

## RESOLUTION NO. 16-102

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS PROCLAIMING THE OF EXISTENCE OF AN EMERGENCY DUE TO EXTENSIVE DAMAGE CAUSED BY FLOODING TO A COUNTY OWNED FACILITY LOCATED AT 737 S STATE ST, UKIAH, CA

**WHEREAS**, Mendocino County Code Section 2.33.080 states as follows: Emergencies - (A) In cases of emergency when repair or replacements are necessary, the Board of Supervisors may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Supervisors, by contractor, or by a combination of the two; (B) In case of an emergency, if notice for bids to let contracts will not be given, the County shall comply with Chapter 2.5 (commencing with Section 22050) of the Public Contract Code; and

**WHEREAS**, Public Contract Code Section 22050 states as follows: "(a) (1) 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. (2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

**WHEREAS**, Public Contract Code further directs that the Board of Supervisors by a four-fifths vote delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a); and

**WHEREAS**, on August 13, 2016 a pipe cap in the County owned facility located at 737 S State St, Ukiah, CA, cracked, causing extensive flooding i.e. one to two inches of water and causing extensive damage to the flooring, walls, carpet, computer equipment, etc. in the building.

**WHEREAS**, it has been determined that portions of the County owned facility located at 737 S State St, Ukiah, CA, affected by the extensive flooding are currently uninhabitable and staff has to be relocated immediately; and

**WHEREAS**, the Board of Supervisors of Mendocino County does hereby find that the aforesaid conditions necessitate declaration of an emergency; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors Declares the Existence of an Emergency and pursuant to Public Contract Code Section 22050, further directs that the Board of Supervisors by a four-fifths vote delegate the authority to order any action pursuant to paragraph (1) of subdivision (a) of PCC 22050 to the Chief Executive Officer, or designee.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried this 16<sup>th</sup> day of August, 2016, by the following vote:

AYES: Supervisors Brown, McCowen, Woodhouse, Gjerde and Hamburg  
NOES: None  
ABSENT: None

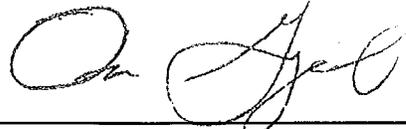
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

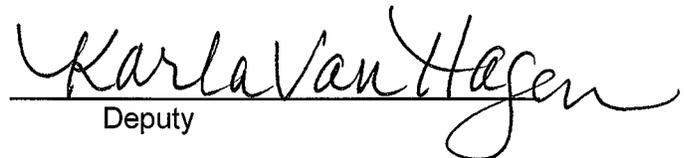
APPROVED AS TO FORM:  
KATHARINE ELLIOT, County Counsel



  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy