



Mendocino County

Legislation Details (With Text)

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Title: Off Agenda Item - Pursuant to Government Code Section 54954.2; and Discussion and Possible Adoption of Urgency Resolution Declaring an Emergency Pursuant to Mendocino County Code (MCC) Sec. 2.32.040 and Public Contract Code Section 22050 Due to Damage to a County Owned Facility Located at 737 S. State St., Ukiah Caused by Flooding, and consideration of a special meeting to reaffirm the emergency declaration on August 30, 2016.

Sponsors: Executive Office

Indexes:

Code sections:

Attachments: 1. Resolution 16-102

Date	Ver.	Action By	Action	Result
8/16/2016	1	Board of Supervisors		

To: Board of Supervisors

From: Executive Office

Meeting Date: August 16, 2016

Department Contact: Alan Flora, Assistant CEO **Phone:** 707-463-4441

Department Contact: Tammy Moss Chandler, HHSA **Phone:** 707-463-7774
Director

Item Type: Regular Agenda

Time Allocated for Item: 15 minutes

Agenda Title:

Off Agenda Item - Pursuant to Government Code Section 54954.2; and Discussion and Possible Adoption of Urgency Resolution Declaring an Emergency Pursuant to Mendocino County Code (MCC) Sec. 2.32.040 and Public Contract Code Section 22050 Due to Damage to a County Owned Facility Located at 737 S. State St., Ukiah Caused by Flooding, and consideration of a special meeting to reaffirm the emergency declaration on August 30, 2016.

Recommended Action/Motion:

Hear Off Agenda Item - Pursuant to Government Code Section 54954.2 and Adopt Resolution declaring an emergency pursuant to MCC Sec. 2.32.040 and Public Contract Code Section 22050 due to damage to a County owned facility located at 737 S. State St, Ukiah caused by flooding, and schedule a special meeting to reaffirm the emergency declaration on August 30, 2016.

Previous Board/Board Committee Actions:

On January 22, 2013 the Board of Supervisors adopted a resolution declaring an emergency due to damage to a

County owned facility located at 1120 S. Dora St., Ukiah.

Summary of Request:

On August 13, 2016, the Mendocino County Executive Office and the Health and Human Services Agency were notified of a water leak in the County owned Social Services facility at 737 S. State St. A faulty pipe cap on a waterline that was being remodeled cracked and flooded around 9000 sq. ft. of the facility. County staff has been working with contractors to perform remediation work, relocate staff, schedule hazardous materials testing and actively plan for the complete restoration of the facility. However, due to the extensive damage and obvious threat to health and safety should the facility be subject to delays in the repair process, the Executive Office and the Health and Human Services Agency are recommending that the Board of Supervisors declare a local emergency pursuant to PCC 22050. The extension of a local emergency pursuant to MCC Sec. 2.32.040 and Public Contract Code Section 22050, requires an extension of the declaration every 14-days. This will require a special meeting of the Board of Supervisors no later than August 30th to extend the emergency until work can be completed.

The County owned facility located at 737 S. State St, Ukiah, CA which houses Social Services, has received significant damage due to flooding as a result of a faulty water pipe cap within the facility late Saturday evening. The water flow resulted in 1-2 inches of water throughout 9,000 square feet of the facility. Extensive damage to the flooring, walls, carpet, computer equipment, etc. has occurred. The Executive Office/Risk Management Division, in consultation with an outside contractor called ServPro (an agency that specializes in assessing water damage to facilities) has determined the affected area within the facility to be uninhabitable and has subsequently recommended the relocation of staff immediately. County staff has been working to temporarily relocate approximately 30 employees to other work stations within the facility. This temporary staff relocation effort is anticipated to be finalized by the end of County business tomorrow. These relocations will have a negative impact on eligibility services and will make it more difficult for staff to meet mandated State and Federal deadlines. Although there will be no complete service interruption, loss of interview rooms and work space will mean that the public may face additional wait times and other delays to accessing their benefits.

As a result of the extensive damage and threat to health and safety, it is recommended that the Board declare an emergency pursuant to MCC Sec. 2.32.040 , “Emergency Purchases - Notwithstanding the provisions of Section 25502.3 of the Government Code and Section 2.32.030(F) the Board of Supervisors may, whenever it has proclaimed a local emergency pursuant to Section 8630 of the Government Code, direct the Purchasing Agent to engage independent contractors to perform services related to the local emergency for the County and officers thereof, with or without the furnishing of materials, within the amounts the Board of Supervisors may establish. Informal bidding procedures shall be observed to the extent that such procedures are feasible under emergency circumstances” and MCC Section Sec. 2.33.080 - “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.”

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.”

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).

The Executive Office is recommending that the Board of Supervisors adopt a Resolution declaring an emergency based on the information provided above and delegate the authority as described in PCC 22050 to the Chief Executive Officer (CEO). The CEO will follow up with the Board within 10 days of this declaration and continue until the situation is no longer considered an emergency.

Alternative Action/Motion:

Do not declare an emergency and provide further direction to staff.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: GL/CI/Insurance

Budgeted in Current F/Y: No

Current F/Y Cost: Unknown

Annual Recurring Cost: N/A

Supervisory District: District 2

Vote Requirement: 4/5's

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Alan D. Flora, Assistant CEO

CEO Review: Yes

Comments: