



Legislation Details (With Board Report)

**File #:** WRAG 23-013      **Name:** Emergency Contracting - WRABOS

**Type:** WR General Agenda      **Status:** Consent Agenda

**File created:** 1/19/2023      **In control:** Board of Supervisors of the Monterey County Water Resources Agency

**On agenda:** 1/24/2023      **Final action:**

**Title:** Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required). (ADDED VIA ADDENDA)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Resolution, 3. Completed Board Order Item No. 1.1 WRAG, 4. Completed Resolution Item No. 1.1 WRAG

Date	Ver.	Action By	Action	Result
1/24/2023	1	Board of Supervisors of the Monterey County Water Resources Agency		

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required). (ADDED VIA ADDENDA)

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and 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. Here, the time required to obtain to competitive bids will 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 Nacimiento and San Antonio reservoir facilities, levees, slide gates, roadways, culverts, pump stations, and flood and debris flow damage to other MCWRA infrastructure.

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.

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 are estimated at approximately \$16 million. These early and preliminary damage estimates will be further refined over coming weeks, in consultation with FEMA, and State OES teams. Potential sources of financing for identified repairs projects include MCWRA unrestricted fund balances, American Rescue Plan Act funds, and or intergovernmental general fund loans subject to reimbursement by FEMA revenues. As project estimates and costs are refined staff will return to your Board with requested financing sources.

Prepared and Approved by: \_\_\_\_\_  
Lew Bauman, Interim General Manager (831)755-4860

Attachments:

1. Resolution