

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS  
RATIFYING THE PERFORMANCE OF EMERGENCY WORK AND RELATED ACTIONS  
TAKEN TO RESPOND TO RESTORE FLOOD PROTECTION LEVEES AFFECTED BY THE  
KNIGHT'S LANDING MID-VALLEY SITES 9 & 10 LEVEE IMPROVEMENT PROJECT**

**WHEREAS**, starting December 27, 2022, ongoing rain and high winds from multiple continuing storm events impacted Yolo County, with impacts worsening with each successive storm; and

**WHEREAS**, on January 2-3, 2023, County staff determined that the long-term weather forecast and projected increases in Sacramento River water surface elevations required immediate action to restore the degraded crown of the flood protection levees (the "Work") included in the Knights Landing Mid-Valley Sites 9 & 10 Levee Improvement Project (the "Project"), which was then under construction pursuant to a contract with Odin Construction Solutions ("Contractor"); and

**WHEREAS**, pursuant to Yolo County Code section 2-2.3106, the County Administrator (acting as the Director of Emergency Services) issued a "Resolution Proclaiming Existence of a Local Emergency Within the County of Yolo" (the "Proclamation") on January 4, 2023, due to the storm events described above; and

**WHEREAS**, the Contractor performed the Work using stockpiled materials to restore the levee crown and the Work was completed on January 9, 2023; and

**WHEREAS**, on January 10, 2023, the Board of Supervisors ratified the Proclamation and continued a separate agenda item relating to the Work to enable staff to respond to evolving information about the tasks involved and associated costs; and

**WHEREAS**, in emergency situations, Public Contract Code section 22050 requires findings based on substantial evidence that the situation would not permit delay resulting from a competitive solicitation of bids, and that the action was necessary to respond to the emergency, by a four-fifths vote of the Board; and

**WHEREAS**, under *Graydon v. Pasadena Redevelopment Agency*, competitive bidding also is not required if the Board determines, by a four-fifths vote, that such bidding would be unavailing and impractical, and would not produce any public advantage;

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

1. Finds the foregoing facts are true and correct.
2. Incorporates by reference the Proclamation and the ratifying resolution adopted by the Board of Supervisors on January 10, 2023.
3. Affirms that the circumstances described above constituted an emergency within the meaning of Public Contract Code section 1102.
4. Finds pursuant to Public Contract Code section 22050 as follows:
  - a. The Work was necessary to permit the continued operation of County operations or services; and

- b. Based on the evidence presented, including in the January 10 and 24, 2023 staff reports, that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that immediate action was necessary to respond to the emergency.

5. Finds pursuant to *Graydon v. Pasadena Redevelopment Agency* that competitive bidding for the Work would have been unavailing and impractical for reasons stated above, as further explained in the accompanying staff report, including that time was of the essence due to the prospect of losing access to stockpiled fill materials, and that competitive bidding would not have produced any public advantage and would not have been in the best interests of the County or the public.

6. Ratifies all actions taken by County staff to authorize the Work in respond to the emergency.

7. Delegates authority to the Interim Director of Community Services, or their designee, to execute a change order or contract amendment in coordination with, and subject to approval as to form by, the County Counsel. The change order or contract amendment shall not exceed the amount set forth in the agenda title for this item and shall be consistent in all material respects with this Resolution and the information provided in the accompanying staff report.

8. Finds that because the Work has been completed, there is no reason to require staff to report back on the status of the emergency or otherwise continue the “action” at issue, as contemplated in Public Contract Code section 22050(c)(1).

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yolo this 24<sup>th</sup> day of January 2023, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

By: \_\_\_\_\_  
Supervisor Oscar Villegas, Chair  
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk  
Yolo County Board of Supervisors

Approved to Form:

By: \_\_\_\_\_  
Deputy (Seal)

By:  \_\_\_\_\_  
Philip J. Pogledich, County Counsel