

RESOLUTION NO. _____

RESOLUTION PROCLAIMING THE EXISTENCE OF A FACILITIES EMERGENCY

WHEREAS, pursuant to California Public Contract Code Section 22035, in cases of emergency, the governing body of a public agency may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets or working details, or giving notice for bids to let contracts, and such work may be done by day labor under the direction of the governing body, by contractor or by a combination thereof; and

WHEREAS, pursuant to California Public Contract Code Section 22050(a)(1), in cases of 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, pursuant to California Public Contract Code Section 22050(a)(2), the governing body of a public agency must make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency, before it can take any action under California Public Contract Code Section 22050(a)(1); and

WHEREAS, on October 21, 2021, a fire occurred in the Humboldt County Probation Building as a result of ongoing construction activity, damaging a portion of the structure in the immediate area of the fire and incurring smoke and water damage throughout; and

WHEREAS, through outside consultants, the County of Humboldt (“County”) has previously found hazardous materials to be present in the drywall, paint and other construction materials in the Humboldt County Probation Building, some of which have been disturbed by the fire and extinguishing efforts; and

WHEREAS, water damage resulting from the fire and extinguishing efforts has caused visible mold growth in the Humboldt County Probation Building; and

WHEREAS, the current condition of the Humboldt County Probation Building is hazardous for County staff, consultants and construction personnel working toward reconstruction of the structure; and

WHEREAS, immediate abatement, remediation and cleanup of the Humboldt County Probation Building is needed to arrest further deterioration of the existing structure and prevent health and safety conditions from deteriorating further; and

WHEREAS, A facilities emergency does exist due to the recent fire, damage to hazardous material containing construction products, and visible mold growth requiring immediate action to prevent harm to staff, consultants and contractors working in the building and prevent further deterioration of the structure prior to the full reconstruction effort.

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. The current condition of Humboldt County Probation Building constitutes a facilities emergency, which will not permit the significant delay that will result from the competitive solicitation of bids, due to the physical injury, continued deterioration and delay in reconstruction work, that may occur.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of February 15, 2022

2. The Humboldt County Department of Public Works is hereby authorized to take any and all action necessary to immediately abate, remediate and clean the Humboldt County Probation Building pursuant to California Public Contract Code Section 22050, including, without limitation, awarding and executing construction agreements which will subsequently be brought to the Board of Supervisors for ratification.

Dated: February 15, 2022

Virginia Bass, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:

STATE OF CALIFORNIA)
) SS.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

By: _____
KATHY HAYES
Clerk of the Board of Supervisors of the
County of Humboldt, State of California