
Date: August 30, 2022

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of Sonoma County Water Agency, Declaring A Need To Perform Emergency Repair Work, Suspending The Requirement Of Competitive Bidding, Delegating Authority to Execute Contracts For The Work, Ratifying Any Contracts Made By The General Manager Of The Sonoma County Water Agency, And Making A Determination Under The California Environmental Quality Act (4/5th Vote Required)

WHEREAS, on August 23, 2022, the General Manager of the Sonoma County Water Agency (Sonoma Water), declared an emergency pursuant to authority delegated in Resolution #06-0649, due to the discovery of a leak on the Sonoma Aqueduct at the Verano Avenue Bridge crossing of Sonoma Creek in the unincorporated area of Sonoma County, near Sonoma, California; and

WHEREAS, due to the failure occurring on the Sonoma Aqueduct, Sonoma Water has suffered damage and emergency conditions exist which necessitate immediate action to protect public health, public safety, essential public services, and property; and

WHEREAS, Sonoma Water staff are in the process of conducting damage assessments to determine the nature of emergency repair(s) needed; and

WHEREAS, based upon the above, there is an urgent need to make the needed repairs to the Sonoma Aqueduct that are owned by Sonoma Water to ensure the delivery of essential public services, and

WHEREAS, Sonoma Water does not have the capacity and/or expertise to deliver the necessary repairs and would normally issue a notice inviting bids to hire a contractor to perform this work. The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to perform necessary preventative measures to protect public health, public safety, essential public services, and property in a timely manner; and

WHEREAS, the General Manager of Sonoma Water has emergency contracting authority pursuant to Resolution #06-0649 and Public Contract Code section 22050; and

WHEREAS, this Board finds, based upon substantial evidence, that the emergency will not permit a delay resulting from a formal competitive solicitation for bids and this action is necessary to respond to an emergency.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby concurrently finds, declares, determines and orders as follows:

1. *Correctness of Recitations.* That the foregoing recitations are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the pipeline failure will not permit a delay resulting from competitive solicitation of bids. This action is necessary to respond to the emergency.
2. *Delegation of Authority.* The General Manager of Sonoma Water, with the assistance of County Counsel, is authorized to enter into contracts with contractors and to take such other actions as he deems reasonable and necessary to immediately make necessary repairs and stabilize dangerous conditions caused by the pipeline failure to protect public health and safety, and to protect property owned by Sonoma Water, and to provide essential public services; provided that the authority hereby delegated is limited to the incurring of obligations not to exceed \$750,000.
3. *Suspension of Competitive Bidding.* That the requirement of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the existence of the dangerous conditions and damage to public facilities owned by Sonoma Water, which constitutes an emergency, and to take all actions to protect public health, public safety, essential public services, and property, but that this suspension shall be limited to work deemed reasonable and necessary by the General Manager of Sonoma Water.
4. *General Manager's Duty to Coordinate and Report.* That the General Manager of Sonoma Water is directed, while carrying out the authority delegated by this Resolution, to:
 - a. Coordinate his activities as he deems necessary with the staff of other affected and interested public agencies, regulatory agencies and public utilities; and
 - b. Report to this Board of Directors for Sonoma Water on actions taken pursuant to this resolution and other matters related to this emergency every 14 days; and
 - c. To inspect, observe and prepare a post work report.
5. *Determination of CEQA Exemption.* That the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a "sudden and unexpected manner" and poses an "imminent danger,

demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in section 21080(b)(2) and (b)(4) of the Public Resources Code; however, the General Manager of Sonoma Water shall, to the extent he deems feasible in his sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein.

6. *Notice of CEQA Exemption.* This resolution shall constitute a notice of exemption from the requirements of the California Environmental Quality Act.

7. *Ratification of General Manager’s Actions.* All acts by the General Manager of Sonoma Water with respect to emergency contracting pursuant to Resolution #06-0649 for the Sonoma Aqueduct at the Verano Avenue Bridge Project are also hereby ratified.

PASSED AND ADOPTED by this Board this August 30, 2022.

Directors:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.