



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/7/2014

Agenda Placement: 10A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** Steven Lederer, Dir of Pub Wks/Dist Engineer - 259-8228

**SUBJECT:** Review of Report of Emergency Public Work Actions in Response to the South Napa County Earthquake and Possible Determination of the Need to Continue the Emergency Public Work Actions. (Standing Item)

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### **RECOMMENDATION**

Director of Public Works requests the following actions regarding the South Napa County Earthquake which may be ordered by the County Executive Officer or Director of Public Works:

1. Receive and review report of emergency public work actions in response to the event without competitive bidding as authorized by Public Contract Code Section 22050(b) and Board of Supervisors Resolution No. 2014-103; and
2. Determine the need to continue, or alternatively terminate, each emergency public work action so ordered. (4/5 Vote Required)

### **EXECUTIVE SUMMARY**

On September 9, 2014, the Board of Supervisors confirmed the continuation of a local emergency within Napa County in response to the South Napa County Earthquake and further delegated contracting authority to the County Executive Officer and Director of Public Works to let emergency repair contracts without competitive bidding as allowed under Public Contract Code 22050(b) in order to reduce delay in emergency repairs. The Board of Supervisors must initially review an emergency repair project ordered by the County Executive Officer or Director of Public Works within 7 days of the emergency action, or at the next regular meeting scheduled (if it occurs no later than 14 days after the action). Thereafter the Board of Supervisors must determine at every subsequent regular meeting that the need for each emergency action continues (unless the action is terminated earlier by the County Executive Officer or Director of Public Works).

Staff requests that the Board of Supervisors takes the following actions:

1. Receive and review the report of emergency public work actions in response to the South Napa County Earthquake ordered by the County Executive Officer or Director of Public Works without competitive bidding as authorized by Public Contract Code Section 22050(b) and Board of Supervisors Resolution No. 2014-103; and
2. Determine the need to continue, or alternatively terminate, each emergency public work action so ordered by the County Executive Officer or Director of Public Works.

#### PROCEDURAL REQUIREMENTS

1. Staff report.
2. Public comments.
3. Motion, second, discussion and vote on the item. (This item requires a 4/5 vote to pass.)

#### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Due to the declaration of local emergency, the County may be eligible for disaster relief funding to mitigate the emergency repair activities in addition to insurance proceeds.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	The emergency repair projects are assumed to be one-time activities whose fiscal impact is not expected to extend past the current fiscal year.
Consequences if not approved:	If the Board does not make determinations that each emergency repair action (s) ordered by the County Executive Officer or Director of Public Works must be continued to respond to the emergency, the remainder of each emergency project(s) may be deemed subject to competitive bidding. This could result in delays in completing needed public work projects.

Additional Information:

#### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action relating to emergency public works is exempt from the requirements of CEQA pursuant to 14 California Code of Regulations 15269 (State CEQA Guidelines).

#### **BACKGROUND AND DISCUSSION**

On September 9, 2014, the Board of Supervisors ("Board") adopted Board Resolution No. 2014-103, confirming the continuation of a local emergency within Napa County in response to the South Napa County Earthquake and further delegating contracting authority to the County Executive Officer ("CEO") and Director of Public Works

("Director") to let emergency repair contracts without competitive bidding as allowed under Public Contract Code 22050(b) in order to reduce delay in emergency public work repairs.

The Board must initially review an emergency repair project ordered by the CEO/Director within 7 days of the emergency action, or at the next regular meeting scheduled (if it occurs no later than 14 days after the action). The CEO/Director must report to the Board the reasons justifying the emergency repair project, including why the action is necessary to respond to the emergency and why the emergency will not permit the delay that would result from competitive bidding for the project.

Thereafter, in accordance with Public Contract Code 22050(c)(2), the Board of Supervisors must determine at every subsequent regular meeting that the need for the emergency action continues. The Board must terminate the emergency action at the earliest possible date that conditions warrant so that the remainder of the emergency project may be completed through an advertised competitive bidding process (unless the action is terminated earlier by the CEO/Director).

Today the Board will receive a report of pending emergency repair projects ordered by the CEO/Director, including the reasons justifying each emergency project, why the action is necessary, or continues to be necessary, to respond to the emergency and why the emergency project must proceed, or continue to proceed, without the delay resulting from competitive bidding. The report also includes recommendations for terminating any emergency actions as warranted.

#### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan