the foregoing Resolution No. SCV-132 was duly and regularly adopted by said Board, and that said resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: December 17, 2019


Secretary



EXHIBIT A

Purchasing Policy

- 5.2 In the event of an emergency and a written finding by the General Manager that it is immediately necessary to purchase or contract for goods, services and equipment, and the emergency will not permit a delay resulting from complying with Section 4 or, if applicable, Public Contract Code Section 21531, the General Manager is authorized to make the required purchase(s) or enter into the required contracts(s). The General Manager shall, ~~however~~ report at the next meeting of the Board any such action involving a cost of more than \$30,000 and shall describe the emergency and the actual or probable impact on the Agency, -the reasons justifying why the action is necessary to respond to the emergency, and why the emergency will not permit a delay resulting from compliance with Section 4 or, if applicable, Public Contract Code Section 21531. to the Board as soon as practicable. This report shall identify the emergency and the actual or probable impact the emergency would have had on Agency operations.

In the case of any action subject to the requirements of Public Contract Code section 21531, the Board shall review any such action within 7 days of it being taken, or at its next regularly scheduled Board meeting if that meeting will occur not more than 14 days after the action, and at every regularly scheduled Board meeting thereafter until the action is terminated, to determine by a four-fifths vote that there is a need to continue the action, unless the General Manager has completed the action prior to the review by the Board. 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 for bids to let contracts.

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