

RESOLUTION NO. 24-07

RESOLUTION OF THE BOARD OF DIRECTORS OF IRONHOUSE SANITARY DISTRICT CONFIRMING AND DECLARING A CONTINUED EMERGENCY AND THE NEED FOR THE EMERGENCY EXPENDITURE OF FUNDS TO REPAIR THE FORCE MAIN ON EAST CYPRESS ROAD

WHEREAS, on October 16, 2024, the 18-inch diameter section (section 1) of the Force Main (FM) located on East Cypress Road between the railroad tracks and the east side of Marsh Creek Bridge failed prematurely due to excessive corrosive conditions. These events caused irreparable damages to Ironhouse Sanitary District's ("ISD'S") 18-inch Force Main.

WHEREAS, on November 12, 2024, following condition assessment of the same 18-inch FM downstream of section 1, located on East Cypress Road between the west side of Marsh Creek Bridge and Main Street, additionally the 18-inch diameter section (section 2) of the Force Main was determined also to have failed prematurely due to excessive corrosive conditions. These events caused irreparable damages to Ironhouse Sanitary District's ("ISD'S") 18-inch Force Main; and

WHEREAS, given the potential for this break to affect the health and safety of the community and the possible impact to District facilities, it was determined that an emergency existed, and the necessary steps were taken to meet the emergency, secure the site, and start the repair process; and

WHEREAS, compliance with competitive bidding procedures typically takes several months and would not have allowed prompt action to be taken, as required to safeguard the public and District facilities; and

WHEREAS, section 22050 of the California Public Contract Code authorizes the Board to delegate the authority to declare an emergency to the General Manager; and

WHEREAS, Resolution 24-05 delegates to the General Manager all "administrative and executive functions of the District to the General Manager, including the function of specifying required actions and designing the detailed arrangements under which the District will be operated", which includes the authority to declare an emergency under section 22050; and

WHEREAS, pursuant to Resolution 24-07, "[w]hen action must be taken within the District the where the Board has provided no guidelines for administrative action, the General Manager shall have the power to act, but the decision(s) shall be subject by the board at its next regular meeting"; and

WHEREAS, in order to stabilize the Force Main, the General Manager determined that an emergency existed and took steps and expended funds to meet the emergency by executing a reimbursement agreement with the City of Oakley to hire a contractor, engaged mutual aid with local public agencies, hired septic hauling companies and purchased materials; and

WHEREAS, the California Environmental Quality Act establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, this situation has arisen suddenly and unexpectedly, and involves a clear and imminent threat, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, and essential public services.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of Ironhouse Sanitary District, that, pursuant to Resolution No. 24-07, the Board has reviewed the actions taken by the General Manager and finds, pursuant to Public Contract Code section 22050(a), that based on substantial evidence presented before the Board, the emergency did not permit competitive solicitation for bids for the repair of the Force Main, and that the GM's action were necessary to respond to the emergency and further finds that an emergency continues to exist and there is a need to continue the action; and

BE IT FURTHER RESOLVED that the Board authorizes staff to continue to proceed with the repair or replacement of the Force Main and procurement of the necessary equipment, services and supplies for that purpose without giving notice for bids to let contracts; and

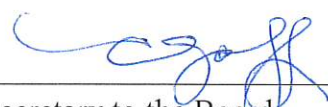
BE IT FURTHER RESOLVED that staff will proceed to obtain all necessary regulatory authorizations for the repair on an expedited basis using all available emergency procedures; and

BE IT FURTHER RESOLVED that ISD will request all governmental entities with authority over this repair to expedite their consideration of the matter and to use available emergency procedures to ensure that this repair is completed in a timely manner to avoid the harm that would result from a catastrophic failure of the pipeline; and

BE IT FURTHER RESOLVED that the Board will review the status of the emergency at each subsequent meeting of the Board of Directors and vote to authorize continuation of this resolution until the emergency action is completed.

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by the Sanitary Board of the Ironhouse Sanitary District at a meeting thereof held on the 19th day of November, 2024.

AYES, and in favor thereof, Members:	C. Lauritzen, D. Morrow, P. Zirkle and A. Lowrey.
NOES, Members:	None.
ABSENT, Members:	S. Morgan.


Secretary to the Board

(SEAL)

APPROVED: 
Chris Lauritzen
President of the Board