

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       )  
6   AGRICULTURAL WATER LINE FOR STONEGATE       )  
7   COUNTY SERVICE AREA 31; (2) AUTHORIZING       )  
8   PAYMENT OF INVOICE PURSUANT TO PUBLIC       )  
9   CONTRACTS CODE SECTION 22050, WITHOUT       )  
10   ADOPTION OF PLANS AND SPECIFICATIONS OR       )  
11   COMPETITIVE BIDDING; (3) FINDING THAT THE       )  
12   EMERGENCY ACTION WAS REQUIRED TO       )  
13   REMEDiate AN EMERGENCY; AND (4) FINDING       )  
14   THAT THE EMERGENCY REPAIR WORK IS       )  
15   CATEGORICALLY EXEMPT FROM THE       )  
16   CALIFORNIA ENVIRONMENTAL QUALITY ACT       )  
17   (CEQA) UNDER CEQA GUIDELINES SECTION       )  
18   15301 FOR REPAIR OF AN EXISTING PUBLIC       )  
19   STRUCTURE, FACILITY AND MECHANICAL       )  
20   EQUIPMENT       )

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

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

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

36   WHEREAS, California Public Contract Code Section 22050(a)(1) states, "in the case of an  
37   emergency, a public agency, pursuant to a four-fifths vote of its governing body may  
38   repair or replace a public facility, take any directly related and immediate action required  
39   by that emergency, and procure the necessary equipment, services, and supplies for  
40   those purposes, without giving notice for bids to let contracts"; and

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

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

14 WHEREAS, on November 29, 2021, Bracewell Engineering, the contracted operator of the  
15 CSA 31 water treatment plant, discovered a break of the agricultural water line providing  
16 water to the treatment plant, ultimately providing domestic water service to the residents  
17 of CSA 31 had occurred; and

18 WHEREAS, Bracewell Engineering shut off water service and immediately notified  
19 Resource Management Agency (RMA) staff of the agricultural water line break; and

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

22 WHEREAS, Brigantino Irrigation, Inc. determined that, due to the break in the  
23 agricultural water line, an unsafe hazardous condition existed, disrupting provision of  
24 agricultural water to the treatment plant and thereby disrupting essential potable water  
25 service to CSA 31 residents, and that the break required immediate repair; and

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

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

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

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

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

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

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

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

10 BE IT FURTHER RESOLVED that the Board authorizes and directs the San Benito  
11 County Auditor to make payment to Brigantino Irrigation, Inc. for emergency repair  
work in the amount of \$4,905.90, to be paid from the CSA 31 budget.

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

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

20 AYES: Supervisor(s)

21 NOES: Supervisor(s)

22 ABSENT: Supervisor(s)

ABSTAIN: Supervisor(s)

23 By: \_\_\_\_\_  
24 Bea Gonzales, Chair

25 ATTEST:

APPROVED AS TO LEGAL FORM

26 Jennifer Frechette, Clerk of the Board

San Benito County Counsel's Office

27 By: \_\_\_\_\_

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

Date: \_\_\_\_\_

Date: February 1, 2022