

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9290-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS OR HER DESIGNEE(S)  
PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050(b) TO ENTER INTO  
EMERGENCY PUBLIC WORKS CONTRACTS

WHEREAS, pursuant to Garden Grove Municipal Code Section 2.52.010, public works projects costing more than \$30,000 shall be formally bid and awarded according to the bid process set forth in Public Contract Code Sections 22000 *et seq.*;

WHEREAS, California Public Contract Code Section 22050(a) provides 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;

WHEREAS, pursuant to Section 22050(b), the City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate City administrative officer, the authority to order any action pursuant to Section 22050(a);

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), that person shall report to the City Council, at its next meeting required pursuant to Section 22050, 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;

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), the City Council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least every 14 days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the person with delegated authority has terminated that action prior to the City Council review and determination;

WHEREAS, when the City Council 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; and

WHEREAS, pursuant to Garden Grove Municipal Code Section 2.52.010, the City Manager has the authority to award and approve construction agreements up to \$50,000, subject to applicable bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove as follows:

1. The City Council hereby delegates to the City Manager or his or her designee(s) the authority to order any emergency action and enter into necessary contracts up to and including \$50,000 pursuant to the provisions of California Public Contract Code Section 22050, effective May 21, 2015.

Adopted this 26<sup>th</sup> day of May 2015.

ATTEST:

/s/ BAO NGUYEN  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 26<sup>th</sup> day of April 2015, by the following vote:

AYES:    COUNCIL MEMBERS:   (5) BEARD, BUI, JONES, PHAN, NGUYEN  
NOES:    COUNCIL MEMBERS:   (0) NONE  
ABSENT:  COUNCIL MEMBERS:   (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK