

RESOLUTION NO. 2016-___

**A RESOLUTION APPROVING AN EMERGENCY DECLARATION REGARDING
THE REPAIR AND RESTORATION OF THE WATER TREATMENT PLANT
FILTERS IN ACCORDANCE WITH
CALIFORNIA PUBLIC CONTRACT CODE §§ 22035 AND 22050**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find:

WHEREAS, the Lake Don Pedro Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, the District’s potable water supply is produced through a conventional surface water treatment plant that includes two pressure sand filters; and

WHEREAS, upon inspection of the pressure filters in October 2016, it was determined that major structural components of the filter, piping and controls have failed causing the filter to be non-operable and repairs will take a minimum of two weeks to complete; and

WHEREAS, both pressure sand filters are necessary to be operable to provide a reliable supply of safe, potable water in compliance with state regulations and therefore the existing failed filter has caused an immediate threat to public health and safety; and

WHEREAS, in January 2015, the District Board took action for the District to become subject to the Uniform Construction Cost Accounting Act (UCCAA), set out at Public Contract Code §§ 22000-22045; and

WHEREAS, the District has received a competent proposal and cost estimate from a qualified contractor for completion of the necessary renovation work at a total cost approaching the maximum allowed under the Uniform Construction Cost Accounting Act, as adopted by the District; and

WHEREAS, development of plans, specifications, notices, public bidding and other administrative requirements of the Public Contract Code needed for public bidding of the filter renovation work will extend the construction by an additional 90 to 120 days or longer; and

WHEREAS, completion of the filter renovation is immediately needed on an emergency basis to avoid a water supply outage and health and safety crisis in the community; and

WHEREAS, Public Contract Code § 22035 provides that in cases of emergency the

District Board, as the governing body of the District, may (and upon compliance with Public Contract Code § 22050) proceed without giving notice of bids to let contracts; and

WHEREAS, Public Contract Code § 22035 also provides that the governing body may delegate to the appropriate agency manager the power to declare an emergency and/or proceed with repairs or replacements without approval by the Board; and

WHEREAS, Public Contract Code § 22050 provides contracting procedures without giving notice for bids to let contracts for these emergencies; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Lake Don Pedro Community Services District, that the District hereby adopts the following to be effective immediately and throughout the duration of the water treatment system emergency (filter renovations):

1. All of the foregoing recitals are true and correct, and are incorporated herein.
2. The Board finds on the basis of the foregoing, including all matter incorporated by reference in the foregoing, that a water supply emergency is facing the District such that the time required for the notice and advertisement for public bids would preclude timely action by the District to complete the filter renovations or secure an alternate or supplemental water supply before the District's second water filter fails.
3. The Board finds that due to the water supply emergency, that pursuant to Public Contract Code § 22035, public bidding to let contracts for filter renovation will not be given.
4. The Board further finds that due to the water supply emergency, that pursuant to Public Contract Code § 22050, public bidding to let contracts to secure an alternate or supplemental water supply or to secure a contractor to perform filter renovation will not be given, in that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
5. The Board, pursuant to Public Contract Code § 22050(b), hereby delegates to the District General Manager the authority to order any action pursuant to Public Contract Code §22050(a)(1).
6. The Board shall review the above emergency action pursuant to the requirements of Public Contract Code § 22050(c).
7. This Resolution is effective immediately upon its adoption.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on October 21, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Danny Johnson, President, Board of Directors

ATTEST:

Syndie Marchesiello, Secretary

CERTIFICATE OF SECRETARY

STATE OF CALIFORNIA)
)
COUNTY OF MARIPOSA)

I, Syndie Marchesiello, the duly appointed and Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the District office at 9751 Merced Falls Road, La Grange, CA 95239, on October 21, 2016.

DATED:

Syndie Marchesiello, Secretary