RESOLUTION NO. \_\_\_\_

**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 & REPLACEMENT OF THE COUNTY FIRE EMERGENCY REPEATERS**

 WHEREAS, on or about August 29, 2023, the Siskiyou County Department of General Services became aware that the County Fire Repeaters are out dated and have been in a state of significant disrepair and damage which require immediate replacement and repair; and

WHEREAS, since August 29, 2023, the Siskiyou County Department of General Services Communication Division has been keeping the current repeater equipment temporarily stable, however, the repeater equipment could fail at any moment; and

WHEREAS, this temporary fix is not an appropriate or sustainable long term solution and a legally compliant permanent solution to repair and replace the repeater equipment needs to be commenced immediately; and

WHEREAS, the County repeater sites are essential to the community of Siskiyou County to allow all Fire and Emergency Services to communicate in the event of a fire, natural disaster, or other emergency and is essential to the health and safety of the County and its residents; and

WHEREAS, the perilous conditions associated with the damaged and out dated repeater equipment, and with the upcoming fire season a few months away, such conditions present an immediate emergency that requires immediate action to make permanent repairs and replacements to all County repeater sites; and

WHEREAS, the Board of Supervisors has been informed by the Department of General Services that due to the urgency of the repair and replacement work there is insufficient time to submit a construction contract for repair and replacement 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; 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 each County Fire Repeater throughout the County of Siskiyou, as set forth and further described in Attachment “A”, attached hereto, requires 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 I 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 20th day of February, 2024, by the following vote

AYES:

NOES:

ABSENT:

ABSTAIN:

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 Michael N. Kobseff, Chair

 Board of Supervisors

ATTEST:

LAURA BYNUM,

CLERK

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Deputy