



## Legislation Details (With Text)

**File #:** 2024-0881

**Type:** Consent Calendar Item **Status:** Passed

**File created:** 7/11/2024 **In control:** Sonoma County Water Agency

**On agenda:** 7/16/2024 **Final action:** 7/16/2024

**Title:** Resolution Making Findings of an Emergency Need to Perform Repair of Retaining Wall and Channel Liners in Washington Creek

**Sponsors:** Sonoma County Water Agency

**Indexes:**

**Attachments:** 1. Summary Report, 2. Resolution Suspending Competitive Bidding, 3. Resolution Authorizing Budgetary Adjustment

Date	Ver.	Action By	Action	Result
7/16/2024	1	Board of Supervisors	Approved as recommended	Pass

**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Grant Davis, 547-1911  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** Second

### Title:

Resolution Making Findings of an Emergency Need to Perform Repair of Retaining Wall and Channel Liners in Washington Creek

### Recommended Action:

- A) Adopt a Resolution:
- Making findings that there is an emergency need to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek;
  - Suspending the requirements for competitive bidding;
  - Authorizing the General Manager of Sonoma County Water Agency to execute contracts, not to exceed \$750,000, necessary to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek; and
  - Ratifying any emergency contracts entered into by the General Manager of the Sonoma County Water Agency relating to these issues.
- B) Adopt a Resolution authorizing adjustments to the Board Adopted Budget for FY 2025/2026 for the Sonoma County Water Agency Flood Control Zone 2A in the amount of \$447,100. (Second District) (4/5<sup>th</sup> Vote Required)

### Executive Summary:

This item requests the Board of Directors ("Board") for the Sonoma County Water Agency ("Sonoma Water") adopt a resolution making findings of an emergency need to repair/replace the section of failing retaining wall and channel liner panels on Washington Creek, which if left unrepaired, could fail resulting in extensive flooding, damage to a nearby residence, damage to the adjacent box culvert and roadway, and a significantly

more extensive repair; suspending the requirements for competitive bidding; authorizing the General Manager of Sonoma Water to execute contracts necessary to repair/replace the section of Washington Creek; and ratifying emergency contracts entered into by the General Manager of Sonoma Water related to these issues.

Pursuant to authority delegated in Resolution # 06-0649, Sonoma Water's General Manager has authority to enter into contracts not-to-exceed \$750,000 to make emergency repairs. The estimated cost of the project is \$900,000. Sonoma Water is requesting the Board to authorize Sonoma Water's General Manager up to \$900,000 to stabilize dangerous conditions, and staff will request additional Board authorization in the future, if necessary.

**Discussion:**

In 2023, Sonoma Water staff began planning efforts to address the leaning retaining wall and slipping concrete channel liners in Washington Creek, located immediately adjacent to East Washington Boulevard and upstream of North McDowell Boulevard. A consultant was hired to generate an Engineering Evaluation Report in late 2023. It appeared the retaining wall and channel liner panels were failing due to inadequate drainage. After the rainy season of 2023/2024, conditions on Washington Creek degraded significantly. In response, Sonoma Water hired a Geotechnical Consultant to evaluate the soil conditions and determine if the retaining wall and liner panels would withstand another rainy season.

The consultant found: "If not mitigated prior to the next rainy season, there is a significant risk that continued and accelerated failure of these structures could occur and result in damage to the surrounding residential properties and adjacent roadway infrastructure." Therefore, immediate mitigative action is required prior to the next rainy season to prevent or mitigate imminent harm to public safety, public services, and property. Collapse of the wall or channel liner panels could result in failure of the upstream slope, damage to nearby residence, damage to the adjacent box culvert and roadway, and/or subsequent blockage of the channel, during a major storm event, resulting in flood damage and significant public safety hazard.

On July 11, 2024, the General Manager of Sonoma Water, pursuant to authority delegated in Resolution # 06-0649, declared the existence of an emergency for Sonoma Water due to failing infrastructure assets on Washington Creek.

Based upon the above, there is an urgent need to repair these structures of Washington Creek. 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 and safety before the next rainy season.

Public Contract Code section 22050 authorizes Sonoma Water to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code section 22035, this emergency work may proceed without adopting plans or specifications. If approved, this item will be brought back to the Board every 14 days thereafter to determine if there is a need to continue the action without competitive bidding. The Board is obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

Finally, the General Manager of the Sonoma Water has emergency contracting authority pursuant to

Resolution # 06-0649. Staff recommends ratifying any contracts for the removal/stabilization of dangerous conditions, or related emergency issues described herein, entered into by the General Manager of Sonoma Water subsequent to drafting this report to the date of this Board action. The General Manager will report to the Board on actions related to the emergency declaration every 14 days until the repair has been made and the conditions are safe.

### California Environmental Quality Act

This section of Washington Creek is located within Sonoma Water's Stream Maintenance Program (SMP). The "in kind" repair and replacement of failing concrete structures that require bank stabilization within SMP channels is included in the Stream Maintenance Program Environmental Impact Report (EIR). On June 23, 2009, Sonoma Water's Board of Directors certified the SMP EIR and approved the project in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Sonoma Water's Procedures for the Implementation of CEQA.

### **Strategic Plan:**

N/A

### **Racial Equity:**

### **Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

### **Prior Board Actions:**

06/23/09: Approved and Certified Sonoma Water's Stream Maintenance Program Final Environmental Impact Report and Project.

### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY24-25 Adopted</b>	<b>FY25-26 Projected</b>	<b>FY26-27 Projected</b>
Budgeted Expenses	\$452,900		
Additional Appropriation Requested	\$447,100		
<b>Total Expenditures</b>	<b>\$900,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$452,900		
Use of Fund Balance	\$447,100		
General Fund Contingencies			
<b>Total Sources</b>	<b>\$900,000</b>		

### **Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$452,900 is available from FY 2024/2025 appropriations for the Flood Control Zone 2A Fund. Additional appropriations of \$447,100 are required to process this expense. With Board approval of the

attached budgetary resolution, FY 2024/2025 appropriations of \$447,100 from Fund Balance will be made in the Flood Control Zone 2A Fund.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency

Attachment B: Budget Resolution

**Related Items “On File” with the Clerk of the Board:**

None