



# County of Sonoma

## State of California

Date: March 12, 2019

Item Number: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_



4/5 Vote Required

**Concurrent Resolution Of The Board Of Directors Of The Sonoma County Water Agency, The Board Of Directors Of The Russian River County Sanitation District, The Board of Directors of The South Park County Sanitation District, The Board Of Directors Of The Occidental County Sanitation District, And the Board of Directors Of The Sonoma Valley County Sanitation District 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 (4/5ths Vote Required)**

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by the 2019 Winter Storms and Flooding, commencing on February 12, 2019;

**WHEREAS**, on February 26, 2019, the Sonoma County Board of Supervisors proclaimed a local emergency existed within the Sonoma County Operational Area, and requested the Governor of the State of California to proclaim a State of Emergency;

**WHEREAS**, on February 26, 2019, the County of Sonoma, and the Sonoma County Water Agency ("Sonoma Water") opened their respective Emergency Operation Centers;

**WHEREAS**, on February 28, 2019, Governor Newsom issued a proclamation of emergency due to the 2019 Winter Storms and Flooding;

**WHEREAS**, Sonoma Water operates and manages several sanitation districts and zones within the County of Sonoma, including the Russian River County Sanitation District, Occidental County Sanitation District, South Park County Sanitation District, Sonoma Valley County Sanitation District, Airport/Larkfield/Wikiup Sanitation Zone, Geyserville Sanitation Zone, Penngrove Sanitation Zone and Sea Ranch Sanitation Zone;

**WHEREAS**, on March 1, 2019, the General Manager of Sonoma Water determined emergency conditions exist as a result of the 2019 Winter Storms and Flooding necessitating immediate action pursuant to the authority delegated in Resolutions #06-0649 and #06-0650;

**WHEREAS**, due to the February 2019 Winter Storms and Flooding, Sonoma Water, and the Sanitation Districts and Zones owned or operated by Sonoma Water, have suffered damage and emergency conditions exist which necessitate immediate action to protect public health, public safety, essential public services, and property;

**WHEREAS**, Sonoma Water staff are in the process of doing damage assessments in Sonoma Water's service areas so the exact number and nature of emergency repair(s) needed is still being determined as the flood waters recede;

**WHEREAS**, based upon the current situational awareness:

- The Occidental County Sanitation District has settling pond damage and leaking at the treatment plant. Emergency protective measures were initiated and an emergency repair is needed;
- Sonoma Valley County Sanitation District has a manhole near bank erosion. Emergency repair/protective measures were needed to protect the manhole and pipe from being damaged in Sonoma Creek and an emergency repair is needed;
- Sonoma Valley County Sanitation District had an outfall line break in Schellville area that needed emergency protective measures and needs emergency repair, but inspections and an assessment are not complete due to flood waters;
- Sonoma Water's Collector 6 has ground/bank erosion exposing underground equipment and lines that will need an emergency repair to protect them from further inundation and damage;
- Sonoma Water's Mirabel and Wohler facilities were inundated with flood waters which will require emergency debris removal and road repairs once flood waters recede and assessments are completed; and
- Russian River County Sanitation District has the Center Lift Station where an Emergency Generator was destroyed by flood inundation will need emergency procurement to replace;

**WHEREAS**, based upon the above, there is an urgent need to make the needed repairs to Sonoma Water's potable water facilities, and to make the needed repairs to the Sanitation Districts' and Zones' facilities that are owned or operated by Sonoma Water;

**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;

**WHEREAS**, the General Manager of the Sonoma County Water Agency has emergency contracting authority pursuant to Resolutions #06-0649 and #06-0650; and

**WHEREAS**, these Boards find, 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 these Boards hereby concurrently find, declare, determine and order 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 2019 Winter Storms and Flooding 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 2019 Winter Storms and Flooding to protect public health and safety, and to protect property owned or maintained 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 per contract;
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, operated or maintained by Sonoma Water, which constitutes a great public calamity, and to take all action 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 these Boards 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 and "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 210801(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;

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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 Resolutions #06-0649 and #06-0650 and pursuant to the Proclamation of Local Emergency for the 2019 Winter Storms and Flooding are also hereby ratified.

**PASSED AND ADOPTED** by these Board this 12<sup>th</sup> day of March, 2019.

**Directors:**

Gorin:	Zane:	Gore:	Hopkins:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

**Sonoma Valley  
County  
Sanitation  
District  
Directors:**

Gorin:	Harrington:	Rabbitt:	
Ayes:	Noes:	Absent:	Abstain:

**So Ordered.**