

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY BOARD) Resolution No. 2021-_____
3 OF SUPERVISORS DECLARING AN ON-GOING)
4 EMERGENCY AND ALLOWING EMERGENCY REPAIRS)
5 TO BE COMPLETED PURSUANT TO PUBLIC CONTRACTS)
6 CODE SECTION 22050, FOR PWB-2108 SAN FELIPE ROAD)
7 BRIDGE OVER TEQUISQUITO SLOUGH – INTERIM)
8 TRAFFIC CONTROL PLANS, WITHOUT FURTHER)
9 COMPETITIVE BIDDING, AND FINDING THAT THE)
REPAIR WORK IS STATUTORILY EXEMPT FROM THE)
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA))
UNDER CEQA GUIDELINE SECTION 15269(c) FOR)
EMERGENCY PROJECTS)

10 **WHEREAS**, in November, 2020, a vehicle accident occurred damaging and separating the east
11 side guard rail from the bridge structure on the San Felipe Road Bridge over Tequisquito Slough;
and

12 **WHEREAS**, the Public Works Maintenance Yard personnel have been maintaining emergency
13 traffic control signing since this occurrence; and

14 **WHEREAS**, RMA staff obtained an engineering assessment of the damages and recommended
15 repairs, which provided two alternatives and recommendation to place a temporary K-Rail on the
16 east side of the bridge, based on preliminary design analysis that the metal beam guardrail cannot be
17 connected to the existing bridge structure as this condition will not meet current design standards,
and the non-standard side mounted guard rail attached to the existing bridge structure was not
considered as a viable alternative; and

18 **WHEREAS**, RMA staff obtained Interim Traffic Control Plans and a construction cost
19 estimate, with the ultimate recommendation that the County pursue funds to replace the bridge to
20 current design standards, which recommendation is being pursued under the RMA Grant
Applications Program; and

21 **WHEREAS**, the work to replace the bridge is beyond the capacity of the county work
22 crews to keep up with the repairs, and

23 **WHEREAS**, the damaged guardrail, is endangering the public; and

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

27 **WHEREAS**, California Public Contract Code Section 22050(a)(1) states, "[i]n the case of
28 an emergency, a public agency, pursuant to a four-fifths vote of its governing body may
repair or replace a public facility, take any directly related and immediate action required

1 by that emergency, and procure the necessary equipment, services, and supplies for those
2 purposes, without giving notice for bids to let contracts"; and

3 **WHEREAS**, pursuant to Public Contract Code Section 22050(c)(3), the Board of
4 Supervisors shall terminate the action at the earliest possible date that conditions warrant
5 so that the remainder of the emergency action may be completed by giving notice for bids
6 to let contracts; and

7 **WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") (California
8 Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (Title 14 of the
9 California Code of Regulations, section 15000 et seq.), emergency action taken under a
10 contract for emergency repairs is statutorily exempt from CEQA, pursuant to CEQA
11 Guidelines Section 15269(c) as an emergency project; and

12 **WHEREAS**, the Resource Management Agency Director hereby reports to the Board of
13 Supervisors that, for the reasons set forth herein, and on the public record, that there is
14 substantial evidence that conditions on the San Felipe Road Bridge over Tequisquito
15 Slough pose a clear and imminent danger to the residents using the roads and the general
16 public, requiring immediate action to prevent or mitigate the loss or impairment of life,
17 health, or property, and emergency interim traffic control plan work is necessary, while the
18 County pursues replacement of the Bridge; and

19 **WHEREAS**, the Resource Management Agency Director also hereby reports to the Board
20 of Supervisors that, for the reasons set forth herein, and on the public record, that there is
21 substantial evidence that the emergency does not permit a delay resulting from a
22 competitive solicitation for bids, and that a contract for emergency repairs is necessary to
23 respond to the emergency; and

24 **WHEREAS**, the Resource Management Agency Director also hereby recommends that
25 the Board of Supervisors enter into a contract with The Don Chapin Company for
26 PWB-2108 San Felipe Road Bridge Over Tequisquito Slough – Interim Traffic Control
27 Plans, without further competitive bidding.

28 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San
Benito that it hereby makes the following findings:

1. The conditions of the San Felipe Road Bridge Over Tequisquito Slough constitute an "emergency" under Public Contract Code Section 1102 and 22050;
2. There is a need for emergency action for PWB-2108 San Felipe Road Bridge Over Tequisquito Slough – Interim Traffic Control Plans, pending replacement of the bridge and the current state of emergency will not permit a delay resulting from a competitive solicitation for bids;
3. Until formally revoked, the Board expressly declares its delegation, and reaffirms its prior delegation, to the Resource Management Agency Director the authority to order action pursuant to California Public Contracts Code section 22050(a)(1);
4. Pursuant to Public Contract Code Section 22050(c)(3), by a four-fifths vote, the Board of Supervisors finds that there is currently a need to take emergency action, but that the emergency action will no longer be necessary and that the state of

- 1 emergency will no longer exist upon the completion of the emergency work;
2 5. Emergency action taken under this Resolution shall terminate no later than April 8,
3 2021, unless there is further specific action of the Board of Supervisors; and
4 6. Emergency action taken under the contract for emergency repairs is exempt from
5 CEQA pursuant to CEQA Guidelines Section 15269(c) as an emergency project,
6 and Resource Management Agency staff is hereby directed to file a Notice of
7 Exemption with the San Benito County Clerk's Office.

8 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN
9 BENITO THIS 9th DAY OF MARCH, 2021 BY THE FOLLOWING VOTE:

10 Ayes: Supervisor(s):
11 Noes: Supervisor(s):
12 Absent: Supervisor(s):
13 Abstain: Supervisor(s)

14 By: _____
15 Mark Medina, Chair

16 **ATTEST:**
17 Jennifer Frechette, Clerk of the Board

18 **APPROVED AS TO LEGAL FORM:**
19 San Benito County Counsel's Office

20 By: _____

21 By: Shirley L. Murphy
22 Shirley L. Murphy, Deputy County Counsel

23 Date: _____

24 Date: March 5, 2021