



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-005:

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion.

PASSED AND ADOPTED on this 15th day of January 2013, by the following vote, to wit:

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

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 76 for the meeting on January 15, 2013.

Dated: January 17, 2013
File Number: RES 13-004

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

By *Denise Hancock*
Deputy

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

Resolution No. 13-005

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;)
- b; Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);)
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and)
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion.....)

WHEREAS, recent rain runoff from storms caused a 48-inch diameter culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA to fail; and

WHEREAS, the pipe failure washed the adjacent soil, created a sharp drop-off, undermined a portion of the paved road section, and exposed underground telephone utilities creating a dangerous situation to the traveling motorist; and

WHEREAS, the nature of the emergency required immediate action be taken and repairs could not be delayed to allow for competitive bid solicitation; and

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, California Public Contract Code Section 20395 provides that in any county with a road commissioner, the board may authorize the road commissioner to have work on county highway done under his supervision by letting contracts without advertising for bids when emergency work is necessitated for imminent storm damage and the public interest and necessity demand immediate action to safeguard life, health, or property; and

WHEREAS, the work is substantially complete.

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

- 1. Finds that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA.

2. Ratifies the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required).
3. Authorizes the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
4. Authorizes the Director of Public Works to Accept the Improvements and file a Notice of Completion.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried this 15th day of January 2013, by the following vote, to wit:

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

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 76 for the meeting on January 15, 2013.

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