Legislation Text

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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
Supervisorial District(s): Countywide

Title:
Emergency Work on Santa Rosa Plain Water Supply Resiliency Project in Response to Drought Conditions

Recommended Action:
Receive Report and Make Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions. (4/5th Vote Required)

Executive Summary:
This item requests the Board of Directors for the Sonoma County Water Agency ("Sonoma Water") receive a report and make findings that there is an ongoing need to develop Santa Rosa Plain Wells in response to drought conditions.

Discussion:
Emergency Work in Response to Drought

On March 5, 2021, the Secretary of the United States Department of Agriculture designated 50 California counties, including Sonoma County, as primary natural disaster areas due to drought. This Secretarial disaster designation makes farm operators eligible to be considered for certain assistance from the Farm Service Agency. On April 21, 2021, Governor Newsom visited Lake Mendocino and proclaimed a state of emergency in Sonoma and Mendocino counties due to drought conditions in the Russian River Watershed. Then on March 28, 2022, the Governor's Executive Order N-7-22 reiterated that emergency drought proclamations remain in full force. On April 27, 2021, the Board of Supervisors for the County of Sonoma proclaimed a local emergency for the Sonoma County Operational Area due to drought conditions.

On June 16, 2021, the General Manager of Sonoma Water determined that due to drought conditions, an emergency exists that 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, necessitating immediate action pursuant to the authority delegated in Resolution #06-0649. In response to the drought conditions, immediate and urgent actions are necessary to mitigate the emergency conditions. Such actions may include but are not limited to:

- Development of wells in the Santa Rosa Plain that are owned or operated by Sonoma Water.
- Repair or replace existing disinfection system including, but not limited to, installation of pipes, valves,

instrumentation, meters, electrical power and controls, communication equipment, and installation of new pumps, equipment sheds, and storage tanks.
- Expend up to $6,000,000 to purchase or procure necessary equipment, services, and supplies.
- Execution of public works and professional services contracts, or other documents, in a form approved by County Counsel.

Project Status and Contracting

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 due to the multiple contracting phases and procurements associated with accelerated implementation of this project.

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 calendar 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.

Work on the Santa Rosa Plain Wells continues to be accelerated. Some materials, supplies, and services have been obtained. Staff continues to secure the additional material supplies and services needed to activate the Santa Rosa Plain Wells. Sonoma Water continues to stay in contact with the State Water Resources Control Board, Division of Drinking Water, as well as, with Sonoma Water's Water Contractors on the progress. One of three Santa Rosa Plain Wells (Todd Road Well) was activated as of October 2021 and had been producing up to 1.6 million gallons per day during the summer of 2022. Activation of this well makes available an additional 200,000 to 500,000 gallons a day (approximately) to be delivered to residents and ranchers who have lost domestic water supply and need water for health and safety in areas experiencing severe water shortages. The well also provides an additional 1 million gallons daily (approximately) for Sonoma Water's water contractors to help alleviate drought impacts to their customers.

Continuing efforts are underway to rehabilitate and activate the two remaining Santa Rosa Plain Wells on an expedited schedule due to persisting emergency drought conditions in order to provide critical health and safety water supply. Procurement of supplies and services are continuing for this purpose. Sonoma Water completed the planning and preliminary design for these wells and submitted an application for State grant funding to assist in the implementation of these critically needed drought-relief projects. (See State Grant Funding Update section below.)

Engineering consultant services have been procured to provide design and construction support, as well as to conduct investigation, testing, and pilot study work to support the design and permitting of the project. Downhole well investigation and testing for the Sebastopol Road Well was completed in Spring 2022 and commenced at the Occidental Road Well in Fall 2022. Design for the Sebastopol Well site is complete, pending accommodations for interim power supply, and design is now commencing for the Occidental Wellsite. At the Occidental Road Well, a new well is to be drilled to replace the existing well to provide critical health and safety water supply.

Sonoma Water engaged a well service contractor and laboratory services to implement the completed well testing. The well service contractor also completed well modifications at the Sebastopol Road Well site in August 2022, and additional modification and abandonment work at Occidental Well is being scheduled. Inspection and rehabilitation of nearby monitoring wells is in progress. In addition, Sonoma Water is pursuing the procurement of well drilling services for the Occidental Well site.

To facilitate work at the Sebastopol Road Well, multiple agency approvals have been secured including California Department of Fish and Wildlife, Sonoma County Agricultural Preservation and Open Space District, and City of Santa Rosa. Efforts to acquire similar approvals for the Occidental Road well site will proceed concurrently with the design at that site. Right-of-way acquisition is continuing for both sites to secure temporary construction access and permanent easement rights.

Procurement of essential material supplies remains a critical schedule element and will proceed concurrent with expedited design and construction activities. Those items may include, but not be limited to, pipe and fittings, pumps and motors, valves, meters, disinfection equipment, electrical and communication equipment, water holding tanks, and small prefabricated buildings (sheds) to house installed equipment and store disinfection products.

Sonoma Water has engaged the services of a contractor to construct the initial rehabilitation improvements at the Sebastopol Road Well, including installation of underground disinfection contact piping, yard piping, and related appurtenances (valves, meters, etc.) The work commenced as of October and also includes construction of equipment and building pads, placement of equipment sheds and baker tanks, connection to City of Santa Rosa recycled water pipe, and purchase of materials and equipment required for activating the Sebastopol Road Well. Installation and testing of the subsurface 36-inch diameter chlorine contact piping is complete, and demolition of some existing site facilities is scheduled next to follow temporary disconnection of PG&E electrical service. A contract amendment is being executed for construction of additional project elements needed to restore operational functionality and reactivation of the Sebastopol Road Well. The additional construction elements include, but are not limited to, pumping, treatment, electrical, instrumentation and control aspects of the project.

Additional expenditure authorization for equipment and material procurements and services associated with other elements of the Project will be requested of the Board in the future, including but not limited to, well construction and rehabilitation improvements at Occidental Road Well, and Aquifer Storage and Recovery elements at both well sites. The implementation schedule for constructing the improvements needed for the two additional wells remains subject to the continuation of emergency drought conditions and the potential impact of on-going supply chain delays for equipment and material deliveries. At this time, multiple equipment and electrical components are anticipated to require extended lead times for delivery. Notwithstanding those uncertainties, Sonoma Water is continuing progress toward re-activation of the two additional wells, with Sebastopol Road Well being the next well to be reactivated. Completion dates will be re-assessed upon contractor's receipt of critical equipment deliveries.

<u>Cooperative Agreement with City of Santa Rosa: Transfer of water for beneficial reuse/disposal.</u>
Following activation of the wells, ongoing operation requires periodic disposal of water that may be unable to meet regulatory requirements for potable water use. Such water may include weekly backflush from the

recharge wells, daily analyzer discharges, and seasonal or annual start-up discharges. Initial testing of the wells, prior to permitted reactivation, also requires disposal.

Sonoma Water and City of Santa Rosa (City) staff are coordinating to provide for these periodic discharges to be transferred to the City for beneficial reuse and/or disposal. Beneficial reuse, as available, would occur through a recently constructed connection to the City's nearby recycled water system. Transfers of water to the City would comply with terms of a cooperative agreement currently in development between Sonoma Water and the City. On February 8, 2022, the Board conditionally authorized Sonoma Water's General Manager to execute the cooperative agreement upon finalizing its development.

State approval from the Department of Drinking Water will be required in association with the cooperative water transfer agreement. However, State approval may require up to one year to acquire. Therefore, in order to meet the project's near-term disposal needs, Sonoma Water acquired a temporary waste discharge permit from the City of Santa Rosa for the testing and construction at the Sebastopol Well site. The permit application was submitted under the delegated emergency authority of Sonoma Water's General Manager, and the permit was issued by the City on March 25, 2022.

State Grant Funding Update: Application to the 2021 Urban and Multi-benefit Drought Relief Grant Program

The California Budget Act of 2021 allocated $300 million to the Department of Water Resources (DWR) for interim and immediate drought relief to urban communities and multi-benefit projects. On November 2, 2021, the Board approved a resolution authorizing the application, acceptance, and execution of a grant agreement with DWR, in the event the project is selected for funding. On November 18, 2021, staff submitted an application for funding final design and construction of two remaining Santa Rosa Plain wells (at Sebastopol Road and Occidental Road). On December 23, 2021, DWR released the program's Phase 1 awards. Sonoma Water was awarded $6,900,000 for the Santa Rosa Plain Water Supply Resiliency Project. Pursuant to the grant program guidelines, the grant will fund eligible Project costs incurred after the award date.

California Environmental Quality Act

The proposed project is compliant with the California Environmental Quality Act. The project is statutorily exempt under Statute 21080(b)(4), which provides that specific actions necessary to prevent or mitigate an emergency are exempt. The project is exempt under Governor Newsom's Executive Order N-7-22, issued on March 28, 2022, which suspends certain drought-related projects from the California Environmental Quality Act, including drought mitigation projects such as the Santa Rosa Plain wells project. Sonoma Water has contacted California Natural Resources Agency and is currently coordinating with the State Water Resource Control Board (SWRCB) regarding concurrence with Executive Order N-7-22.

Aquifer Storage and Recovery

Sonoma Water staff have commenced consultation with SWRCB regarding an application for water rights permitting associated with the aquifer storage and recovery (ASR) elements of the project. Staff intends to submit an application for approval ahead of conducting ASR pilot testing commencing in Water Year 2024.

County Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure
Goal: Goal 2: Invest in capital systems to ensure continuity of operations and disaster response.

Sonoma Water Strategic Plan Alignment: Water Supply and Transmission System, Goal 2: Maintain and improve the reliability of the Water Transmission System.

In the face of severe drought and ongoing effects of climate change, continuing the emergency declaration and reactivating of the dormant production wells improve the reliability of the Water Transmission System.

Prior Board Actions:

01-10-2023: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

12-06-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

11-14-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

11-01-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

10-18-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

09-27-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions; Ratified Emergency Contracts made by the General Manager of the Sonoma County Water Agency pursuant to Resolution #06-0649 and Public Contract Code Section 22050.

09-13-2022: Receive Report and Make Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

08-30-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

08-02-2022: Received Report and Make Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions

07-12-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

06-13-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

05-17-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions; Authorized the General Manager for Sonoma Water to expend up to $6,000,000 (additional $2,400,000) to procure necessary services and material supplies to mitigate the emergency drought conditions; Adopted a Resolution authorizing adjustments to the Board Adopted Budget for FY 2021/2022 for the Water Transmission Common Facilities Fund in the amount of $2,400,000.

05-03-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

04-19-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

04-05-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions; Authorized the General Manager for Sonoma Water to expend up to $3,600,000 (additional $600,000) to procure necessary services and material supplies to mitigate the emergency drought conditions; Adopted a Resolution authorizing adjustments to the Board Adopted Budget for FY 2021/2022 for the Water Transmission Common Facilities Fund in the amount of $600,000.

03-15-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

03-01-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions.

02-08-2022: Received Report and Made Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions; Authorized the General Manager for Sonoma Water to execute cooperative agreement(s) with City of Santa Rosa to receive and dispose of water transferred from Sonoma Water's Santa Rosa Plain wells.

01-25-2022: Received Report and Make Findings that there is an ongoing need to Continue Emergency Work Without Competitive Bidding to Protect Health, Property and Essential Public Services in response to drought conditions; Authorized the General Manager for Sonoma Water to expend up to $3,000,000 (additional $1,500,000) to procure necessary services and material supplies; Adopted a Resolution authorizing adjustments to the Board Adopted Budget for FY 2021/2022 in the amount of $1,500,000.

01-04-2022: Emergency Work on Santa Rosa Plain Water Supply Resiliency Project in Response to Drought Conditions

12-07-2021: Emergency Work on Santa Rosa Plain Water Supply Resiliency Project in Response to Drought Conditions

11-16-2021: Emergency Work on Santa Rosa Plain Water Supply Resiliency Project in Response to Drought Conditions

11-02-2021: Emergency Work on Santa Rosa Plain Water Supply Resiliency Project in Response to Drought Conditions; Authorized the General Manager for Sonoma Water to expend up to $1,500,000

(additional $750,000) to procure necessary services and material supplies to mitigate the emergency drought situations; Adopted a resolution authorizing the General Manager or designee to apply, accept, and execute grant agreements with the California Department of Water Resources for the Santa Rosa Plain Water Supply Resiliency Project and the Russian River Watershed Water Supply Resiliency Project

10-19-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions

09-28-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions

09-14-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions

08-31-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions

08-17-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions and Take Actions Required by State Water Board Emergency Regulations for the Russian River Watershed

07-13-2021: Receive Report and Make Findings to Continue Emergency Work in Response to Drought Conditions

06-18-2021: Approved Emergency Drought Response Activities

06-18-2021: Resolution Declaring a Need to Perform Emergency Work in Response to Drought Conditions.

FISCAL SUMMARY

Expenditures	**FY 22-23 Adopted**	**FY23-24 Projected**	**FY 24-25 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:

Further additional expenditure authorization for equipment and material procurements and services associated with other elements of the Project will be requested of the Board in the future.

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:
None.

Related Items "On File" with the Clerk of the Board:
None.