



County of Fresno

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Legislation Details (With Text)

File #: 19-0608

On agenda: 6/4/2019

Final action: 6/4/2019

Enactment date: **Enactment #:** Resolution No. 19-241, Resolution No. 19-242, Resolution No. 19-243

Title: Adopt Resolution finding in accordance with Public Contracting Code, Section 22050 that an emergency exists with respect to the damaged water treatment filter unit currently serving County Service Area No. 30 - El Porvenir; that the emergency will not permit a delay resulting from a competitive solicitation for bids; and, that immediate action to replace the unit is necessary to respond to the emergency (4/5 vote); retroactively authorize and ratify the Department of Public Works and Planning's previous submittal of a grant application in the amount of \$50,000 to the State Water Resources Control Board for project costs of an emergency drinking water project in County Service Area No. 30 - El Porvenir for FY 2018-19; authorize the Chairman to approve and execute a Resolution authorizing the Director of the Department of Public Works and Planning to approve and execute the related Funding Agreement and any amendments thereto with the State Water Resources Control Board, subject to approval as to legal form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector; authorize the Director of the Department of Public Works and Planning to approve and execute amendments to the Emergency Drought Funding Assistance Program Grant from the Department of Water Resources, as deemed necessary by the Director for receipt of \$275,000, subject to approval as to legal form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector, for an emergency drinking water project in County Service Area No. 30 - El Porvenir; authorize and direct the County Administrative Officer to execute and issue the necessary purchase order(s), from WesTech and Mike Wilson Construction, or in the event the County Administrative Officer, in his determination, cannot use WesTech and Mike Wilson Construction, from vendor(s) selected by the County Administrative Officer, to replace the damaged water treatment filter unit at County Service Area No. 30 - El Porvenir, with an amount not to exceed \$325,000; and adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for County Service Area No. 30 Org 9170 in the amount of \$325,000 for the purchase and installation of a new surface water treatment unit (4/5 vote)

Attachments: 1. Agenda Item, 2. Exhibits A-D, 3. Resolution No. 19-241, 4. Resolution No. 19-242, 5. Resolution No. 19-243

Date	Ver.	Action By	Action	Result
6/4/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: June 4, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Budget Resolution - County Service Area No. 30

RECOMMENDED ACTION(S):

- 1. Adopt Resolution finding in accordance with Public Contracting Code, Section 22050 that an emergency exists with respect to the damaged water treatment filter unit currently serving County Service Area No. 30 - El Porvenir; that the emergency will not permit a delay resulting from a competitive solicitation for bids; and, that immediate action to replace the unit is**

necessary to respond to the emergency (4/5 vote).

2. **Retroactively authorize and ratify the Department of Public Works and Planning's previous submittal of a grant application in the amount of \$50,000 to the State Water Resources Control Board for project costs of an emergency drinking water project in County Service Area No. 30 - El Porvenir for FY 2018-19; and,**
3. **Authorize the Chairman to approve and execute a Resolution authorizing the Director of the Department of Public Works and Planning to approve and execute the related Funding Agreement and any amendments thereto with the State Water Resources Control Board, subject to approval as to legal form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector.**
4. **Authorize the Director of the Department of Public Works and Planning to approve and execute amendments to the Emergency Drought Funding Assistance Program Grant from the Department of Water Resources, as deemed necessary by the Director for receipt of \$275,000, subject to approval as to legal form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector, for an emergency drinking water project in County Service Area No. 30 - El Porvenir.**
5. **Authorize and direct the County Administrative Officer to execute and issue the necessary purchase order(s), from WesTech and Mike Wilson Construction, or in the event the County Administrative Officer, in his determination, cannot use WesTech and Mike Wilson Construction, from vendor(s) selected by the County Administrative Officer, to replace the damaged water treatment filter unit at County Service Area No. 30 - El Porvenir, with an amount not to exceed \$325,000.**
6. **Adopt Budget Resolution increasing FY 2018-19 appropriations and estimated revenues for County Service Area No. 30 Org 9170 in the amount of \$325,000 for the purchase and installation of a new surface water treatment unit (4/5 vote).**

Approval of the recommended actions would make a finding that an emergency exists with respect to a damaged water treatment filter unit (unit) serving County Service Area No. 30 - El Porvenir (CSA 30), retroactively authorize and ratify the Director of the Department of Public Works and Planning's previous submittal of grant applications for emergency funding, and authorize the Director to receive that funding from the State Water Resources Control Board (SWRCB) and Department of Water Resources (DWR) for project costs related to the emergency replacement unit in CSA 30, and the execution and issuance of necessary purchase orders and related documents to expedite the replacement of the damaged unit. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

Department staff did not identify any alternative actions. Not approving the recommended actions would result in a delay to the emergency drinking water project and may jeopardize the grant funds.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Grant funding in the amount of \$325,000 (\$50,000 + \$275,000 from SWRCB and DWR, respectively) to pay for all costs associated with the emergency drinking water project. The recommended budget resolution will increase appropriations in the Department's Org 9170 FY 2018-19 Budget. CSA 30 will be responsible for upfront costs and will be reimbursed upon approval of submitted reimbursement claims to SWRCB and DWR by the Department.

