



# COUNTY OF HUMBOLDT

For the meeting of: 6/11/2019

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File #: 19-869

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Departmental

**SUBJECT:**

Resolution Proclaiming the Existence of a Facilities Emergency (4/5 Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution which proclaims that the current condition of the Humboldt County Courthouse rollup gates constitutes a facilities emergency, and authorizes the Humboldt County of Department of Public Works to take any and all actions necessary to replace such gates pursuant to California Public Contract Code Section 22050. (4/5 Vote Required)

**SOURCE OF FUNDING:**

General Fund (1100162)

**DISCUSSION:**

Section 22035 of the California Public Contract Code provides that “in cases of emergency when repair or replacements are necessary, the governing body 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 that such “work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.” If notice for bids will not be given, the public agency must comply with California Public Contract Code Sections 22050, *et seq.*

Section 22050(a)(1) of the California Public Contract Code 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.” Before a governing body may take any action pursuant to California Public Contract Section 22050(a)(1), it 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.

Since September 2018, the Humboldt County Courthouse rollup gates have been repaired several times by both force labor account and independent contractors. The brake repair that was completed in

November of 2018 has failed. This work was performed after the entrance-side gate came down on top of a county vehicle. The entrance-side gate has failed twice within the last thirty (30) days. Facilities Maintenance staff and several independent contractors agree that both gates are at the end of their useful life.

Repairs to the gates are no longer a good use of public funds. When the gates fail, this creates an immediate and significant public safety and security risk at the entrance to the basement of the Humboldt County Courthouse. Furthermore, the County of Humboldt has a responsibility to the Judicial Council of California Administrative Office of the Courts to maintain a properly functioning courthouse, as stated in the Joint Occupancy Agreement. Based on the current condition and failure rate of both gates, the Department of Public Works has determined that full replacement thereof is necessary to mitigate such risks.

Accordingly, staff recommends that the Board adopt the attached resolution which proclaims that the current condition of the Humboldt County Courthouse rollup gates constitutes a facilities emergency and authorizes the Humboldt County Department of Public Works to take any and all actions necessary to replace such gates pursuant to California Public Contract Code Section 22050.

FINANCIAL IMPACT:

On November 13, 2018, your Board allocated \$101,200 the cost associated with replacing the Humboldt County Courthouse rollup gates. Funding for replacement of the Humboldt County Courthouse rollup gates has already been included in the approved fiscal year 2018-2019 budget for Facility Management budget unit 1100-162.

STRATEGIC FRAMEWORK:

The recommended action supports the Board of Supervisors' Strategic Framework by creating opportunities for improved safety and health and providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board Discretion.

ATTACHMENTS:

1. Resolution Proclaiming the Existence of a Facilities Emergency

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: 11/13/18

File No.: 18-1488