



Notice of Special Meeting
Oceano Community Services District - Board of Directors Agenda
WEDNESDAY, July 10, 2019 – 5:45 P.M.
Oceano Community Services District Board Room
1655 Front Street, Oceano, CA

All items on the agenda including information items, may be deliberated. Any member of the public with an interest in one of these items should review the background material and request information on the possible action that could be taken.

All persons desiring to speak during any Public Comment period are asked to fill out a "Board Appearance Form" to submit to the General Manager prior to the start of the meeting. Each individual speaker is limited to a presentation time of THREE (3) minutes per item. Persons wishing to speak on more than one item shall limit his/her remarks to a total of SIX (6) minutes. This time may be allocated between items in one-minute increments up to three minutes. Time limits may not be yielded to or shared with other speakers.

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **FLAG SALUTE:**
4. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

This public comment period provides an opportunity for members of the public to address the Board on matters of interest within the jurisdiction of the District that are not listed on the agenda. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

5. **CLOSED SESSION:** None
6. **BUSINESS ITEMS:** Consideration of recommendations to approve, by a 4/5ths vote, a resolution pursuant to California Public Contract Code 22050 delegating the General Manager the authority to take any directly related and immediate emergency actions and to procure the necessary equipment, services and supplies needed to resume groundwater pumping without giving notice for bids to let contracts
7. **ADJOURNMENT:**

This agenda was prepared and posted pursuant to Government Code Section 54956. Agenda is posted at the Oceano Community Services District, 1655 Front Street, Oceano, CA. Agenda and reports can be accessed and downloaded from the Oceano Community Services District website at www.oceanocsd.org.

ASSISTANCE FOR THE DISABLED If you are disabled in any way and need accommodation to participate in the Board meeting, please call the Clerk of the Board at (805) 481-6730 for assistance at least three (3) working days prior to the meeting so necessary arrangements can be made.

ASISTENCIA A DISCAPACITADO Si usted está incapacitado de ninguna manera y necesita alojamiento para participar en la reunión de la Junta, por favor llame a la Secretaría de la Junta al (805) 481-6730 para recibir asistencia por lo menos tres (3) días antes de la reunión para que los arreglos necesarios puedan ser hechos.



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 10, 2019

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #6 - Consideration of recommendation to approve, by a 4/5ths vote, a resolution pursuant to California Public Contract Code 22050 delegating the General Manager the authority to take any directly related and immediate emergency actions and to procure the necessary equipment, services and supplies needed to resume groundwater pumping without giving notice for bids to let contracts.**

Recommendation

It is recommended that your Board approve a resolution pursuant to California Public Contract Code 22050 delegating the General Manager the authority to take any directly related and immediate emergency actions and to procure the necessary equipment, services and supplies needed to resume groundwater pumping without giving notice for bids to let contracts.

Discussion

On Saturday July 6, 2019, the motor for the District's primary production well (No. 8) failed. The motor was purchased and installed based on Board approval of emergency actions on December 3, 2018. Staff is scheduling work to have the motor removed from the well and sent to have it evaluated for physical and warranty purposes.

At this time, Well #6 is the only operating groundwater pumping facility and pursuant to its permit, it should be operated together with Well #4. Staff has contacted the State Division of Drinking Water to coordinate the use of the well if water supply deliveries from the County are interrupted. As previously reported to your Board, on Saturday December 2, 2018 Well #4 failed, with the apparent cause relating to the well shaft and/or bowls. That equipment has since been removed and the video of the well to evaluate its condition has been completed. The ability to continue to use Well #4 has not yet been determined. Since Well #6 cannot operate without blending with Well #4, the District is solely reliant on water supply deliveries from the County of San Luis Obispo.



State Water and Lopez Water supplies are available, but both sources are conveyed through the same water delivery infrastructure. As a result, a failure of the Lopez conveyance system would leave the community with only that water which is stored in the District's storage tanks. In that situation, the water in storage would last about 36 - 48 hours and additional emergency measures would be implemented including emergency procurement of equipment, services and supplies to expedite the District's ability to resume groundwater pumping. Other emergency measures would include coordinating reverse 911 calls to residents and businesses through the County's emergency operations. In a worst-case scenario, the District would seek assistance from Grover Beach and Arroyo Grande since the systems have connections between each other.

At this time, authorizing the attached resolution provides staff the authority to take immediate action needed to re-establish the ability to pump groundwater. Staff is currently seeking a quote to rebuild the motor for Well #8 that failed in 2018 with the intent to install on the same day that the existing motor is removed.

