

## **Resolution 2020-08**

### **A Resolution of the Board of Directors of the Humboldt Bay Municipal Water District Declaring an Emergency**

**WHEREAS**, the California Water Code for Municipal Water Districts, Division 20, Part 5, Chapter 2, Article 3, Section 71642 states that a finding by the Board upon the existence, threat, or duration of an emergency shall be made by resolution or ordinance; and

**WHEREAS**, during the months of August, September and October, Trinity County has experienced severe wild fires in the Ruth Lake area that has caused extensive property damage, destruction, and environmental harm; and

**WHEREAS**, Governor Newsom declared a state of emergency in California on August 16, 2020 to help communities respond to and recover from severe heat, weather and wildfires; and

**WHEREAS**, President Trump declared a Major National Disaster in California on August 22, 2020 to help communities respond to and recover from wildfires; and

**WHEREAS**, Trinity County Director of Emergency Services declared a local state of emergency in Trinity County on September 9, 2020 due to wildfires to help communities respond to wildfires; and

**WHEREAS**, the August Complex fires have caused loss of dwelling structures, personal property, infrastructure, forest and vegetation throughout the District owned property in Trinity County at Ruth Lake; and

**WHEREAS**, the property and vegetation destruction pose environmental threats to the water quality in Ruth Lake which must be addressed immediately to minimize or eliminate contamination of Ruth Lake and the Mad River; and

**WHEREAS**, Ruth Lake and the Mad River is the District's source drinking water for 88,000 residents of Humboldt county; and

**WHEREAS**, degradation of water quality of the District's water source will jeopardize the public health and safety within the boundaries of the District; and

**WHEREAS**, the District is subject to Public Contract Code 20642 which provides that all contracts for any improvement in excess of thirty-five thousand dollars (\$35,000) shall be let to the lowest responsive, responsible bidder; and

**WHEREAS**, Public Contract Code 20645 authorizes the District to negotiate and award contracts without advertising for bids in the event of any emergency; and

**WHEREAS**, Public Contract Code 22050(a)(1) states 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 22050(a)(2) requires that before taking action to procure equipment, services or supplies without giving notice for bids, the District Board must first make a finding, based on substantial evidence, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that the actions are necessary to respond to the emergency; and

**WHEREAS**, Public Contract Code 22050(b)(1) states that “the governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate non-elected officer the authority to order any action specified in paragraph (1) of subdivision (a);

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the **Humboldt Bay Municipal Water District** hereby declares a state of emergency in the District in accordance with Section 71642 of the California Water Code; and,

**BE IT FURTHER RESOLVED** that:

1. The Board based on substantial evidence, that an emergency situation exists within the District which requires the District to proceed immediately with work necessary to prevent contamination of the District’s water source at Ruth Lake and the Mad River at the earliest possible time.
2. The Board finds that the emergency conditions described herein will not permit delay resulting from competitive solicitation for bids for securing services, materials, and equipment need to address the emergency.
3. The Board declares that the foregoing findings constitute an emergency pursuant to Public Contract Code sections 1102 and 20645.
4. The Board authorizes and directs the District’s General Manager to acquire such materials, services, and equipment and to enter into such contracts and obtain such emergency permits as are necessary and

appropriate to meet the emergency needs of the District, without observing the need to seek formal competitive solicitations of bids, or bonding.

5. The cost and effort required to recover from the wildfire disaster has yet to be fully determined, but the District resolves to pursue all available resources, including Federal and State relief aid, emergency funds and assistance, to implement a full recovery within the District.
6. This Resolution shall be effective upon passage and shall remain in effect until the emergency disaster status has been lifted by the affirmative majority vote of the Board of Directors of the District.

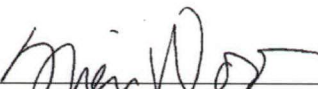
**PASSED and ADOPTED at a Regular Meeting of the Board of Directors** of the Humboldt Bay Municipal Water District this 8th day of October 2020, by the following roll call vote:

AYES: Directors Fuller, Latt, Lindberg, Rupp and Woo

NOES: None

ABSENT: None

Attest:

  
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Sheri Woo, Board President

  
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J. Bruce Rupp, Board Secretary