

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-17

AGENDA DATE: June 13, 2017

SUBJECT:

Approval to Accept the Fourth and Final Update in Accordance with Public Contract Code Sections 20134 and 22050 for Emergency Repairs at the Fink Road Landfill to Replace 333 Linear Feet of Perimeter Litter Barrier Fencing

BOARD ACTION AS FOLLOWS:

No. 2017-306

On motion of Supervisor Withrow, Seconded by Supervisor Olsen

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Chiesa

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


PAM VILLARREAL, Assistant Clerk

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-17

AGENDA DATE: June 13, 2017

CEO CONCURRENCE: *phct*



4/5 Vote Required: Yes No

SUBJECT:

Approval to Accept the Fourth and Final Update in Accordance with Public Contract Code Sections 20134 and 22050 for Emergency Repairs at the Fink Road Landfill to Replace 333 Linear Feet of Perimeter Litter Barrier Fencing

STAFF RECOMMENDATIONS:

1. Accept the fourth and final update on the state of the emergency repairs at the Fink Road Landfill in accordance with Public Contract Code Sections 20134 and 22050 to replace 333 feet of perimeter litter barrier fencing.

DISCUSSION:

The Department of Environmental Resources, Landfill Division, maintains and operates the Fink Road Landfill. Some of the maintenance at the Fink Road site is performed by in-house staff, however, specialized services are often needed in the area of maintenance (routine and non-routine), repairs, surveying, construction projects and oversight, certain specific non-routine service calls, emergency services and repairs. For those specialized services, the Department has historically hired outside expertise.

Sometime between the close of business on Wednesday, April 12, 2017, at 4:30 p.m. and reopening on the following morning of Thursday, April 13, a 333 foot section of perimeter litter barrier fencing along the Interstate 5 corridor blew down, snapping the wooden poles off at their base because of high winds. The result left the site unsecured and subject to a Notice of Violation from the State. In addition, the potential of litter blowing onto Interstate 5 could pose a safety concern. These concerns needed to be addressed immediately to prevent an ongoing risk, and any delay resulting from a competitive solicitation for bids would pose a greater risk to health and safety. This was necessary to permit the continued conduct of essential Landfill operations.

On April 18, 2017, the Board of Supervisors in accordance with Public Contract Code Sections 20134 and 22050 approved the delegation of authority for the Director of Environmental Resources, or designee, to negotiate and execute a contract with Judge Netting, Inc., of Costa Mesa, California (Judge Netting), to replace the 333 linear feet of downed perimeter litter barrier fencing at the Landfill. Further, the Board directed staff to work with Risk Management to determine whether the repair was applicable to the County's insurers.

The fourth and final update includes the current emergency repairs as follows: The emergency fence repair began on Monday, May 15, 2017, and was complete by Friday, May 19, 2017. The

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Building Department's final inspection was completed on Wednesday, May 24, 2017. The emergency fence repair is complete.

POLICY ISSUE:

Public Contract Code Section 22050(a)(1) states, "In the case of 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 by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." Per Public Contract Code Section 22050(c)(1) requires staff to report on the emergency every 14 days until the emergency is terminated.

FISCAL IMPACT:

The total cost for repairs is \$47,950 and will be funded by the Fink Road Landfill's fund balance. Funds for this purpose are available in the Fiscal Year 2016-2017 Adopted Final Budget for the Department of Environmental Resources, Fink Road Landfill Division. The Department is working with Risk Management to determine if any of the costs are recoverable through the County's insurance carrier.

Cost of recommended action:	\$ 47,950
Source(s) of Funding:	
Fink Road Landfill Fund Balance	<u>\$ 47,950</u>
Funding Total:	<u>\$ 47,950</u>
Net Cost to County General Fund	<u><u>\$ -</u></u>

Fiscal Year:	2016-2017
Budget Adjustment/Appropriations needed:	No

Fund Balance as of April 30, 2017	
Fink Road Landfill	\$ 28,755,670

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Safe Community, A Healthy Community, and A Well Planned Infrastructure System by maintaining litter control and site security in accordance with the requirements of the Landfill's regulatory agency (CalRecycle). In addition, it supports the Department of Environmental Resource's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACT:

Department staff will continue to oversee the work related to this Emergency Project.

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CONTACT PERSON:

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ATTACHMENT(S):

None