Sole reliance on a single system of infrastructure currently warrants consideration of a resolution approving, pursuant to Public Contracts Code Section 22050, the emergency replacement of equipment and facilities necessary for the District to resume groundwater pumping capabilities.

Other Agency Involvement

Staff informed the County of San Luis Obispo, Department of Public Works, of the well failure and our increased reliance on surface water deliveries until Well #8 is repaired.

Staff will contact the County Office of Emergency Services in the event of any failure of water supply deliveries from the County.

Other Financial Considerations

The Board's approval of the resolution is needed because costs may exceed the General Manager's purchasing authority. Total costs are estimated at under \$15,000 and no budget adjustments are needed at this time.



Oceano Community Services District

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Results

Approval of the emergency actions is necessary to ensure the District's ability to meet drinking water needs and promotes a healthy community. Delaying repairs will place the community at unnecessary risk.

Attachments:

- Resolution

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2019 - __**

**A RESOLUTION PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE 22050
DELEGATING TO THE GENERAL MANAGER THE AUTHORITY TO TAKE ANY
DIRECTLY RELATED AND IMMEDIATE EMERGENCY ACTIONS AND TO PROCURE
THE NECESSARY EQUIPMENT, SERVICES, AND SUPPLIES NEEDED TO RESUME
GROUNDWATER PUMPING WITHOUT GIVING NOTICE FOR BIDS TO LET
CONTRACTS**

WHEREAS, on July 6, 2019, the District's Well #8, which is the District's primary groundwater pumping well, failed; and,

WHEREAS, in response to the unexpected failure of the Well #8, District staff immediately embarked on efforts to identify actions that would be needed to resume the ability to pump with Well #8; and,

WHEREAS, the District's alternative groundwater pumping which consists of blending with Wells #4 and #6 is not possible at this time due to the failure of Well #4 on December 1, 2018 and which is not on-line due to continuing investigations on the ability to rehabilitate it; and

WHEREAS, the failure of the District's Well #8 while Well #4 is not usable represents a sudden unexpected occurrence demanding immediate action to resume the ability to pump groundwater and to prevent or mitigate loss or damage to life, health, property or essential public services; and

WHEREAS, the District's inability to pump groundwater requires direct and immediate emergency actions to prevent and mitigate loss of essential public services including potable water service necessary for health and well being, and water that is needed for fire and emergency services to protect life and property; and

WHEREAS, the District may utilize provisions of the Uniform Public Construction Cost Accounting Act, which are incorporated in California Public Contract Code 22000 et seq. to procure the necessary equipment, services, and supplies for replacement of the wells; and

WHEREAS, California Public Contract Code 22050 (a) authorizes a public agency to take any directly related and immediate action required to replace a public facility in the case of an emergency and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts provided that the governing board of the public agency finds that, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency in the event that costs to resume groundwater pumping exceeds current estimates; and

WHEREAS, California Public Contract Code 22050 (b) authorizes the governing body of a public agency to delegate to the District's General Manager the authority to order any action to replace the public facility as authorized by Public Contract Code 22050 (a); and

WHEREAS, the time required to obtain to competitive bids will unduly delay the District's ability to resume groundwater pumping; and

WHEREAS, serving the public interest demand immediate action to prevent and mitigate loss of essential public services including potable water service necessary for health and well being, and water that is needed for fire and emergency services to protect life and property as a result of the sudden unexpected failure of the District's Well #8 and the continuing inability to utilize Well #4 and the District's overall inability to pump groundwater.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Oceano Community Services District that:

1. The foregoing recitals are true and correct.
2. That the failure of Well #8 was a sudden and unexpected failure.
3. The District's emergency actions to re-establish the ability to pump groundwater is necessary to prevent or mitigate loss or damage to life, health, property or essential public services, including but not limited to the following:
 - a. Potable water service and water service for fire flows to the District's customers.
4. Pursuant to Public Contract Code 22050 (a), substantial evidence supports the conclusions that the need for emergency actions cannot be delayed, that the District has and must continue to act as expeditiously as possible to resume the ability to pump groundwater and delays resulting from a competitive solicitation of bids will unduly impact the need to prevent or mitigate loss or damage to life, health, property or essential public services.
5. Pursuant to Public Contract Code 22050 (b), the District General Manager is authorized to take any directly related and immediate action required to re-establish the District's ability to pump groundwater and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
6. Pursuant to Public Contract Code 22050 (b), this resolution must be approved by at least of 4/5ths vote.
7. Pursuant to Public Contract Code 22050 c), the General Manager shall report to the Board of Directors 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.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on July 10, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President, Board of Directors
of the Oceano Community Services District

ATTEST:

Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:

Jeffrey A. Minnery, District Counsel