

RESOLUTION NO. 23-226

**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 CONTRACT
FOR THE REPAIR AND PERMENANT REPLACEMENT OF THE DAMAGED
OBERLIN ROAD TRANSFER STATION TIPPING FLOOR**

WHEREAS, on or about October 17, 2023, the Siskiyou County Department of General Services became aware that the Oberlin Road Transfer Station tipping floor, located at 2420 Oberlin Road, Yreka California, had a 25 ft wide hole in the asphalt tipping floor severely reducing the capacity of the operations of the Transfer Station creating an environmental health hazard if not corrected and repaired immediately; and

WHEREAS, on or about October 18, 2023, the Siskiyou County Department of General Services facilitated a temporary patch and received an emergency quote from Evans Building & Excavating, Inc. for a permanent repair of the tipping floor; and

WHEREAS, this temporary patch 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 long term shutdown of the facility; and

WHEREAS, Oberlin Road Transfer Station is essential to the temporary disposal of waste throughout the Siskiyou County receiving approximately 100 tons of waste per day, which the clearing and transport of such waste out of the County utilizing the tipping floor is essential to the health and safety of the County; and

WHEREAS, the perilous conditions associated with the failed tipping floor at the Oberlin Road Transfer Station together with the pending winter weather conditions present immediate emergency conditions at that location that require immediate action to make permanent repairs to said tipping floor; and

WHEREAS, the Board of Supervisors has been informed by the Department of General Services 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

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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 non-elected 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; and

WHEREAS, the Board of Supervisors would prefer to have emergency items brought before them under Section 22050(a) when time allows, but wishes to delegate the authority for entering into emergency construction contracts to appropriate staff as it is anticipated that emergencies may arise that require a response before a meeting with four-fifths of the Board can be convened;

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 the Oberlin Road Transfer Station located at 2420 Oberlin Road, Yreka, California 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 Board of Directors of the Siskiyou Board of Supervisors at a regular meeting of said Board, held on the 12th day of December, 2023, by the following vote

AYES: Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela
NOES: None
ABSENT: None
ABSTAIN: None



Ed Valenzuela, Chair
Board of Supervisors

ATTEST:
LAURA BYNUM,
CLERK

By 
Deputy