



## Legislation Text

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**File #:** 24-0464, **Version:** 1

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Department of Transportation recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **041-2024**, finding an emergency exists on Patterson Drive in Diamond Springs due to a sinkhole resulting from a failed culvert;
- 2) Authorize the Director of Transportation, acting as the Road Commissioner, to take all necessary actions to approve, authorize, and award emergency repair projects (4/5 vote required);
- 3) Find that the adoption of this Resolution and the repair project is exempt from the California Environmental Quality Act under Public Resources Code Section 21080 and CEQA Guidelines Sections 15269 and 15301; and
- 4) Direct staff to return to the Board as soon as the emergency repairs are completed with an update on completed repairs and final costs.

**FUNDING:** Road Fund.

### **DISCUSSION / BACKGROUND**

On February 22, 2024, the Department of Transportation (Transportation) confirmed the presence of a sinkhole at 4291 Patterson Drive in Diamond Springs. Based on observations that could be safely made at the time, the sinkhole appeared to have been caused by a failed 32" diameter corrugated steel pipe culvert under Patterson Drive and is in need of immediate repair. Patterson Drive carries over 4,700 vehicles daily and is the only viable/two-lane route in and out of an area with several hundred homes. The only other route in and out of the area is Tullies Mine Road, a one lane road, that was not designed for two-way traffic, therefore impeding any efficient evacuation or circulation for the community. There is a significant risk that the sinkhole will cause Patterson Drive to collapse during the time it would take for staff to follow the standard Board approval process for design, plans, specifications, permission to advertise and award of a public project, and would pose an imminent threat to public safety. It is critical that the County make these emergency repairs immediately in order to prevent or mitigate the loss or impairment of life, health, or property. Transportation consulted with the El Dorado County Sheriff's office and collaborated on the steps moving forward.

Public Contract Code section 22050, Contracts without Bids; Procedures, authorizes the Board of Supervisors to delegate authority by resolution to non-elected county officers to order actions to repair or replace a public facility and procure services for those purposes in the event of an emergency. Section 2.18.020 of the County Code of Ordinances designates the Director of Transportation as a county officer serving as the Road Commissioner. Accordingly, Transportation requests that the Board find pursuant to California Public Contract Code Section 22050(a)(2) that an emergency exists supported by substantial evidence that this emergency will not permit the delay resulting from the normal process of award and that it is necessary to repair the damaged county road.

Even though State law allows the County to completely waive the solicitation of public bids when the Board finds an emergency exists, Transportation plans to quickly disseminate a short-form contract and scope to several contractors and conduct an informal bidding process with a 5-day advertisement period. After receiving bids, Transportation will work with County Counsel and award

the project to the lowest responsive, responsible bidder and very quickly execute a contract and complete the work.

Staff also recommends the Board find 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.

No right-of-way is required to complete this emergency project.

Transportation will update the Board on the status of the emergency at every regular Board meeting until the emergency has been terminated. Additionally, Transportation will return to the Board when construction is complete to report on the final repairs and costs.

### **ALTERNATIVES**

The Board could choose not to declare an emergency or delegate authority to the Director of Transportation; however, it would create imminent danger to the public on Patterson Drive, creating liability issues. Instead, the Board could direct staff to do the necessary repair work under normal advertising and bidding methods.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel & El Dorado County Sheriff's Office

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

Transportation has estimated the existing emergency repairs will not exceed \$500,000. Funding for this project will come from the Road Fund.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

The Clerk of the Board will obtain the Chairs signature on one (1) resolution and return a copy to Department of Transportation, attention Matt Gourley.

### **STRATEGIC PLAN COMPONENT**

Infrastructure, Public Safety

### **CONTACT**

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Department of Transportation