



County of Sonoma

State of California

Date: March 14, 2023

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Declaring Its Intention To Utilize Road Commissioner Authority For The Moscow Road Slide
Repair Projects, Authorizing A Loan Through The Intradepartmental Revolving Credit Line For
The Projects, And Delegating Certain Authorities To The Director Of Public Infrastructure As
To Such Projects**

Whereas, in January 2023, Sonoma County was impacted by a major storm event which caused severe damage to Moscow Road in western Sonoma County at Post Mile 12.57 (the “2023 Site”); and

Whereas, the 2023 Site does not yet have a commitment from the Federal Emergency Management Agency (FEMA) for public assistance for permanent repair work; and

Whereas, the 2023 Site is in close proximity to disaster sites (Post Mile 10.84 and 12.55) caused by the February 2019 storm events (the “2019 Sites”) (the 2019 Sites and the 2023 Site are collectively referred to herein as the “Moscow Road Slide Repair Projects”); and

Whereas, design, engineering, and environmental elements for the 2019 Sites have been completed and the Department of Public Infrastructure (the “Department”) received clearance from FEMA to begin construction in the summer 2023; and

Whereas, in order to expedite construction, best respond to the threat to life and safety, and reduce overall repair costs, the Department has requested authorization to repair the 2023 Site together with the 2019 Sites; and

Whereas, on May 25, 2021, by Resolution No. 21-0225, the Board approved an Intradepartmental Revolving Credit Line between the Former Rural Landfills Fund and the Road Fund (the “Credit Line”) for funding projects undertaken by the Department to repair roads, bridges, and other public facilities damaged by fires, floods and other declared disasters for which the Department has received a commitment for reimbursement from a state and/or federal funding source, subject to the conditions set

forth in the Credit Line; and

Whereas, the Department has requested an exception to the Credit Line's FEMA funding commitment requirement as to the 2023 Site; and

Whereas, Public Contract Code Section 22031(b)(1) authorizes a board of supervisors or county road commissioner to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act, for the construction, repair, or maintenance of county highways, subject to certain conditions; and

Whereas, Public Contract Code Section 20395(a)(1) allows a county board of supervisors to authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have work upon county highways done under their supervision by letting a contract covering both work and material to the lowest responsible bidder as provided in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code; and

Whereas, Sonoma County Code Section 2-28 transfers all duties of the road commissioner to the Director of Transportation and Public Works pursuant to Streets and Highways Code Section 2006.1; and

Whereas, Sonoma County Code Section 2-357 allows the Director of Transportation and Public Works to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act; and

Whereas, the Board desires to authorize the Director to use the road commissioner contracting procedures under Public Contract Code Sections 22031 and 20390, et seq. as an alternative to the Uniform Public Construction Cost Accounting Act for the Moscow Road Slide Repair Projects.

Now, Therefore, Be It Resolved that the Board takes the following actions:

Section 1. The Board hereby finds and declares all of the following:

- A. All of the above recitals are true and correct.
- B. The Department is authorized and directed to complete design, environmental work and permanent repairs to the 2023 Site in advance of receiving FEMA approval for public assistance.
- C. The Department is authorized to use a loan through the Credit Line to fund the

Moscow Road Slide Repair Projects subject to all of the terms and conditions established by the Board under Resolution No. 21-0225, with the exception of the requirement that the project have received a funding commitment from FEMA.

D. The Board intends to use the authority under Sections 22031 and 20390, et seq. as alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act for the Moscow Road Slide Repair Projects.

E. The Director is authorized to prepare or direct preparation of surveys, profiles, cross-sections, plans, and specifications, as needed, notice bids, publicly open bids, award, negotiate, and execute the contracts to the lowest responsive and responsible bidder, reject all bids and advertise for new bids as authorized, consider and accept or reject protests if filed, execute change orders as authorized, and take all other actions authorized under and in accordance with the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code.

F. That public interest, convenience and necessity will be served by this Resolution.

Supervisors:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.