

RESOLUTION NO. 2022 - 21

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
DETERMINING THE EXISTENCE OF AN EMERGENCY IN CONNECTION WITH THE LAKE 11
STORM DRAINAGE SYSTEM AND AUTHORIZING AN EMERGENCY CONSTRUCTION CONTRACT
WITH LUND CONSTRUCTION CO. TO REPAIR DISTRICT DRAINAGE FACILITIES**

BE IT RESOLVED by the Board of Directors of the Rancho Murieta Community Services District as follows:

1. Background Findings. The Board determines and finds the existence of the following background facts:

(a) The District provides sewer/recycled water and drainage services to residents and properties in Rancho Murieta. As part of the recycled water system, the District delivers treated recycled water to Lake 11 to be used for golf course irrigation. The District's waste discharge permit requires the District to operate and manage the recycled water system so as to avoid any discharge to waters of the state, including the Cosumnes River.

(b) As explained in the accompanying staff report dated September 15, 2022 (the "Staff Report"), the District recently discovered that there is a significant leak in the Lake 11 related storm drainage lines, that recycled water therefore can leak and has leaked from the lake into the Cosumnes River, and that the District should quickly repair the leaking line in order to avoid subsequent discharges to the river, protect river water quality and public health, and avoid potential fines by the Regional Water Quality Control Board.

(c) The repair work is beyond the capacity of District staff and equipment to handle in-house. Consequently, it will be necessary to retain a contractor to perform the repair work. As explained in the Staff Report, the District has solicited a proposed construction contract with Lund Construction Co.

(d) Ordinarily, repair work of this type and magnitude would require the District to award a repair contract through the required competitive bidding process in the California Public Contract Code. In the usual competitive bidding process for District public works and repair projects, the District must (i) prepare detailed plans, specifications, bid and contract documents, and a notice inviting bids, (ii) issue the notice inviting bids and solicit bids for the work, (iii) receive and evaluate the bids and determine the lowest responsible, responsive bidder, and deal with any associated bid protests, and (iv) award the bid to the lowest responsible, responsive bidder and sign the contract. This process, even if expedited, can take one to two months or longer.

(e) The rainy season typically begins in October, which is next month. In order to repair the drainage line ahead of the rainy season and thereby avoid the risk of further recycled water

discharge to the river, it is imperative for the District to promptly repair the line before the risk of a major storm. If the District follows the usual competitive bidding process and timetable, the repair work would not be complete until late fall or early winter. This would pose a risk that there could be another discharge to the river and consequent water quality and public health impacts.

(f) The Public Contract Code authorizes the District to take immediate action (without the usual competitive bidding) to repair a public facility in the event of an emergency and to protect public health.

2. Emergency Findings. Based on the foregoing facts and Staff Report, and in accordance with Public Contract Code sections 20682.5(g) and 22050, the Board finds and determines that:

(a) The recent discovery of a leaking drainage line at this time of the year shortly before the onset of the rainy season is a sudden, unexpected occurrence that poses a clear and imminent danger to the water quality of the Cosumnes River, requiring immediate action to prevent impairment of public health. This circumstance constitutes an emergency within the meaning of Public Contract Code section 1102.

(b) The emergency circumstance will not permit the time to undertake the statutorily-required competitive bidding process before the rainy season. The prompt repair work therefore is necessary to respond to the emergency and avoid water quality impacts to the river.

3. Emergency Work Authorization. Pursuant to Public Contract Code sections 20682.5(g) and 22050, the Board (a) authorizes the immediate repair of the District drainage line as described in the Staff Report, without giving notice for bids to let contracts and (b) approves the proposed repair contract with Lund Construction Co. and authorizes the General Manager to sign the contract and proceed with the work.

4. CEQA. The Board finds that the drainage line repair work is exempt from environmental review pursuant to the California Environmental Quality Act as an action to repair an existing structure with no expansion of use under CEQA Guidelines section 15301 and as an emergency action under CEQA Guidelines section 15269(b).

PASSED AND ADOPTED this 21st day of September 2022 by the following four-fifths vote:

Ayes: Maybee, Jenco, Merchant, Butler, Pohll

Noes: None

Abstain: None

Absent: None



Tim Maybee, President of the Board
Rancho Murieta Community Services District

Attest:



Amelia Wilder
District Secretary