

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 11-158

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the closure of Blackie Road at the railroad crossing near Del Monte Avenue, located in Castroville, CA;
- b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
- c. Finding that the repairs are necessary to permit the continued conduct of essential county operations or services;
- d. Authorizing emergency pavement rehabilitation on Blackie Road, Castroville CA, without adopting plans and specifications and giving notice for bids to let contracts;
- e. Authorizing the Director of Public Works, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency (4/5^{ths} vote required); and
- f. Terminating the emergency for the pavement rehabilitation on Blackie Road, Castroville, CA.....

WHEREAS, California Public Contract Code Section 1102 defines an emergency as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and

WHEREAS, Public Contract Code Section 22050 authorizes the County to repair and take other immediate actions required to address an emergency, and requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

WHEREAS, Public Contract Code Section 20134 further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services may proceed at once with the majority consent of the Board of Supervisors without adopting plans and specifications, and without giving notice for bids to let contracts; and

WHEREAS, immediate action has been taken, to provide a safe detour route for motorist during the track repair by Union Pacific Railroad at the Blackie Road crossing and to repave the Blackie Road crossing; and

WHEREAS, the work is substantially complete.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

1. Finds that the foregoing facts are true and correct.
2. Declares that a local emergency as defined by Section 1102 of the California Public Contract Code existed on Blackie Road at the railroad crossing near the Community of Castroville.
3. Finds that based on the evidence presented, this emergency does not permit a delay resulting from a formal solicitation for bids, and the action is necessary to respond to the emergency.
4. Finds that emergency repairs are necessary to permit the continued operation of county operations or services.
5. Authorizes emergency pavement rehabilitation work without adopting plans and specifications or giving notice for bids to let out contracts.
6. Authorizes the Director of Public Works, or his designee, to execute emergency contracts and issue purchase orders as necessary.
7. Ratifies the emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency.
8. Terminates the emergency for the pavement rehabilitation on Blackie Road, Castroville, CA.

PASSED AND ADOPTED on this 24th day of May, 2011, upon motion of Supervisor Potter, seconded by Supervisor Armenta, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 24, 2011.

Dated: May 26, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy