



# County of Sonoma

## State of California

Date: March 12, 2019

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_



4/5 Vote Required

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DECLARING NEED TO EXTEND EMERGENCY CONTRACTING ACTIONS AND WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050 DUE TO THE 2019 WINTER STORMS AND FLOODING**

**WHEREAS**, California Government Code section 8630 empowers the governing body of a county to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by 2019 Winter Storms and Flooding, commencing on February 12, 2019;

**WHEREAS**, on February 26, 2019, the Sonoma County Board of Supervisors proclaimed a local emergency existed within the Sonoma County Operational Area, suspended competitive bidding requirements for emergency response pursuant to Public Contracting Code section 22050, and requested the Governor of the State of California to proclaim a State of Emergency;

**WHEREAS**, on February 26, 2019, the County of Sonoma opened its Emergency Operation Center;

**WHEREAS**, on February 28, 2019, Governor Newsom issued a proclamation of emergency due to the 2019 Winter Storms and Flooding;

**WHEREAS**, emergency services have been needed to serve the thousands of Sonoma County residents displaced by the 2019 Winter Storms and Flooding, including evacuations, sheltering, and recovery assistance; and

**WHEREAS**, initial assessments of affected areas indicate extensive flood, rain, and debris impacts to numerous houses, business, and other important assets, including around 2,000 homes and 600 businesses; and

**WHEREAS**, initial assessments of affected areas also indicate extensive flood, rain, and debris impacts to county roadways and other transportation infrastructure, including road washouts, landslides, and debris blockages; and

**WHEREAS**, numerous locations in the affected areas have experienced land and rockslides, and other evidence of slides and slope failure issues in the hilly areas has been observed and is actively being monitored for safety concerns and further action; and

**WHEREAS**, on March 5, 2019, the County Health Officer declared a public health emergency for the flooded areas of the County due to household hazardous materials and waste hazards and threats resulting from the 2019 Winter Storms and Flooding. Much of this household hazardous materials and waste is being deposited and collected along roadways and designated debris collection areas and the materials and waste pose a threat to the public and the environment (including creating serious concerns for water quality and supply) until properly secured and disposed; and

**WHEREAS**, on March 7, 2019, the Sonoma County Board of Supervisors ratified that public health emergency proclamation by the County Health Officer; and

**WHEREAS**, the local areas impacted by the 2019 Winter Storms and Flooding continue to receive rains and more precipitation is likely over the remaining months of wet season;

**WHEREAS**, due to the scale of the impacts and affected area, not all damages have been able to be assessed and other impacts will not be known until all flood waters and rain runoff abate and other conditions allow. Damage assessments accordingly are ongoing and the impacts of the 2019 Winter Storms and Flooding are likely to continue to rise; and

**WHEREAS**, emergency contracts for removal of debris from roadways and drainage facilities have been issued and work under those contracts is currently underway. Work is occurring daily to immediately open roads and mitigate conditions as flood waters recede, blockages are removed, and more roadways are accessed; and

**WHEREAS**, based upon current situational awareness, there is extensive need for work, services, equipment, materials, and other needed properties to immediately respond to the conditions caused by the 2019 Winter Storms and Flooding; and

**WHEREAS**, County departments do not have the capacity and/or expertise to meet all known and anticipated needs to address the scale and severity of the 2019 Winter Storms and Flooding impacts; and

**WHEREAS**, normal contracting process for services, equipment, and materials and other property takes multiple months, due to normal procedural requirements such as minimum advertising periods, assessing bids, noticing periods, and awarding and executing contracts. Such delays would mean that it would not be possible to perform necessary measures to protect public health, public safety, essential public services, and property in a timely manner in response to the 2019 Winter Storms and Flooding;

**WHEREAS**, the Boards find, based upon substantial evidence, that the emergency resulting from the 2019 Winter Storms and Flooding will not permit a delay resulting from formal competitive solicitation(s) for bids and this action is necessary to respond to that emergency;

**NOW, THEREFORE, BE IT RESOLVED, IT IS HEREBY DECLARED** that the Board of Supervisors finds and determines as follows:

1. *Correctness of Recitations*. That the foregoing recitations are true and correct and incorporated herein.
2. *Extension of Emergency Actions*. That due to ongoing and developing emergency needs resulting from the 2019 Winter Storms and Flooding, it is determined there is need to continue the emergency action undertaken pursuant to this Board's February 26, 2019, proclamation of local emergency and waiver of competitive bidding requirements pursuant to Public Contract Code Section 22050.
3. *Suspension of Competitive Bidding*. That due to ongoing and developing emergency needs, the requirement of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended and emergency contracts may be taken without giving notice for bids to let contracts as permitted under Public Contracting Code section 22050.
4. *Delegation of Authority*. That the County Administrative Officer, in addition to all other incumbent emergency authority, is delegated the authority to order any repair or replacement of a public facility, take any directly related and immediate action required by the 2019 Winter Storms and Flooding emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, as permitted under Public Contracting Code section 22050.

**PASSED AND ADOPTED** by these Board this 12<sup>th</sup> day of March, 2019.

**Supervisors:**

Gorin:	Zane:	Gore:	Hopkins:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**