
Date: February 25, 2020

Item Number: _____

Resolution Number: _____

☒ 4/5 Vote Required

Resolution Of The Board Of Directors Of The 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 (4/5ths Vote Required)

WHEREAS, on February 19, 2020, the General Manager of the Sonoma County Water Agency, declared an emergency pursuant to authority delegated in Resolution #06-0649, due to the discovery of corrosion occurring on the Cotati aqueduct;

WHEREAS, due to the corrosion occurring on the Cotati 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;

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

WHEREAS, based upon the above, there is an urgent need to make the needed repairs to the Cotati Aqueduct that are owned or operated by Sonoma Water to ensure the delivery of essential public services, potable 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 Resolution #06-0649; 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 corrosion on the Cotati Aqueduct 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 corrosion on the Cotati Aqueduct 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 an emergency, 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;

6. *Notice of CEQA Exemption.* This resolution shall constitute a notice of exemption from the requirements of the California Environmental Quality Act; and
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 2020 Cotati Aqueduct Corrosion Repair Project are also hereby ratified.

PASSED AND ADOPTED by these Board this 25th day of February, 2020.

Directors:

Rabbitt:

Zane:

Gore:

Hopkins:

Gorin:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.