*DRAFT – REQUIRES BOARD APPROVAL*

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**SLEEPY HOLLOW FIRE PROTECTION DISTRICT**

**RESOLUTION NO. 2022-4**

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**RESOLUTION APPROVING AND AUTHORIZING**

**ISSUANCE AND PUBLICATION OF NOTICE INVITING BIDS**

**FOR THE CONSTRUCTION OF A**

 **FIRE-SMART PUBLIC DEMONSTRATION GARDEN**

**AT THE SLEEPY HOLLOW COMMUNITY CENTER**

 WHEREAS, on March 5, 2021, the District Board of Directors passed Resolution No. 2022-1 approving and adoptingan Agreementfor Professional Services in connection with the design and installation of a FireSmart Public Demonstration Garden at the Sleepy Hollow Community Center (the “Garden”) and a Real Property License Agreementthat gives the District the right to occupy and use certain areas of the Community Center property located at 1317 Butterfield Road, San Anselmo, California, for Garden purposes only; and

 WHEREAS, California Health and Safety Code Section 13861 authorizes the District to enter into and perform all necessary contracts that benefit of the District, including contracts for the construction of public projects such as the Garden; and

 WHEREAS, attached to this Resolution are:

 1. A District Staff Report dated June 2, 2022 that sets forth the District’s intention and need to invite bids for the construction of the Garden; and

 2. A *Notice Inviting Bids* that has been prepared pursuant to the District’s authority under California Health and Safety Code Section 13861 and in compliance with California Public Contract Code Section 20813 that invites public bids for construction of the Garden; and

 WHEREAS, the Board of Directors has considered the evidence and testimony presented at a public meeting regarding the bid process for construction of the Garden.

 NOW, THEREFORE, the Board of Directors of the Sleepy Hollow Fire Protection District hereby resolves as follows:

 SECTION 1. The foregoing Recitals are true and correct and are incorporated into this Resolution by this reference.

 SECTION 2. The Board of Directors finds and determines that the approval and publication of the Notice Inviting Bids will assist in the full implementation of the District’s Strategic Plans and therefore the Notice Inviting Bids will serve the health, safety, and welfare of the residents and others within the District.

 SECTION 3. The Board of Directors hereby approves the Notice Inviting Bids substantially in the form attached hereto as Exhibit Aand incorporated herein by this reference.

 SECTION 4. The Secretary of the District Board of Directors is hereby authorized to make final changes to the Notice Inviting Bids that are consistent with this Resolution, and the Secretary is hereby authorized to publish and advertise the Notice Inviting Bids and any other documents reasonably necessary to effectuate the provisions of this Resolution, to take all actions, on behalf of District, to enter into any amendments or modifications (including, without limitation, any exhibits) to the Notice Inviting Bids that the Secretary determines, in consultation with the District’s counsel, are in the best interests of the District, do not materially increase the obligations or liabilities of the District, and are necessary or advisable to complete the transaction and effectuate the purposes and intent of this Resolution and are in compliance with all applicable laws, all subject to final review and approval by the District’s counsel.

SECTION 5. All acts and things that may be done pursuant to the authority of this Resolution by the Secretary shall be, and the same hereby are, fully ratified and approved, and this Resolution shall remain in full force and effect until written notice of revocation signed by the President, Secretary, or Treasurer of the District shall have been received by those bidders who respond to the Notice Inviting Bids.

 SECTION 6. The Board of Directors finds and determines that the approval and adoption of the Notice Inviting Bids (a) does not commit the District to any action that may have a significant effect on the environment, and (b) is not a “project” under the California Environmental Quality Act because it does not involve any activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment (California Public Resources Code Section 21065), and (c) the “common sense” exemption pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the Board’s action will not have a significant effect on the environment.

 PASSED AND ADOPTED at a Regular Meeting of the Board of Directors held this 2nd day of June 2022 by the following vote:

AYES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Richard C. Shortall, Jr., Director/President

ATTEST

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Thomas J. Finn, Director/Secretary