

Monterey Regional Waste Management District
RESOLUTION NO. 2020-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT**

1) RECOGNIZING THE EXISTENCE OF A NATIONAL, STATE, AND LOCAL EMERGENCY DUE TO THE OCCURRENCE OF COVID 19, 2) IMPLEMENTING EMERGENCY PROCUREMENT PROCEDURES, INCLUDING THE TEMPORARY INCREASE OF THE GENERAL MANAGER'S PURCHASING AUTHORITY, 3) GRANTING TEMPORARY EMERGENCY POWERS TO THE GENERAL MANAGER FOR CRITICAL DECISIONS REGARDING OPERATIONS AND MAINTENANCE, AND 4) AUTHORIZING EXPENDITURES FOR UNANTICIPATED PERSONNEL EXPENSES

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WHEREAS, this Monterey Regional Waste Management District (MRWMD) Board recognizes and is fully aware of the emergence and alarming spread of COVID-19 across the United States and the rest of the world; and

WHEREAS, the state of California and the County of Monterey have imposed stringent limitations on personal, business, social and governmental activity in an effort to stem the advance of COVID-19; and

WHEREAS, by any pertinent standard COVID-19 is an existential threat, a pandemic, and is therefore an emergency as defined and declared on many levels, including without limitation as defined in MRWMD's Purchasing Policy (as Revised April 2010) and incorporated herein by this reference); and as defined in the California Public Contract Code; and as declared by the United States, the State of California, and the County of Monterey; and

WHEREAS, MRWMD is a local public agency providing essential governmental functions that must continue fully in operation with certain required essential personnel until the COVID-19 crisis is safely abated; and

WHEREAS, the General Manager strongly advises, and this Board resolutely agrees, that during and because of the COVID-19 crisis, MRWMD will find it necessary to make certain required expenditures without adequate time or staff to adhere to procurement and other requirements, or to adhere to otherwise applicable laws and regulations requiring Board approval;

NOW, THEREFORE, BE IT RESOLVED, by the MRWMD Board of Directors, as follows:

1. The provisions and recitals set forth above are hereby referred to and incorporated herein and made a part of this Resolution by reference.

2. The inability of MRWMD to make purchases of goods and services during the COVID-19 crisis/emergency without adhering to the procedures and provisions of the Purchasing Policy would interrupt and seriously impede MRWMD's providing vital and essential services during the emergency and the ongoing threat to public health, safety, and welfare. Therefore, this Board, restating the Board's determination of the existence of an emergency found in the Recitals, hereby enables the General Manager and any personnel delegated by the General Manager, to make expenditures of any sum up to \$250,000 required for purchase of goods or services during the crisis without soliciting proposals or formal sealed bids. At the conclusion of the emergency the Board shall be provided a report and shall be requested to ratify any and all expenses in excess of the General Manager's purchasing authority levels.

3. Additionally, during the course of this declared emergency, the General Manager is hereby granted by the Board such temporary powers as he determines to be necessary to ensure that critical decisions regarding MRWMD operations and maintenance are made in a timely and proactive manner, and with regard to same, the General Manager shall report monthly to the Board any actions taken by him pursuant to this authorization.

4. The inability of MRWMD to enter into agreements governed by the Public Contract Code for repair or replacement of public facilities during the COVID-19 crisis/emergency without adhering to the procedures and provisions of that Code would interrupt and seriously impede MRWMD's providing vital and essential services during the crisis/emergency, resulting in an ongoing threat to public health, safety and welfare. Therefore, this Board, pursuant to Sections 1102 and 22050 of the Public Contract Code, and restating the Board's determination of the existence of an emergency found in the Recitals above, hereby, by a four-fifths vote of this Board, enables the General Manager and any personnel delegated by the General Manager, to take all action necessary to effect repair or replacement of public facilities without giving notice for bids to let contracts. The General Manager or any personnel delegated by the General Manager shall comply with provisions of Section 22050 regarding reports to the Board concerning such contracts.

5. The General Manager advises that during the COVID-19 crisis/emergency MRWMD may be required to incur additional personnel costs for additional temporary employees and for paid administrative leave for some employees required to be at home or working from home due to the COVID-19. This Board hereby authorizes payment of the additional costs, provided that the General Manager or any personnel authorized by the General Manager shall report the payments made pursuant hereto in a monthly report to the Board at its regular monthly meetings, with proposals and provisions made for such appropriate amendments to the annual budget as may be necessary.

6. Prior to taking any of the actions or making any of the expenditures provided for hereinabove, the General Manager shall notify, or make documented attempts to notify, the Board Chair, Vice Chair and Chair of the Finance Committee of same.

7. This Emergency Resolution shall remain in full force and effect until June 30, 2020, unless extended or terminated prior thereto by this Board.

PASSED, APPROVED AND ADOPTED BY A FOUR-FIFTHS VOTE of the Board of Directors of the Monterey Regional Waste Management District at a duly noticed regular Board meeting held on March 20, 2020, by the following vote.

AYES:

NOES:

ABSENT:

Carrie Theis, Chair of the Board

ATTEST:

Timothy S. Flanagan
General Manager/Secretary of the Board