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, RESTORATION & REPLACEMENTOF THE FIRE DAMAGED SISKIYOU COUNTY COMMUNITY DEVELOPMENT DIVISIONS BUILDING & CONTENTS THEREOF**

**WHEREAS,** on February 11, 2024, an arsonist broke into the Siskiyou County Community Development Divisions Building (“Building”) located at 806 South Main Street, Yreka, California, and set fire to the basement of that Building resulting in extensive damage to approximately 8,500 square feet of the Building, including heavy damage to the document storage room containing over 50,000 Building Department files, over 10,000 Environmental Health Department files, and over 20,000 Planning Department files. The basement of the Building was significantly damaged by the fire and fire suppression efforts causing extensive fire, smoke and water damage; the first and second floors of the Building and contents thereof suffered severe smoke damage, all resulting in significant disrepair and damage to the Building and its contents which require immediate replacement, restoration and repair; and

**WHEREAS,** as a result of the extensive fire, smoke and water damage to the Building and its contents, hundreds of thousands of records need to be taken off-site to be professionally restored and digitized,16 County employees have been displaced from their regular workplace and require temporary accommodations in order to continue the day-to-day business of the Community Development Division’s operations, and immediate restoration, repair and replacement of the fire, smoke and water damaged Building and its contents needs to commence as soon as possible without delay to prevent further disruption of County services ; and

**WHEREAS,** the Board of Supervisors has been informed by the Community Development Division that due to the urgency of the restoration, repair and replacement work there is insufficient time to submit a contract for repair, restoration 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 the Community Development Division Building in County of Siskiyou, which 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 12th day of March 2024, by the following vote

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael N. Kobseff, Chair

Board of Supervisors

ATTEST:

LAURA BYNUM,

CLER

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

Deputy