

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of June 11, 2019

RESOLUTION NO. 19-50

**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**, 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; and

**WHEREAS**, since September 2018, the Humboldt County Courthouse rollup gates have been repaired several times by both Humboldt County Department of Public Works – Facilities Maintenance (“Public Works”) staff and independent contractors; and

**WHEREAS**, 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; and

**WHEREAS**, the entrance-side gate has failed twice within the last thirty (30) days; and

**WHEREAS**, Public Works’ staff and several independent contractors agree that both gates are at the end of their useful life; and

**WHEREAS**, based on the current condition and failure rate of both gates, Public Works’ staff has determined that full replacement thereof is necessary to mitigate the risks associated with gate failure.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

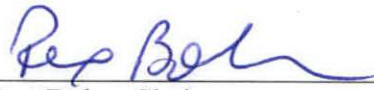
Certified copy of portion of proceedings, Meeting of June 11, 2019

RESOLUTION NO. 19-50

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

1. The current condition of the Humboldt County Courthouse rollup gates 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, property damage and delay in emergency response time, that may occur if such gates were to fail.
2. Based on the current condition and failure rate of the Humboldt County Courthouse rollup gates, full replacement thereof is necessary to mitigate the risks associated with gate failure.
3. The Humboldt County Department of Public Works – Facilities Maintenance is hereby authorized to take any and all action necessary to replace the Humboldt County Courthouse rollup gates pursuant to California Public Contract Code Section 22050.

Dated: June 11, 2019

  
\_\_\_\_\_  
Rex Bohn, Chair  
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Fennell, Wilson, Madrone, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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

  
\_\_\_\_\_  
Ryan Sharp  
Deputy Clerk of the Board of Supervisors of  
the County of Humboldt, State of California