



## Legislation Details (With Text)

**File #:** 23-0136      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 1/5/2023      **In control:** Board of Supervisors

**On agenda:** 1/10/2023      **Final action:** 1/10/2023

**Title:** Department of Transportation recommending the Board:  
1) Adopt and authorize the Chair to sign Resolution 016-2023, finding an emergency exists due to the 2022/2023 storm series resulting in widespread damage to County maintained roads and 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);  
2) Direct staff to return to the Board as soon as the storm series is over and emergency repairs are completed with an update on completed repairs and final costs; and  
3) Find that the adoption of this Resolution and the later necessary repair projects are exempt from the California Environmental Quality Act under Public Resources Code Section 21080 and CEQA Guidelines Sections 15269 and 15301.

**FUNDING:** Undetermined. Options include Road Fund, Tribe Fund Balance or Road Maintenance General Fund Designation.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A -Approved Blue Route, 2. B - Resolution, 3. Executed Resolution 016-2023

Date	Ver.	Action By	Action	Result
1/10/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board:  
1) Adopt and authorize the Chair to sign Resolution **016-2023**, finding an emergency exists due to the 2022/2023 storm series resulting in widespread damage to County maintained roads and 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);  
2) Direct staff to return to the Board as soon as the storm series is over and emergency repairs are completed with an update on completed repairs and final costs; and  
3) Find that the adoption of this Resolution and the later necessary repair projects are exempt from the California Environmental Quality Act under Public Resources Code Section 21080 and CEQA Guidelines Sections 15269 and 15301.

**FUNDING:** Undetermined. Options include Road Fund, Tribe Fund Balance or Road Maintenance General Fund Designation.

### DISCUSSION / BACKGROUND

Starting December 30, 2022 severe storms fell on El Dorado County, bringing high winds, heavy snow, historical precipitation, high and fast flowing streams, creeks and rivers which resulted in power outages and damages. Department of Transportation has not identified the full extent of damages experienced from the storms due to existing snow on the ground in higher elevations and water levels at lower elevations. Therefore, the Department of Transportation is requesting the Board of Supervisors make findings that an emergency exists due to the 2023 storm series that tore through

El Dorado County and leaving a path of destruction.

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. There is a significant risk if the standard Board approval process for design, plans, specifications, permission to advertise and award of a public project is followed, the work would not be completed and 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. Therefore, staff requests that the Board find substantial evidence exists 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 roads as well as roads that fall within the Zones of Benefit. Staff further requests that the Director of Transportation, acting as the Road Commissioner, be delegated the authority to take all necessary actions to approve and award the emergency road repairs countywide.

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.

The Road Commissioner will report to the Board on the status of the emergency repair work on a consent item at every regular meeting following the adoption of this Resolution until the emergency has terminated.

### **ALTERNATIVES**

The Board may choose not to delegate authority to the Director of Transportation; however, it would create imminent danger to the public on El Dorado County roadways and create liability issues.

### **PRIOR BOARD ACTION**

N/A

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

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

The Department of Transportation has a couple of options to fund the emergency repairs once final dollar amounts are known. The Board of Supervisors could direct the emergency repairs be funded by the Tribe Fund Balance or if the emergency repairs are within the Road Maintenance General Fund Designation that funding source could also be utilized.

### **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 Ashley Johnson.

### **STRATEGIC PLAN COMPONENT**

Infrastructure, Public Safety

**CONTACT**

Rafael Martinez, Director

Department of Transportation