



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION FINDING THAT AN EMERGENCY EXISTS DUE TO THE CALDOR FIRE DEBRIS REMOVAL EFFORTS RESULTING IN DAMAGE TO COUNTY MAINTAINED ROADS AND AUTHORIZE THE ROAD COMMISSIONER TO TAKE ALL NECESSARY ACTIONS TO APPROVE THE DESIGN AND SPECIFICATIONS AND TO ADVERTISE BIDS FOR EMERGENCY WORK

WHEREAS, in Resolution No. 104-2021 adopted on August 19, 2021, the Board of Supervisors found that conditions of extreme peril exist due to an imminent and proximate threat to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the Caldor Fire for reasons set forth in the proclamation of local emergency by the County's Sheriff, acting as the Director of the Office of Emergency Services, dated August 17, 2021, and ratified the local emergency proclamation, which continues in effect until terminated by the Board of Supervisors and has not been terminated as of the date that this Resolution is adopted; and

WHEREAS, on August 17, 2021, the Governor of the State of California proclaimed a State of Emergency for El Dorado County due to the Caldor Fire, and stated in that declaration that applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the Caldor Fire, and this proclamation has not been rescinded; and

WHEREAS, on August 20, 2021, the County's Public Health Officer declared the existence of a local health emergency (Public Health Declaration No. 2021-01) based on an imminent and proximate threat to the health and safety of the community from the ongoing Caldor Fire due to the hazardous nature of the wildfire debris, smoke, and ash from the burning of vehicles, infrastructure, and structures, and the Board ratified this declaration with the adoption of Resolution No. 114-2021; and

WHEREAS, on September 1, 2021, the President of the United States declared the existence of an emergency in the State of California and ordered Federal aid to supplement state and local recovery efforts due to the emergency conditions resulting from the Caldor Fire beginning on August 14, 2021, and this declaration has not been rescinded; and

WHEREAS, on September 21, 2021, the Board adopted the Caldor Fire Consolidated Debris Removal Program Ordinance to establish a debris removal program related to the Caldor Fire; and

WHEREAS, the Caldor Fire debris removal and related activities led to road damage in the Grizzly Flats area, potentially threatening public safety if not repaired by Winter 2022; and

WHEREAS, delay resulting from the normal bidding process requiring the Board to approve the design, plans, and specifications and to authorize the advertisement of bids for public projects could lead to repairs not being completed by Winter 2022; and

WHEREAS, Public Contract Code section 22050(b)(1) authorizes the Board of Supervisors to delegate the authority to the Road Commissioner to take certain actions in the event of an emergency by a resolution adopted by a four-fifths vote (4/5) of the Board; and

NOW, THEREFORE, BE IT RESOLVED by the County of El Dorado Board of Supervisors, finds that the Caldor Fire debris removal and other activity related to Caldor Fire in the Grizzly Flats area has negatively impacted County maintained roads, requiring immediate action to prevent public safety issues during Winter 2022; and

BE IT FURTHER RESOLVED that in accordance with Public Contract Code Section 22050, and the Governor’s proclamation of a state of emergency, this Board further finds that, based on substantial evidence, the emergency will not permit the delay resulting from the process requiring the Board to approve the design, plans, and specifications and to authorize the advertisements of bids for projects, and that it is necessary to repair damaged County maintained roads associated with the debris removal; and

BE IT FURTHER RESOLVED the Director of Transportation as the Road Commissioner is granted authority to take all necessary actions to approve the design, specifications, and plans of documents related to the repair work and to authorize the advertisement of bids, if necessary, to address the emergency; and

BE IT FURTHER RESOLVED that this emergency repair work is exempt from the California Environmental Quality Act under Public Resources Code Sections 21060.3(4) and 21080, and CEQA Guidelines Sections 15269, 15301; and

BE IT FURTHER RESOLVED that the Road Commissioner shall report to the Board on the status of the emergency at every single regular meeting following the adoption of this Resolution until the emergency terminates.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado, State of California this _____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors