



Legislation Text

File #: 2019-0337, **Version:** 1

To: The Board of Directors of the Sonoma County Water Agency, the Russian River County Sanitation District, the Occidental County Sanitation District, the Sonoma Valley County Sanitation District, and the South Park County Sanitation District

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): All

Title:

Joint Resolution Making Findings of an Emergency Need to Perform Emergency Work to Stabilize Dangerous Conditions Resulting From the 2019 Winter Storms and Flooding.

Recommended Actions:

Board of Directors Adopt a Joint Resolution:

- A) Making findings that there is an emergency need to stabilize dangerous conditions resulting from the 2019 Winter Storms and Flooding; and
 - B) Suspending the requirements for competitive bidding; and
 - C) Authorizing the General Manager of Sonoma County Water Agency to execute contracts necessary to stabilize dangerous conditions resulting from the 2019 Winter Storms and Flooding; and
 - D) Making an exemption determination under the California Environmental Quality Act; and
 - E) Ratifying any emergency contracts entered into by the General Manager of the Sonoma County Water Agency relating to these issues.
- (4/5th Vote Required)

Executive Summary:

This joint item requests the Board of Directors for the Sonoma County Water Agency, Russian River County Sanitation District, Occidental County Sanitation District, Sonoma Valley County Sanitation District, and South Park County Sanitation District (collectively "Sonoma Water") adopt a joint resolution making findings of an emergency need to stabilize dangerous conditions resulting from the 2019 Winter Storms and Flooding; suspending the requirements for competitive bidding; authorizing the General Manager of Sonoma Water to execute contracts for necessary to stabilize dangerous conditions resulting from the 2019 Winter Storms and Flooding; making an exemption determination under the California Environmental Quality Act ("CEQA") due to damages arising from the 2019 Winter Storms and Flooding that began on Tuesday, February 12, 2019, causing extreme property damage and health and safety concerns; and ratifying emergency contracts entered into by the General Manager of the Sonoma County Water Agency related to these issues.

Discussion:

On February 26, 2019, the Board of Supervisors for the County of Sonoma declared the existence of a local emergency for the Sonoma County Operational Area due to the 2019 Winter Storms and Flooding that started on February 12, 2019, with the first of consecutive major winter storms which resulted in major flooding in Sonoma County. In response, the Sonoma County and Sonoma Water Emergency Operations Centers (EOCs) were activated February 26, 2019 to assist with managing the impacts. On February 28, 2019, Governor Newsom issued a proclamation of emergency due to these storms. As a result of the 2019 Winter Storms and Flooding, dangerous conditions have arisen on numerous properties owned or maintained by Sonoma Water that was sudden and unexpected, and 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.

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. 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. 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. Based on 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.

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. 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 the 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 Boards every 14 days thereafter to determine [by 4/5 vote] if there is a need to continue the action without competitive bidding. The Boards are 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 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 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.

Finally, the General Manager of the Sonoma County Water Agency has emergency contracting authority pursuant to Resolutions # 06-0649 and #06-0650. Staff recommends ratifying any contracts for the removal/stabilization of dangerous conditions, or related emergency issues described herein, entered into by General Manager of the Sonoma County Water Agency subsequent to the drafting this report to the date of this Board action.

Prior Board Actions:

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Attachment A: Joint Resolution Suspending Competitive Bidding Due to Local Emergency

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