

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2
3 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2022-____
4 BOARD OF SUPERVISORS (1) RATIFYING)
5 THE EMERGENCY REPAIRS TO THE DOMESTIC)
6 WATER LINE FOR STONEGATE COUNTY)
7 SERVICE AREA 31; (2) AUTHORIZING PAYMENT)
8 OF INVOICE PURSUANT TO PUBLIC CONTRACTS)
9 CODE SECTION 22050, WITHOUT ADOPTION OF)
10 PLANS AND SPECIFICATIONS OR COMPETITIVE)
11 BIDDING; (3) FINDING THAT THE EMERGENCY)
12 ACTION WAS REQUIRED TO REMEDIATE AN)
13 EMERGENCY; AND (4) FINDING THAT THE)
14 EMERGENCY REPAIR WORK IS CATEGORICALLY)
15 EXEMPT FROM THE CALIFORNIA)
16 ENVIRONMENTAL QUALITY ACT (CEQA))
17 UNDER CEQA GUIDELINES SECTION 15301 FOR)
18 REPAIR OF AN EXISTING PUBLIC STRUCTURE,)
19 FACILITY AND MECHANICAL EQUIPMENT)

20 WHEREAS, Section 5.09.010 of the San Benito County Code provides that except as
21 otherwise directed by law or the Board of Supervisors, competitive bidding is not
22 required for emergency purchases required "in order to avoid a hazard to life or
23 property..."; and

24 WHEREAS, Section 5.09.015 of the San Benito County Code states, "(A) emergency
25 purchases may be made by the Purchasing Agent or Assistant Purchasing Agent when a
26 generally unexpected occurrence or unforeseen circumstances require an immediate
27 purchase of material, supplies or equipment: (1) in order to avoid a hazard to life or
28 property ... or (2) in order to avoid economic loss to the county" ... [and] (B) emergency
purchases shall be submitted to the Board of Supervisors for ratification at its next
meeting"; and

WHEREAS, California Public Contract Code Section 1102 defines an emergency as "a
sudden unexpected occurrence that poses a clear and imminent danger, requiring
immediate action to prevent or mitigate the loss or impairment of life, health, property,
or essential public services"; and

WHEREAS, California Public Contract Code Section 22050(a)(1) states, "in the case of an
emergency, a public agency, pursuant to a four-fifths vote of its governing body may
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"; and

WHEREAS, projects for the repair of existing public structures, facilities or mechanical
equipment are categorically exempt from the California Environmental Quality Act

1 ("CEQA") (California Public Resources Code Sections 21000, et seq. and CEQA
2 Guidelines (Title 14 of the California Code of Regulations, Sections 15000 et seq.),
3 pursuant to CEQA Guidelines Section 15301, which applies to projects "... for the ...
4 repair ... of existing public ... structures, facilities, [or] mechanical equipment, ...
involving negligible or no expansion of existing or former use..."; and

5 WHEREAS, Stonegate County Service Area 31 (CSA 31) utilizes a unique water system
6 that uses blue valve allocations, a portion of which provides general agricultural water
7 service and a portion of which is treated to provide domestic water service, via two lines
8 within its water delivery system, one line serving each parcel for residents' respective
domestic water uses, and one line serving each parcel for residents' general agricultural
water uses; and

9 WHEREAS, on December 24, 2021, Bracewell Engineering, the contracted operator of the
10 CSA 31 water treatment plant, discovered a break of the domestic water line serving the
residents of CSA 31 had occurred; and

11 WHEREAS, Bracewell Engineering shut off water service and immediately notified
12 Resource Management Agency (RMA) staff of the domestic water line break; and

13 WHEREAS, RMA staff immediately contacted a duly licensed plumber, Brigantino
Irrigation, Inc., to inspect the break and provide recommendations; and

14 WHEREAS, Brigantino Irrigation, Inc. determined that, due to the break in the domestic
15 water line, an unsafe hazardous condition existed, disrupting provision of essential
16 potable water service to CSA 31 residents, and that the break required immediate repair;
and

17 WHEREAS, the County was informed by Brigantino Irrigation, Inc. that the break in the
18 line would need to be repaired prior to the domestic water serving the residents being
19 able to be turned back on and County staff was not able to perform the repairs to the
domestic water line as they can only be performed by a licensed plumber; and

20 WHEREAS, the budget for CSA 31 had adequate funds for the repairs; and

21 WHEREAS, the County Resource Management Agency Director engaged the services of
22 Brigantino Irrigation, Inc. to immediately repair the break in the CSA 31 domestic water
line; and

23 WHEREAS, for the reasons set forth herein, and on the public record, there is substantial
24 evidence that the events described herein were sudden, unexpected occurrences that
25 posed a clear and imminent danger, requiring immediate action to prevent or mitigate
the loss or impairment of health and essential public services; and

26 WHEREAS, for the reasons set forth herein, and on the public record, there is substantial
27 evidence that the emergency did not permit a delay resulting from a competitive
solicitation for bids; and

28 WHEREAS, the repairs have been made, no further emergency action is currently
required, and the emergency has terminated; and

1 WHEREAS, the Board of Supervisors of the County of San Benito hereby finds and
2 determines that the forgoing Recitals are true and correct.

3 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San
4 Benito, that it hereby finds and determines that the events described herein constituted
5 an "emergency" under California Public Contract Code Sections 1102 and 22050 and the
6 Board of Supervisors hereby ratifies the actions taken to remediate the emergency.

7 BE IT FURTHER RESOLVED that the Board authorizes and directs the San Benito
8 County Auditor to make payment to Brigantino Irrigation, Inc. for emergency repair
9 work in the amount of \$7,796.24, to be paid from the CSA 31 budget.

10 BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito,
11 that it hereby finds and determines that the emergency repairs are exempt from the
12 California Environmental Quality Act ("CEQA") and CEQA Guidelines, pursuant to
13 CEQA Guidelines Section 15301, because it is a project for the repair of existing public
14 structures, facilities, and mechanical equipment, involving negligible or no expansion of
15 existing or former use.

16 BE IT FURTHER RESOLVED by the Board of Supervisors of the County of San Benito,
17 that it hereby directs Resource Management Agency staff to file a Notice of Exemption
18 with the San Benito County Clerk's Office.

19 PASSED AND ADOPTED by the San Benito County Board of Supervisors at the meeting
20 of said Board held on the 8th day of February 2022, by the following vote:

21 AYES: Supervisor(s)

22 NOES: Supervisor(s)

23 ABSENT: Supervisor(s)

24 ABSTAIN: Supervisor(s)

25 By: _____
26 Bea Gonzales, Chair

27 ATTEST:

28 APPROVED AS TO LEGAL FORM

Jennifer Frechette, Clerk of the Board

San Benito County Counsel's Office

By: _____

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

Date: _____

Date: Feb. 1, 2022