



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-157, **Version:** 1

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

SUBJECT:

Resolution Proclaiming the Existence of a Facilities Emergency at the Humboldt County Probation Building (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 Probation Building constitutes a facilities emergency and authorizes the Humboldt County of Department of Public Works to take any and all actions necessary to abate hazardous materials and clean-up the fire damage pursuant to California Public Contract Code Section 22050 (4/5 Vote Required).

SOURCE OF FUNDING:

Liability Fund (3524-354)

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.

On Oct. 21, 2021, a fire occurred at the Humboldt County Probation Building during ongoing construction activities related to the Juvenile Hall Replacement Project. The fire directly damaged areas on the first and second floors of the building, resulting in water and smoke damage in the remainder of both floors of the building. Based on previous hazardous materials surveys the Humboldt County Probation Building is known to contain hazardous materials including asbestos and lead. Water damage from a pipe damaged in the fire as well as firefighting efforts have led to visible mold growth in the building. Smoke damage and residue is present throughout the upper floor and in many areas of the lower floor.

The current condition of the Humboldt County Probation Building is hazardous for County of Humboldt staff, consultants and construction personnel working toward reconstruction of the building. Immediate abatement, remediation and cleanup of the building is needed to arrest further deterioration of the existing structure and prevent health and safety conditions for personnel from deteriorating further.

Accordingly, staff recommends that the Board adopt the attached resolution which proclaims that the current conditions in the Humboldt County Probation Building constitute a facilities emergency and authorizes the Humboldt County Department of Public Works to take any and all actions necessary to abate, remediate, stabilize and clean the fire-damaged structure pursuant to California Public Contract Code Section 22050.

FINANCIAL IMPACT:

Funding for the needed abatement, remediation and cleanup work is available through preliminary insurance proceeds which have been provided by the County of Humboldt's insurance carrier. As a result, adoption of the attached resolution will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to adopt the attached resolution allowing for immediate abatement, remediation and cleanup of the Humboldt County Probation Building. However, this alternative is not recommended because further deterioration and hazardous conditions for staff, consultants and other personnel will continue until such time as the needed abatement, remediation and cleanup work is completed.

ATTACHMENTS:

1. Resolution Proclaiming the Existence of a Facilities Emergency at the Humboldt County Probation Building

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A