DISCUSSION:

CSA 30 was formed in 1980 for the 58-lot El Porvenir subdivision; see Exhibit A, located on the west side of Derrick Avenue near Clarkson Avenue, approximately 30 miles southwest of the City of Fresno. CSA 30 consists of 54 recorded residential lots, a park, and 3 out lots. The CSA also supplies water service to two out-of-district users.

The Department is conducting a groundwater study to determine the viability of transitioning from surface water to groundwater. Project completion is anticipated for the end of calendar year 2020.

CSA 30 purchases raw water from Westlands Water District, which is treated in a Roberts Pacer II packaged unit, chlorinated, stored, and then distributed to the residential connections. The unit was installed in 1995.

On December 10, 2018, Department staff noticed excessive leaking from the bottom of the unit. Upon visual inspection by staff and a consultant engineer, it was determined to be a result of rust and corrosion. Various areas of the bottom of the unit are very brittle, which has made lifting the unit for further inspection impossible without causing further damage. Furthermore, the damaged unit cannot be turned off for more than a few days, as there is no backup unit. The unit would have to be completely renovated, if not replaced with a new or temporary rental unit, until completion of the groundwater project. The ratepayers in CSA 30 are currently bearing the cost of the water losses due to the unit leak. Because the average annual household income of the community served by CSA 30 falls within the severely economically disadvantaged threshold, the leak created an emergency. Immediate repair or replacement of the unit is necessary to prevent the loss of the essential public service of drinking water and the public health risk created by a lack of such water.

The typical lead-time for a water treatment equipment manufacturer to fabricate and deliver a new unit is five to seven months, which is far too much time to address this emergency at CSA 30. Department staff recently worked with WesTech Engineering (WesTech) for start-up operations of the new WesTech unit installed at CSA 34 - Millerton New Town. To ensure similar operations as well as to eliminate downtime to train staff on a different model unit, staff inquired of WesTech whether they had an available unit suitable to replace the one at CSA 30, which WesTech does. WesTech also submitted alternative proposals of repairing the damaged unit and renting a temporary unit to address the water issue, included on Exhibit B. Among the three, the most viable option is to install a new unit. WesTech has an assembled unit available that can be delivered to the surface water treatment site within 2-3 weeks of the Board's approval of the recommended actions. Working with WesTech will allow the Department to address this urgent need as soon as possible. Mike Wilson Construction is a trusted contractor familiar with this filtration unit and capable of the installation. It is the most qualified and skilled vendor providing this niche service to Cantua Creek and nearby areas, and is available to perform the installation of the WesTech unit on an emergency basis.

Due to the community's severely economically disadvantaged status, the County contacted DWR and SWRCB to request emergency funding to address the leak. To fund replacement, DWR will provide a grant for \$275,000 and SWRCB will provide a grant for \$50,000, see Exhibits B and C, respectively, on a reimbursement basis after the work is completed. CSA 30 will be responsible for upfront costs. Upon approval of submitted reimbursement claims to SWRCB and DWR, CSA 30 will be reimbursed. The \$275,000 grant from DWR is adding to an existing grant in the amount of \$2,463,560 (see Exhibit D) for a new total grant of \$2,738,560. The funding agreement with DWR already in place will be amended to include the \$275,000 additional grant award.

The conditions described above, relating to the lack of water for a severely economically disadvantaged community, constitute an emergency will not permit a delay resulting from a competitive solicitation for bids for the unit. Immediate action to replace the damaged unit is necessary to respond to the emergency. As a result, your Board may, upon making a finding pursuant to Public Contracting Code, Section 22050, declare that an emergency exists with respect to the damaged unit serving CSA 30.

The emergency replacement is categorically exempt from the provisions of California Environmental Quality

Act (CEQA) under section 15303 *New Construction or Conversion of Small Structures*. A Class 3 project consists of the construction of limited numbers of new, small facilities, or structures; installation of small new equipment and facilities in small structures; and, the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This emergency project consists of removing a damaged unit and installing a new unit at an existing site; therefore, it can be determined that this project is not expected to have a significant impact on the environment and is exempt from the provisions of CEQA.

REFERENCE MATERIAL:

BAI #57, August 7, 2018
BAI #38, December 6, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - D
On file with Clerk - Resolution (Emergency)
On file with Clerk - Resolution
On file with Clerk - Resolution (Org 9170)

CAO ANALYST:

Sonia M. De La Rosa