



# County of Sonoma

## State of California

Date: \_\_\_\_\_, 2020

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

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



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Declaring An Emergency Need For Repairs and Removal Of Dangerous Conditions Resulting  
From The Glass Incident Fires, Suspending The Requirement Of Competitive Bidding,  
Delegating Authority To Execute Contracts For Emergency Work, Ratifying Contracts Executed  
By The County Administrator, And Making A Determination Under The California  
Environmental Quality Act**

**Whereas**, conditions of extreme peril to the safety of persons and property have arisen within the County of Sonoma caused by the Shady Fire, which has been incorporated into the complex of fires known as the Glass Incident Fires; and

**Whereas**, the Glass Incident Fires are fast-moving fires that in Sonoma County have caused wildland destruction, destroyed numerous structures and public facilities, and continue to threaten public infrastructure, have burned over 48,000 acres; and

**Whereas**, on September 29 2020, the Governor of the State of California proclaimed a State of Emergency exists in Sonoma County due to the Glass Incident Fires; and

**Whereas**, on September 28, 2020, the Director of Emergency Services for the County of Sonoma issued a proclamation of a local emergency for the County related to the Glass Incident Fires; and

**Whereas**, as result of the Glass Incident Fires, damages and dangerous conditions have arisen along County rights-of-way and other critical properties and facilities owned or maintained by the County that were sudden and unexpected and pose a clear and imminent danger requiring immediate action to prevent and mitigate the loss or impairment of life, health, property, and essential public services; and

**Whereas**, the damages and dangerous conditions that have arisen include, but are not limited to: (a) the accumulation of compromised trees and other dangerous vegetation and debris, which need to be removed to protect first responders, staff and the public; and (b) damage to County owned or maintained properties and facilities, including

highways and waterways; and

**Whereas**, the County lacks the capacity and/or expertise to repair the damages or remove the dangerous conditions caused by the Glass Incident Fires in a timely manner. Even when expedited, normal procurement process to hire needed contractors takes between two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible make repairs and remove and stabilize the dangerous conditions needed to protect public health and safety in a timely manner; and

**Whereas**, Public Contract Code Section 22050 authorizes the Board of Supervisors to enter into contracts for the repair or replacement of public facilities as may be necessary to mitigate emergency conditions without giving notice for bids, and to delegate such authority to the County Administrator and other agency officers. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications; and

**Whereas**, the County Administrator has the authority to enter into emergency contracts in accordance with Public Contract Code Section 22050 pursuant to Sonoma County Code Section 2-351(b); and

**Whereas**, this Board finds, based upon substantial evidence, that the emergency will not permit a delay resulting from competitive solicitations for bids and this action is necessary to respond to an emergency.

**Now, Therefore, Be It Resolved** that this Board hereby finds, declares, determines and orders as follows:

1. Correctness of Recitals. That the foregoing recitals are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Glass Incident Fires necessitates repairs and/or replacement of public facilities, which will not permit a delay resulting from competitive solicitation of bids. This action is necessary to respond to the emergency.
2. Delegation of Authority. The County Administrator and the Directors of the Transportation and Public Works and the General Services Departments are authorized to negotiate and execute contracts with contractors and to take such other action deemed reasonable and necessary to immediately remove dangerous vegetation along or near County rights-of-way, stabilize and protect County rights-of-way and other property, mitigate, repair and restore critical county facilities to the extent to make such facilities safely functional, and otherwise to protect public health and safety and critical county services.
3. Suspension of Competitive Bidding. That the requirements of public bidding

contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the existence of the damages and dangerous conditions in and along County rights-of-way and properties owned or maintained by the County, but that this suspension shall be limited to work deemed reasonable and necessary to protect life and property and to provide continuity of public services.

4. Duty to Report. That the County Administrator and the delegated department heads are directed, while carrying out the authority delegated by this Resolution, to report to the Board on actions taken pursuant to this Resolution in accordance with Public Contract Code Section 22050.
5. Determination of CEQA Exemption. That given the scope, nature, and other circumstances of the emergency work, the repairs, replacement, and other restoration work authorized hereby are categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"), including as "emergency work" pursuant to California Public Resources Code Sections 21080(b)(2), (b)(3) and (b)(4), and California Code of Regulations Title 14, Section 15269, and as minor alteration to land under California Code of Regulations Title 14, Section 15304.
6. Ratification of County Administrator's Actions. All acts by the County Administrator with respect to emergency contracting pursuant to Sonoma County Code 2-351(b) and pursuant to the Proclamation of Local Emergency for the Glass Incident Fires are also hereby ratified.

**Supervisors:**

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**