



Legislation Text

File #: 2022-0989, **Version:** 1

To: The Board of Directors of the 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): First

Title:

Resolution Making Findings of an Emergency Need to Perform Work to Stabilize Dangerous Conditions Resulting from a Pipeline Leak on the Sonoma Aqueduct at the Verano Avenue Bridge crossing of Sonoma Creek in the unincorporated area of Sonoma County, near Sonoma, California

Recommended Actions:

- A) Board of Directors Adopt a Resolution:
 - i. Making findings that there is an emergency need to stabilize dangerous conditions resulting from a pipeline 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
 - ii. Suspending the requirements for competitive bidding; and
 - iii. Authorizing the General Manager of the Sonoma County Water Agency to execute contracts, not to exceed \$750,000, necessary to stabilize the dangerous conditions resulting from pipeline leak; and
 - iv. Making an exemption determination under the California Environmental Quality Act; and
 - v. Ratifying any emergency contracts entered into by the General Manager of the Sonoma County Water Agency relating to these issues. (4/5th Vote Required)
- B) Adopt a Resolution authorizing adjustments to the Board Adopted Budget for FY 2022/2023 for the Water Transmission O&M Fund in the amount of \$750,000. (4/5th Vote Required) (First District)

Executive Summary:

This item requests the Board of Directors for the Sonoma County Water Agency (Sonoma Water) adopt a resolution making findings of an emergency need to repair/replace the section of aqueduct pipeline at the Verano Avenue Bridge crossing of Sonoma Creek in the unincorporated area of Sonoma County, near Sonoma, California, due to an aqueduct leak; suspending the requirements for competitive bidding; authorizing the General Manager of Sonoma Water to execute contracts necessary to repair/replace sections of pipeline; making an exemption determination under the California Environmental Quality Act ("CEQA"); and ratifying emergency contracts entered into by the General Manager of Sonoma Water related to these issues. If left unrepaired, the pipeline could fail, resulting in extensive release of potable water, potentially impacting residents in the immediate area and the surrounding environment, potentially result in damaging erosion for the roadway and bridge, and additionally incurring significantly higher repair costs.

Pursuant to authority delegated in Resolution # 06-0649, Sonoma Water's General Manager has authority to

enter into contracts for a total not-to-exceed amount of \$750,000 to make emergency repairs. The estimated cost of contract services for the project is \$400,000 and due to the uncertain conditions in the field, Sonoma Water is requesting that the Board confirm the existing delegated authority to Sonoma Water's General Manager for up to \$750,000 to stabilize dangerous conditions.

Discussion:

In the early afternoon of August 17, 2022, Sonoma Water became aware of an apparent leak on Sonoma Water's Sonoma Aqueduct. The Sonoma Aqueduct leak (Incident) is a result of unknown origin currently. As a result of the Incident, dangerous conditions have arisen at the Sonoma Aqueduct at Verano Avenue Bridge. This aqueduct facility is owned and maintained by Sonoma Water. The Incident poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Sonoma Water staff are in the process of conducting damage assessments so the exact nature of the emergency repair(s) needed is still being determined.

The Sonoma Aqueduct delivers Russian River water that is pumped from Sonoma Water's Santa Rosa Aqueduct via the Sonoma Booster Station (located near Spring Lake Park) through a 16.7-mile-long aqueduct to serve potable water to the City of Sonoma, the Valley the Moon Water District, and other Sonoma Valley customers. In the El Verano area, the Sonoma Aqueduct crosses Sonoma Creek along Verano Avenue, adjacent to Maxwell Regional Park. The pipe is suspended from the County of Sonoma's Verano Avenue Bridge and transitions from 16-inch to 14-inch diameter at the creek crossing. The leak is located within the buried portion of the pipeline, immediately west of the bridge.

Sonoma Water staff is mobilizing necessary resources to the leak site to minimize impacts to the environment and human health, including engaging a local contractor to assist in the emergency investigation and repair of the aqueduct. In addition, staff have been coordinating response efforts with multiple involved entities, including County of Sonoma Transportation and Public Works, Valley of the Moon Water District, City of Sonoma, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, and National Marine Fisheries Service, and California State Water Resources Control Board Division of Drinking Water.

Sonoma Water staff believe that complete failure of the pipeline is highly possible. If the pipeline were to fail, it could cause major erosion, flooding, and contamination along Sonoma Creek with potable water, thereby posing a significant danger to residents, motorists, and the environment. In addition, the failure would threaten sustained water supply reliability depending on the degree of severity and extent of repairs needed, thereby impacting numerous properties and businesses in the area.

Based upon the above, there is an urgent need to make the repairs to Sonoma Water's facilities to prevent catastrophic failure of this pipe and ensure the delivery of essential public services. 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 in a timely manner.

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 (by 4/5 vote) 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.

Staff recommend making a finding in the resolution that the requirements of CEQA do not apply because the emergency work is exempt and 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 sections 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.

Finally, the General Manager of 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 prior to the date of this Board action. The General Manager will report to the Board of Directors on actions related to the emergency declaration every 14 days until the repair has been made and the conditions are safe.

Prior Board Actions:

6/17/2022 Board Adoption of the FY 2022-23 Budget

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$750,000		
Total Expenditures	\$750,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$750,000		
Contingencies			
Total Sources	\$750,000		

Narrative Explanation of Fiscal Impacts:

Additional appropriations of \$750,000 are required to process this expense. With Board approval of the attached budgetary resolution, FY 2022/2023 appropriations of \$750,000 from the Water Transmission O&M

Fund's fund balance, funded by water rates, will finance planned emergency repairs and response costs.

Staffing Impacts:			
Position Title (Payroll)	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: Resolution authorizing adjustments to the Board Adopted Budget

Related Items "On File" with the Clerk of the Board:

None