

**Town of Orrock
Sherburne County Minnesota**

**Resolution authorizing spending for emergency road repairs
And establishing a policy for actions related to emergency road conditions.**

Resolution No. 2021-06

WHEREAS, Minnesota Statutes, Section 164.02 permits a town board to establish and maintain town roads; and

WHEREAS, the Town of Orrock, Sherburne County, Minnesota (the Town) has recognized that from time to time it may experience situations where the condition of a road is suddenly affected to such a degree that the road becomes a danger to people; and

WHEREAS, the Town has determined that when dangerous road conditions occur without warning, it is important to be able to promptly take action to have the road restored to a safe and stable condition.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town authorizes the Town's road authority or other supervisor(s) to take action to remedy unexpected dangerous road conditions, subject to the limits and conditions established herein.

IT IS FURTHER RESOLVED, that the Town hereby adopts the following policy regarding emergency road repairs.

Town of Orrock Emergency Road Repair Policy

This policy governs the exercise of emergency spending to remedy unexpected and dangerous road conditions. The Town Board is responsible for overseeing compliance with this policy.

I. General terms and definitions

a. Emergency road condition

An emergency road condition is a condition that arises unexpectedly so as to create a situation that is or may be dangerous to users of the subject road or to the public. An emergency road condition may be caused by such events as sinkholes, falling trees, or other unexpected events that change the condition of the road in a detrimental way.

Whether an emergency road condition exists is to be interpreted liberally by the responsible authority so as to place emphasis on public safety.

b. Responsible authority

The responsible authority is the person responsible for carrying out the provisions of this policy in any particular emergency road condition.

The order of persons who may serve as the responsible authority is as follows:

- i. The town's road authority
- ii. Any member of the town's road committee

- iii. The chair of the town board
- iv. The vice chair of the town board
- v. Any other town supervisor.

If any person higher in the responsible authority list above is unavailable, or otherwise declines to determine that an event creates an emergency road condition, the next person on the list may make that determination and will, for the duration of the subject emergency road condition, be the responsible authority.

II. Securing an emergency road condition

Upon becoming aware of an emergency road condition, the responsible authority should take immediate steps to secure the situation in such a way as to prevent harm to road users and the public.

The responsible authority should use the town's hourly service contractor for this work if that contractor is available and has the means to provide the services to secure the condition. Otherwise, the responsible authority may contract for the services in the open market.

The responsible authority should attempt to achieve temporary securing of the condition within a budget of \$2,500, but this limit is advisory only.

III. Repairing an emergency road condition

The responsible authority may undertake actions to repair the emergency road condition consistent with this section.

a. Levels of authority

i. Not more than \$10,000

If the cost of repairing the emergency road condition, including the cost of securing the area is expected to be not more than \$10,000, the responsible authority has the authority to proceed with the repairs without the concurrence of any other board member.

ii. Not more than \$15,000

If the cost of repairing the emergency road condition, including the cost of securing the area is expected to be more than \$10,000 but not more than \$15,000, the responsible authority has the authority to proceed with the repairs with the written concurrence of one other town supervisor.

iii. More than \$15,000

If the cost of repairing the emergency road condition, including the cost of securing the area, is expected to be more than \$15,000, the responsible authority must work with the town clerk to schedule an emergency town board meeting to approve the repairs. This provision contemplates that the responsible authority has first secured the area pursuant to Section II of this policy.

b. Requirements for specifications and quotes

In each case of an emergency road condition, the responsible authority must prepare a written specification of the work.

The specification may be informal so long as it is sufficient to ensure that both the Town and any proposing contractor understand and agree as to the complete scope of the work.

The specification must include language stating that "This specification does not commit the town to proceed with the proposed work. The town reserves the right to reject all quotes for any reason."

The responsible authority is encouraged to review the specifications with one other supervisor before proceeding to obtain quotes. The responsible authority may, but is not required to, review the specification with the town clerk and/or treasurer.

i. For repairs not to exceed \$15,000

In the responsible authority's discretion, the responsible authority may negotiate for the repairs with a single qualified contractor in the open market or may provide the statement of the work to multiple qualified contractors and obtain written quotes. If the latter option is chosen, the responsible authority must accept the lowest quote from a qualified contractor or may reject all quotes.

ii. Total costs expected to exceed \$15,000.

The area must be secured pursuant to Section II of this policy. The responsible authority may obtain quotes as specified in the preceding section. In obtaining such quotes, the responsible authority must inform each contractor that any remedial work must be approved by the town board at an emergency meeting.

c. Emergency Board Meeting

If the responsible authority estimates the cost of correcting the emergency road condition to be in excess of \$15,000, the responsible authority must inform the town clerk as soon as practical and the clerk must confer with the responsible authority and the town board chair to schedule an emergency meeting for the purpose of considering approval of work to remedy the condition.

Adopted this 24th day of March, 2021

BY THE ORROCK TOWN BOARD



Bryan Adams, Chair

Attest: 

Christine Weber, Clerk