



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 14-046, **Version:** 1

- a. Adopt a Resolution declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate structural defects and potential roof failure and water damage of the Tidball store, a National Register property owned by the County located in Jolon, CA;
- b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal adoption of plans and specifications nor solicitation of bids, and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at the Tidball Store in Jolon, CA is necessary to permit the continued county operation of services, and maintain structural integrity, National Register status, and ensure public safety of a unique County asset; and
- d. Authorizing the Contracts/Purchasing Officer, 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 Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5ths vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a Resolution declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate structural defects and potential roof failure and water damage of the Tidball store, a National Register property owned by the County located in Jolon, CA;
- b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal adoption of plans and specifications nor solicitation of bids, and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at the Tidball Store in Jolon, CA is necessary to permit the continued county operation of services, and maintain structural integrity, National Register status, and ensure public safety of a unique County asset; and
- d. Authorizing the Contracts/Purchasing Officer, 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 Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5ths vote required).

SUMMARY/DISCUSSION:

The roof of the historic Tidball Store, a National Register of Historic Places property, has been deteriorating for a number of years due to the failure of its roof systems. The Parks Department has patched leaks to help preserve the resource but now damage is so wide-spread that patching will not suffice. During a recent inspection it was observed that former leaks are now significant holes. This development will accelerate the deterioration of the resource's irreplaceable interior features. If these features are destroyed the over-all eligibility of the building for listing on the National Register may be compromised. By replacing the roof now, Monterey County can insure that this significant resource will be protected for future generations. It is well-documented in the field of historic preservation that sound roof systems are one of the most important and effective methods of safeguarding a structure while planning for the building's future.

It is critically important to protect the building's exterior envelope from moisture penetration. Leaks from deteriorated or damaged roofing can cause long-term damage to interior finishes and structural systems to such

an extent that a building may be unsalvageable. Roofs are the most vulnerable elements on a building's exterior and yet the easiest element to stabilize for the long-term. In the case of the Tidball Store, the rear elevation shed over the former kitchen has almost totally failed. This is due in part to fire damage caused by vandals, the deterioration of roofing materials and several years of wet winters. The combination of these conditions has led to the unexpected damage of the building's interior adobe walls, the oldest and most significant section of the structure. These adobe walls date back to the original construction of the building in 1868. The building operated as a stage stop along the old Camino Real, the principle transportation artery between northern and southern California before the construction of the Southern Pacific Railroad. In 1878 Civil War veteran Captain Thomas Tidball built a two-story redwood building around the original stage stop which protected the adobe walls for almost a century and a half. Now that its protective covering has failed, the adobe walls are exposed and extremely vulnerable to the elements.

The complex ownership of the property exacerbates the facilitation of timely repairs to the building. Monterey County owns the Tidball Store but not the ground it is located on. This property is owned by the Army. Monterey County has a Right-of-Entry to the property but this document alone does not allow the County to do necessary repairs. Any contractor who works on the property must be vetted by the Army and complete anti-terrorism training - a process that usually can take six weeks or more.

In addition, because the Tidball Store is a National Register property, the applicable CEQA exemption applies, specifically Title 14, sec 15331. This section states that projects to maintain, stabilize, rehabilitate, restore or preserve historic resources that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties are exempt from CEQA. All work performed on the Tidball Store will be consistent with the Secretary of the Interior's Standards, per engineering plans that delineate needed repairs and methods. These plans were funded by the Parks Foundation of Monterey County in response to keen public concern about the building's condition.

An "Emergency," as defined under Section 1102 of the California Public Contract Code, means "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." The Public Contract Code specifically allows for the Board to declare an emergency and authorize the repair or replacement of a public facility. Public Contract Code Section 20134 provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or maintain 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, through the use of day labor, contracts, or both. Public Contract Code Sections 22031 and 22050, as well as Monterey County Code Section 2.32.040 permit the Contracts/Purchasing Officer to act in the absence of the Board's availability to perform these tasks so long as the Board of Supervisors subsequently approves, confirms, and ratifies any such action by 4/5ths vote.

The condition described herein meets the definition of an emergency as defined by Public Contract Code Section 1102 and County Code Section 2.32.040 and allows immediate action as necessary to respond to the emergency conditions.

Based on the forgoing, at the request of the Parks Department, the Contracts/Purchasing Officer reviewed and approved/authorized Martinus Construction to proceed with the roof repair and stabilization project for "cost to not exceed" amount of \$32,340.00. All work to be performed by Martinus Construction will be done in accordance with applicable building codes and safe construction management practices.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the procedures for finding the need for an emergency action and emergency contract. The Department of the Army at Fort Hunter-Liggett vetted the contractor who will work on this project.

FINANCING:

There is no impact to the County's General Fund. Activities associated with this emergency for \$32,340.00 will be paid out of Fund 401, Resource Management Agency designation for Parks Department projects, in Fiscal Year 2013-14 Board of Supervisors Approved Budget

Prepared by: Meg Clovis, Cultural Affairs Manager, 831-755-4895

Approved by: Michael C. Ferry, Director of Parks/Chief Ranger, 831-755-4895

Attachments on file with Clerk of the Board:

Contract with Martinus Construction

Proposed Resolution