



## RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **RESOLUTION FINDING THAT AN EMERGENCY EXISTS DUE TO THE 2022 STORM SERIES RESULTING IN DAMAGE TO COUNTY MAINTAINED ROADS AND AUTHORIZE THE ROAD COMMISSIONER TO TAKE ALL NECESSARY ACTIONS TO APPROVE EMERGENCY REPAIRS**

**WHEREAS**, in Resolution No. 015-2023 adopted on January 4, 2023, 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 2022 storms 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 December 31, 2022, 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 January 4, 2023, the Governor of the State of California proclaimed a State of Emergency beginning December 27, 2022 due to severe winter storms related to a series of atmospheric river systems 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 2022 Storm Series; and

**WHEREAS**, the 2022 storms led to road damage countywide, that poses a clear and imminent danger to the public safety if not repaired immediately; and

**WHEREAS**, delay resulting from the normal bidding process requiring the Board to approve and award a contract to the lowest responsive bidder for 2022 Storm Series Road Repairs could lead to repairs not being completed immediately; 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 2022 storm series countywide has negatively impacted County maintained roads, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or the disruption in essential public services; 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 and award a contract to the lowest responsive bidder for 2022 Storm Series Road Repairs that it is necessary to repair damaged County maintained roads or roads that are serviced by a County Zone of Benefit resulting from the 2022 Storm Series; and

**BE IT FURTHER RESOLVED** the Road Commissioner is granted authority to take all necessary actions to authorize road repairs that are necessary to repair damage to County maintained roads or roads that are serviced by a County Zone of Benefit in order to make those roads operational and safe;

**BE IT FURTHER RESOLVED** that this emergency repair work is exempt from the California Environmental Quality Act as a project necessary to prevent or mitigate an emergency under Public Resources Code Sections

21060.3 and 21080(b)(4), as a project undertaken to maintain, repair, or restore an existing highway damaged by flood and landslide within the meaning of CEQA Guidelines Section 15269, and as a project undertaken for the repair of an existing facility within the meaning of CEQA Guidelines Section 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 for the Board to make the finding required by Public Contract Code 22050(c)(2).

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