

## Article 225

## Emergency and Immediate Non-Emergency Action Authorization Procedures

Sec. 225.1     Purpose. The purpose of this article is to provide the General Manager certain powers and authorities, without specific prior formal Board approval, to take timely and necessary action in the event an emergency exists or circumstances arise necessitating immediate non-emergency action which would normally require formal Board approval, as defined within this article.

Sec. 225.2     Emergency Defined. An emergency is defined as a major disruption in the water distribution system or the wastewater systems that prevents the Valley Center Municipal Water District (District) from delivering water or providing wastewater treatment and disposal services, or a situation where a lack of action would prevent the delivery of water or provision of wastewater services to any customer.

Sec. 225.3     Emergency Authority. In the event the General Manager determines that an emergency exists requiring immediate action, the General Manager shall have the power, without prior formal Board approval, to:

1. Enter into contracts and/or agreements and to expend funds on behalf of the District, provided that such expenditures or contracts do not exceed, in total, \$750,000.00,
2. Control, limit or redirect the delivery of water or the provision of wastewater treatment and disposal services to District customers,
3. Reassign District personnel and to employ additional personnel,
4. Implement the District's emergency response plan,
5. Authorize payment of administrative leave as necessitated by the emergency circumstances encountered by the District,
6. Assign District vehicles for temporary 24-hour use. Use of such vehicles shall be governed by Sec. 5.12 of this Code, and
7. Perform all other acts deemed necessary or appropriate to protect the interests of the District, its customers and the public.

Per Ordinance No. 2006-11 Adopted 8/21/06 (Article 225)

Per Ordinance No. 2007-16 Adopted 12/3/07 [Sec. 225.3]

Per Ordinance No. 2020-14 Adopted 11/16/20 [Sec. 225.3 (1)]

- Sec. 225.4     Circumstances Necessitating Immediate Non-Emergency Action Defined. Circumstances necessitating immediate non-emergency action by the General Manager are those which, based upon the General Manager's factual understanding and professional judgment, require authorization of an expenditure beyond the General Manager's financial authority as set forth in Sec. 140.2(b) of the Administrative Code, or an administrative decision which, if executed in a timely manner, will result in a financial opportunity or operational advantage for the District, and in which inaction while awaiting normal Board authorization could or will result in the loss of the opportunity or advantage.
- Sec. 225.5     Immediate Non-Emergency Action Authority. The General Manager may make expenditures and/or commitments or an administrative decision having a total financial obligation of up to \$150,000 value in circumstances requiring immediate non-emergency action as defined in Sec. 225.4.
- Sec. 225.6     Notification. After it has been determined emergency or immediate non-emergency action is warranted, the General Manager shall make a good faith effort to contact the Board President to explain the factual case and management rationale for the proposed action and obtain prior approval from the Board President. If the President cannot be reached, the General Manager shall notify the Vice President, and, if the Vice President cannot be reached, the General Manager shall notify the remaining members of the Board. In the case where no member of the Board can be reached in a timely manner prior to taking the necessary action, after taking the action, the General Manager shall pursue notification of the Board President, Vice President or the remaining members of the Board within 48 hours after implementing the emergency or immediate non-emergency action.
- Sec. 225.7     Emergency Meeting of the Board of Directors. The President or Vice President may, upon notification, elect to call an emergency meeting of the Board of Directors as provided by state law. If an emergency meeting is not called, an item shall be placed on the agenda for the next regular meeting allowing for the Board to review the factual case, circumstances and rationale leading to the emergency and/or immediate non-emergency action taken by the General Manager and consider ratification of those actions.