

RESOLUTION NO. 17-134

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SISKIYOU COUNTY
DECLARING AN EMERGENCY
AND PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050(b) DELEGATING
AUTHORITY TO THE COUNTY ADMINISTRATIVE OFFICER
OR HER DESIGNEE TO ENTER INTO EMERGENCY PUBLIC WORKS CONTRACTS
FOR THE PERMANENT REPLACEMENT OF 130 FEET OF SALMON RIVER ROAD
DESTROYED IN THE STORM OF DECEMBER 2016 AS DESCRIBED IN THE
CALIFORNIA GOVENOR'S
PROCLAMATION OF EMERGENCY DATED AUGUST 29, 2017**

WHEREAS, on or about December 9, 2016, torrential rainstorms swept through Siskiyou County bringing high winds, substantial precipitation, and flooding throughout the County; and

WHEREAS, on December 14, 2016, this storm system caused significant damage to the roads in Siskiyou County, including completely destroying and washing away a 130 foot portion of the Salmon River Road which had to be closed due to road subgrade failure; and

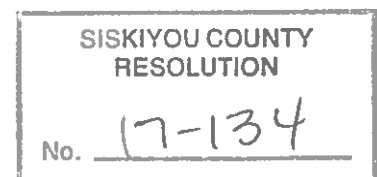
WHEREAS, on or about December 19, 2016 the Siskiyou County Department of Public Works installed a temporary bridge at this location to allow essential traffic to flow; and

WHEREAS, this temporary bridge is not intended for long term use and could be compromised under the upcoming winter weather and storms expected this winter creating an imminent threat of failure; and

WHEREAS, Salmon River Road is classified as a Rural Major Collector roadway and there are no detours around this site that could allow essential traffic such as emergency vehicles, school buses and supplies to access the communities on the other side of the bridge; and

WHEREAS, on August 29, 2017, the California Governor made a Proclamation of a State Emergency for the damage caused to the Siskiyou County road system due to the December 2016 storm system; and

WHEREAS, the Siskiyou County Board of Supervisors has been informed by the Department of Public Works that the perilous conditions associated with the failed section of Salmon River Road together with the temporary nature of the bridge repair and pending winter storms present immediate emergency conditions at that location that require immediate action to make permanent repairs to said section of Salmon River Road; and



WHEREAS, the Board of Supervisors has been informed by the Department of Public Works that due to the urgency of the repair/replacement work there is insufficient time to submit a construction contract for repair out to competitive bid; and

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; and

WHEREAS, Public Contract Code section 21034(a) further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services, the Board of Supervisors may proceed at once with majority consent without the adoption of plans and specifications, and without giving notice for solicitation of competitive bids; and

WHEREAS, pursuant to Section 22050(b), the Board of Supervisors, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to Section 22050(a); and

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 Board of Supervisors, 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; and

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), the Board of Supervisors 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 Board of Supervisors' review and determination; and

WHEREAS, when the Board of Supervisors 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Siskiyou County that the Board hereby:

1. Finds that the foregoing facts are true and correct.

2. Finds that the imminent threat of an emergency, as defined by Section 1102 of the Public Contract Code, exists at Salmon River Road requiring immediate action and does not permit a delay resulting from competitive solicitation for bids
3. Delegates authority to the Siskiyou County Administrative Officer or her designee, as designated in writing, authority to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050.
4. Orders that staff, in accordance with the provisions of Public Contract Code Section 22050, periodically report to the Board of Supervisors according to the timeframes set forth therein so that it can be determined if there is a continued need for emergency action.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 17th day of October, 2017, by the following vote

AYES: Supervisors Criss, Haupt, Valenzuela, Nixon and Kobseff

NOES: NONE

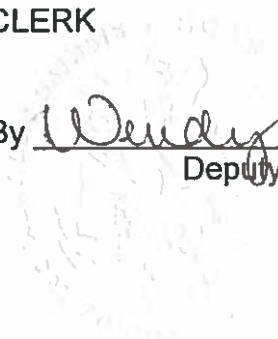
ABSENT: NONE

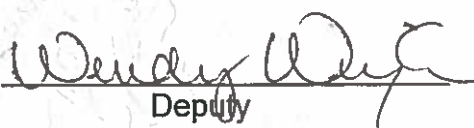
ABSTAIN: NONE



Michael N. Kobseff, Chair
Board of Supervisors

ATTEST:
COLLEEN SETZER,
CLERK



By 
Deputy