

**FEATHER RIVER RECREATION AND PARK DISTRICT
1875 FEATHER RIVER BLVD., OROVILLE, CA 95965**

“We will provide and maintain quality parks, recreation experiences, and related facilities and programs for all residents of the District in a fiscally sustainable manner that compliments the natural resources and cultural heritage of our community.”

DISTRICT BOARD MEETING
Special Board Meeting
April 4, 2019

Location: FRRPD Conference Room

AGENDA

Immediately Following 2:00PM Meeting

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate in the meeting, please contact the District Administrative Office at (530)533-2011 at least 48 hours in advance of the meeting.

1. CALL MEETING TO ORDER

Time: _____

2. ROLL CALL

Director Sonny Brandt	_____
Director Marcia Carter	_____
Director Steven Rocchi	_____
Vice Chairperson Kent Fowler	_____
Chairperson Gary Emberland	_____

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

At this time, the Board will extend the courtesy of the Hearing Session to interested parties who wish to speak on items not on the agenda. State law prohibits the Board from taking action on any item presented if it is not listed on the agenda, except under special circumstances as defined in the Government Code. You are limited to three (3) minutes. The Board reserves the right to limit public comment to 15 minutes, and can reopen public comment at a later time. The Chairperson will invite anyone the audience wishing to address the Board on a matter not listed on the agenda to state your name for the record and make your presentation. The Board will not and cannot take any action except for brief response by the Board or staff to a statement or question relating to a non-agenda item.

5. ACTION ITEMS

1. RESOLUTION NO. 1901-19: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER RECREATION AND PARK DISTRICT TO DECLARE AN EMERGENCY AND REPAIR NOLAN FIELD RESTROOMS AND STORAGE FACILITY.

Requested action: Adopt the Resolution

VOTE

Director Sonny Brandt	_____
Director Marcia Carter	_____
Director Steven Rocchi	_____
Vice Chairperson Kent Fowler	_____
Chairperson Gary Emberland	_____

6. ADJOURNMENT

Time: _____

***Can you spare one minute per month to make your local Park District better?
Please register at www.flashvote.com/frrpd to let your voice be heard.***

***Apply to be on our Benefit Assessment District (BAD) Committee
<http://frrpd.com/about-frrpd/bad/>***



STAFF REPORT

DATE: APRIL 4, 2019

TO: BOARD OF DIRECTORS

FROM: RANDY MURPHY, GENERAL MANAGER

**RE: APPROVE RESOLUTION TO DECLARE AN EMERGENCY AND REPAIR NOLAN FIELD
RESTROOMS AND STORAGE FACILITY**

SUMMARY

Request for the Board to approve Resolution No 1905-19 declaring an emergency need to immediately repair the restrooms and storage facility building at Nolan Field.

BACKGROUND

As your Board is aware, fire destroyed the storage area and damaged the adjacent restroom facilities at Nolan Field on the night of February 10. Law enforcement investigation determined the origin to be electrical in nature, and not arson or vandalism. A structural engineer has recommended that the remaining structure be razed. Preliminary estimates place damages in excess of \$150,000.

California Public Contract Code (PCC) generally requires a bid process for projects of this amount and greater. This process would require engineered drawings in order to do so. Several weeks would elapse before the District could even bid the job. Then several more weeks would be needed for the bid process to be completed and awarded to the lowest responsible bidder, with no guarantees we would receive any bids. And this is all before the piece of equipment hits the site. In the meantime, our patrons are forced to use portable toilet facilities during the peak usage of Little League season and beyond. However, there is an exception in PCC 22050 (attached) if the Board makes a finding and declares an emergency. We could then select a contractor who could immediately begin to work, and we could have a functional facility before the end of the summer.

The SDRMA insurance adjuster, McLaren's, has recommended Belfor Property Restoration of Elk Grove. McLaren's has used Belfor on other projects and has the highest regard for the quality of their work.

BUDGETARY IMPACT

The deductible of \$1,000 has already been paid.

RECOMMENDATION

Approve the attached Resolution No 1905-19 declaring an emergency need to immediately repair the restrooms and storage facility building at Nolan Field.

ALTERNATIVE ACTIONS

None.

ATTACHMENTS

Resolution 1905-19

PCC 22050



RESOLUTION NO. 1905-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER RECREATION AND PARK DISTRICT TO DECLARE AN EMERGENCY AND REPAIR NOLAN FIELD RESTROOMS AND STORAGE FACILITY

WHEREAS, the Feather River Park and Recreation District suffered a fire at the restroom and storage facility of Nolan Field on February 10, 2019; and

WHEREAS, a structural engineer has recommended that the building be declared a total loss, the value of which is believed to be in excess of \$150,000; and

WHEREAS, there are no similar facilities within a reasonable distance of Nolan Field which interferes with the experience of park visitors for Little League and other outdoor activities; and

WHEREAS, the remains of the building are inherently unsafe and could serve as an attractive nuisance for visitors of the Field; and

WHEREAS, California Public Contract Code (PCC) generally requires Public Agencies to adhere to rigorous bidding procedures in order to expend any resources; and

WHEREAS, California PCC 22050 allows Public Agencies to dispense with normal bidding procedures in a declared emergency; and

WHEREAS, California Public Contract Code allows Public Agencies to dispense with normal bidding procedures in a declared emergency; and

NOW THEREFORE, IT BE RESOLVED, that the Feather River Recreation and Park District Board of Directors hereby declares an emergency for the purposes of expediting the repair of the restroom and storage facilities at Nolan Field in order to improve the comfort of its patrons and the eliminate a potentially unsafe attractive nuisance; and

BE IT FURTHER RESOLVED, that the Feather River Recreation and Park District Board of Directors delegates the authority to execute any agreement or other action deemed necessary in order to mitigate this emergency.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of the Feather River Recreation and Park District on the 4th day of April 2019 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Attest:

Kent Fowler, Vice-Chairperson

Randy Murphy, General Manager

1875 Feather River Blvd. Oroville, CA 95965 (530) 533-2011



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PUBLIC CONTRACT CODE - PCC

DIVISION 2. GENERAL PROVISIONS [1100 - 22355] (*Division 2 enacted by Stats. 1981, Ch. 306.*)

PART 3. CONTRACTING BY LOCAL AGENCIES [20100 - 22178] (*Part 3 added by Stats. 1982, Ch. 465, Sec. 11.*)

CHAPTER 2.5. Emergency Contracting Procedures [22050- 22050.] (*Chapter 2.5 added by Stats. 1994, Ch. 803, Sec. 88.*)

22050. (a) (1) 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.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, "public agency" has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20134, 20168, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20331, 20567, 20586, 20604, 20635, 20645, 20682,

20682.5, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212, 21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472, 21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552, 21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631, 21641, and 22035.

(Amended by Stats. 2017, Ch. 387, Sec. 16. (SB 205) Effective January 1, 2018.)