April 17, 2017

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Scott D. Spears, Assistant General Counsel

SUBJECT: Resolution Number 2182 - Declaring a River Flood Emergency and Authorizing the Immediate Expenditure of Public Funds for Flood Control, Protective Measures and Essential Repairs Related to Flood Damage.

CONSENT AGENDA ITEM – April 19, 2017 Commission Meeting

FACTS AND FINDINGS:

1. The National Weather Service has issued a river flood warning for Ada County has been issued by the National Weather Service until further notice. Within Ada County and along the Boise River there is the potential for river flooding creating conditions on the public highways and public rights-of-way in Ada County that may be hazardous and a threat to public health and welfare as well as property, and requiring immediate response by ACHD to instances of flooding and flood damage.

2. The State of Idaho, Ada County, Boise City, and other municipalities in Ada County have already declared emergencies relating to river flooding.

3. Section 67-2808(1), Idaho Code, authorizes ACHD to declare an emergency and expend any sum required without compliance with formal bidding procedures set forth in Title 67, Chapter 28, Idaho Code.

4. Section 40-820, Idaho Code, authorizes ACHD to declare an emergency and expend any sum required to safeguard life, health or property in the emergency without compliance with Title 40, Idaho Code.

5. Resolution No. 2182 (attached) declares an emergency in Ada County during the term of the 2017 irrigation season because of the potential for river flooding creating conditions on the public highways and public rights-of-way in Ada County that may be hazardous and a threat to public health and welfare as well as property, requiring immediate response by ACHD to instances of flooding and flood damage including, but not limited to, the immediate expenditure of public funds for flood control, protective measures and essential repairs related to flood damage in any sum required without compliance with formal bidding.
procedures. Resolution No. 2182 also directs that Director of ACHD may immediately expend public funds for flood control, protective measures and essential repairs related to flood damage, in any sum required, without compliance with formal bidding procedures set forth in Title 67, Chapter 28, Idaho Code, or Title 40, Idaho Code.

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends that the Board of Commissioners adopt the proposed Resolution No. 2182, attached hereto.

Attachment - 1
Resolution Number 2182

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RESOLUTION NO. 2182

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS:
PAUL WOODS, REBECCA W. ARNOLD, SARA M. BAKER, JIM D. HANSEN,
AND KENT GOLDTHORPE

A RESOLUTION DECLARING A RIVER FLOOD EMERGENCY AND
AUTHORIZING THE IMMEDIATE EXPENDITURE OF PUBLIC FUNDS FOR
FLOOD CONTROL, PROTECTIVE MEASURES AND ESSENTIAL REPAIRS
RELATED TO FLOOD DAMAGE.

WHEREAS, Ada County Highway District ("ACHD") has jurisdiction and
responsibility for all public highways and public rights-of-way within Ada County,
Idaho, except state highways and interstate freeways pursuant to Title 40,
Chapters 13 and 14, Idaho Code; and

WHEREAS, the National Weather Service has issued a river flood warning
for Ada County until further notice, with the potential for flooding of the Boise
River creating conditions on the public highways and public rights-of-way in Ada
County that may be hazardous and a threat to public health and welfare as well
as property, and requiring immediate response by ACHD to instances of flooding
and flood damage; and

WHEREAS, the State of Idaho, Ada County, Boise City, and other
municipalities in Ada County have already declared emergencies relating to river
flooding; and

WHEREAS, Section 67-2808(1), Idaho Code, authorizes ACHD to declare
an emergency and expend any sum required without compliance with formal
bidding procedures set forth in Title 67, Chapter 28, Idaho Code; and

WHEREAS, Section 40-820, Idaho Code, authorizes ACHD to declare an
emergency and expend any sum required to safeguard life, health or property in
the emergency without compliance with Title 40, Idaho Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED and ORDERED
as follows:

1. The Board of Commissioners of Ada County Highway District, pursuant
to Section 67-2808(1), Idaho Code, and Section 40-820, Idaho Code,
hereby declares an emergency in Ada County during the term of the
2017 irrigation season because of the potential for river flooding
creating conditions on the public highways and public rights-of-way in
Ada County that may be hazardous and a threat to public health and

RESOLUTION 2182 - A RESOLUTION DECLARING A RIVER FLOOD
EMERGENCY AND AUTHORIZING THE IMMEDIATE EXPENDITURE OF
PUBLIC FUNDS.
welfare as well as property, requiring immediate response by ACHD to instances of flooding and flood damage including, but not limited to, the immediate expenditure of public funds for flood control, protective measures and essential repairs related to flood damage, in any sum required, without compliance with formal bidding procedures set forth in Title 67, Chapter 28, Idaho Code, and without compliance with Title 40, Idaho Code.

2. The Board of Commissioners of Ada County Highway District directs that the Director of ACHD is hereby authorized and may immediately expend public funds for flood control, protective measures and essential repairs related to flood damage, in any sum required, without compliance with formal bidding procedures set forth in Title 67, Chapter 28, Idaho Code, and without compliance with Title 40, Idaho Code.

Adopted and approved by the Board of Commissioners of the Ada County Highway District on the 19th day of April, 2017.

BOARD OF HIGHWAY DISTRICT COMMISSIONERS OF ADA COUNTY, IDAHO:

______________________________________________
Paul Woods, President

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Rebecca W. Arnold, Vice President

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Sara M. Baker, Commissioner

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Jim D. Hansen, Commissioner

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Kent Goldthorpe, Commissioner

RESOLUTION 2182 - A RESOLUTION DECLARING A RIVER FLOOD EMERGENCY AND AUTHORIZING THE IMMEDIATE EXPENDITURE OF PUBLIC FUNDS.