

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

Resolution No. _____

Adopt a Resolution:

- 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.