



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 23-162

February 28, 2023

Introduced: 2/15/2023

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Adopt a resolution to continue to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to Public Contract Code section 22050 (4/5 vote required).

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors adopt a resolution to continue to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to Public Contract Code section 22050 (4/5 vote required).

SUMMARY/DISCUSSION:

On January 10, 2023, the Board of Supervisors of the County of Monterey ratified a Proclamation of Local Emergency due to an atmospheric river event commencing December 26, 2022, and continuing into January of 2023 throughout Monterey County. The proclamation gives the County certain emergency contracting authority pursuant to the Public Contract Code.

Public Contract Code section 22050 also provides that the Monterey County Water Resources Agency (“MCWRA”) has similar emergency contracting authority in a proclaimed emergency to “repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.” That section also allows the MCWRA Board of Supervisors to delegate to the General Manager the emergency contracting authority. On January 24, 2023, the Board adopted Resolution No. 23-015 to delegate emergency contracting authority to the General Manager.

Pursuant to Public Contract Code section 22050(c), the General Manager shall report to the Board of Supervisors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action. Here, MCWRA continues to respond to damage from the 2022/2023 atmospheric storm events, and to make necessary repairs to prevent further damage from potential future storm events this year. The time required to obtain to competitive bids continues to unduly delay MCWRA’s ability to make emergency repairs to essential facilities and equipment. The public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to the Nacimiento spillway plunge pool, Pajaro Levee, Salinas River Lagoon slide gate levee, and flood and debris flow damage to other MCWRA infrastructure.

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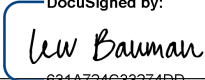
OTHER AGENCY INVOLVEMENT:

Numerous County departments and other agencies have participated in the response to the emergency including the Department of Emergency Management, Sheriff's Office, Information Technology Department, Department of Social Services, Health Department, County Administrative Office, Public Works, Facilities, and Parks Department, County Counsel's Office, the US Army Corps of Engineers, NOAA-National Marine Fisheries Service, US Fish and Wildlife Services, CA Dept of Fish and Wildlife, and the CA Coastal Commission.

FINANCING:

Preliminary damage estimates submitted to FEMA for repair costs to MCWRA facilities caused by January 2023 storm events were originally estimated at approximately \$16 million. These estimates continue to be refined as contracts for the emergency work are executed and work-in-progress is completed. Sources of financing for identified repairs projects include MCWRA unrestricted fund balances, and advance funding, subject to FEMA reimbursement, under the provisions of the recently approved Advanced Funding Agreement, approved the County Board of Supervisors and the Monterey County Water Resources Agency Board of Supervisors.

Prepared and Approved By:

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Lew Bauman, Interim General Manager (831)755-4860