

RESOLUTION NO. 2023-

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
CONTINUING THE PROCLAMATION OF
THE SHASTA COUNTY GRANT-FUNDED DROUGHT RELIEF PROGRAM FOR
EMERGENCY REPAIRS AND REPLACEMENT NECESSARY FOR PROVISION OF
WATER SERVICE WITHIN THE COUNTY**

WHEREAS, 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, pursuant to Public Contract Code section 20134(a), “In cases of emergency, when repair or replacements are necessary to permit the continued conduct of county operations or services, the board of supervisors, . . . may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details or, subject to Chapter 2.5 (commencing with Section 22050), giving notice for bids to let contracts. If notice for bids to let contracts will not be given, the board shall comply with Chapter 2.5 (commencing with Section 22050)”; and

WHEREAS, 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, On October 19, 2021, the Governor of the State of California expanded the drought emergency declaration to proclaim a state of emergency due to drought such that the drought state of emergency is in effect statewide; and

WHEREAS, On February 13, 2023, the Governor of the State of California issued Executive Order N-3-23 stating that the drought emergency proclamations issued in 2021 remain in full force and effect; and

WHEREAS, the Governor’s State of Emergency Proclamation acknowledges that the State of California is experiencing critically dry conditions; and

WHEREAS, in 2022, the United States Bureau of Reclamation reduced Central Valley Project water deliveries to 0% for agricultural use and for municipal and industrial uses north of delta contractors; and

WHEREAS, dry conditions and lack of precipitation present urgent problems: drinking water supplies are at risk in many communities; and

WHEREAS, the magnitude of the severe drought conditions presents threats beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS, these conditions are likely to be beyond the services, equipment, personnel and fiscal resources of the County of Shasta; and

WHEREAS, The State of California has implemented multiple drought relief grant programs, including the Small Community Drought Relief Grant; Urban and Multibenefit Drought Relief Grant; Safe and Affordable Funding for Equity and Resilience (SAFER); and any other drought relief grant, if any, that may become available to the County to address drought impacts (collectively, the Grants) and the County wishes to establish a program for the purpose of utilizing the Grants to address immediate impacts on human health and safety, including providing water to households or communities that lose access to water or are threatened with the contamination of water supplies, among other work, services, and projects if authorized by the Grants; and

WHEREAS, the Grants are intended to provide water to disadvantaged communities and low-income households that face the loss or contamination of their water supplies, to address immediate impacts on human health and safety; and

WHEREAS, the State of California Department of Water Resources has represented that some of the types of eligible uses and purposes of the Grants include but are not limited to funding hauled water, installation of individual and community water tanks, bottled water delivery, emergency water interties, new wells and pumps or rehabilitation of existing wells and pumps, and other projects that support immediate drought response; and

WHEREAS, the engineering services, construction services, and water supply services for eligible households and communities required to properly repair or otherwise adequately remediate unexpected or unplanned loss of access to water, whether due to the failure of a domestic well or other cause, will take too much time to procure through the normal competitive bidding process, which can often take three to six months; and

WHEREAS, delays in implementing the program, projects, and services authorized under the Grants and this Resolution will result in serious interruption of access, and loss, of potable water for the affected communities and households; and

WHEREAS, on May 31, 2022, the Board of Supervisors adopted Resolution No. 2022-059 proclaiming the existence of an emergency and established the Shasta County Grant-Funded Drought Relief Program (the Program); and

WHEREAS, on July 7, 2022, the County received written verification of Grant approval, effective July 1, 2022, from the State Water Resources Control Board, Division of Financial Assistance, for the Shasta County Drinking Water Drought Assistance Program in the amount of \$2,474,998; and

WHEREAS, the Board of Supervisors recognizes that the County has received multiple eligible grant applications which require immediate assessment and possible emergency work to adequately remediate the loss of access to water; and

WHEREAS, on August 16, 2022, the Board of Supervisors adopted Resolution No. 2022-092 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on August 30, 2022, the Board of Supervisors adopted Resolution No. 2022-100 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, the Board of Supervisors received a status update on the Program in the form of a report attached as Exhibit A and incorporated herein; and

WHEREAS, on September 13, 2022, the Board of Supervisors adopted Resolution No. 2022-105 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on September 27, 2022, the Board of Supervisors adopted Resolution No. 2022-111 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on October 4, 2022, the Board of Supervisors adopted Resolution No. 2022-116 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on October 18, 2022, the Board of Supervisors adopted Resolution No. 2022-120 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on November 1, 2022, the Board of Supervisors adopted Resolution No. 2022-124 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on November 8, 2022, the Board of Supervisors adopted Resolution No. 2022-130 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on December 6, 2022, the Board of Supervisors adopted Resolution No. 2022-137 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on December 13, 2022, the Board of Supervisors adopted Resolution No. 2022-151 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on January 10, 2023, the Board of Supervisors adopted Resolution No. 2023-003 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on January 24, 2023, the Board of Supervisors adopted Resolution No. 2023-007 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on February 7, 2023, the Board of Supervisors adopted Resolution No. 2023-014 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, on February 21, 2023, the Board of Supervisors adopted Resolution No. 2023-015 proclaiming the continuation of an emergency drought condition in Shasta County and the need to continue the Shasta County Grant-Funded Drought Relief Program; and

WHEREAS, the Board of Supervisors recognizes that the circumstances that led to the February 21, 2023 proclamation continue to exist.

NOW, THEREFORE BE IT RESOLVED AND PROCLAIMED by the Board of Supervisors of the County of Shasta that the current drought conditions constitute an emergency under Public Contract Code section 1102.

NOW, THEREFORE BE IT RESOLVED, PROCLAIMED AND ORDERED that the Recitals set forth above are true and correct and are hereby adopted and incorporated herein.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that the Shasta County Public Works Director and the Director of Resource Management is each independently authorized to sign documents, forms, or other records if reasonably required pursuant to the requirements, terms or conditions of any of the Grants for the Program and to otherwise take any reasonably related and required action to apply for, obtain, utilize, and confirm eligibility of work, services, and projects funded by one or more of the Grants.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that the Board of Supervisors of the County of Shasta hereby finds, based on substantial evidence, that the types of projects and eligible uses under the Grants available to address the drought emergency will not permit a delay resulting from a competitive solicitation for bids and proposals, and that the actions hereby authorized are necessary to respond to the emergency.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that during the existence of this emergency, the Board of Supervisors of the County of Shasta, State of California, waives the competitive bidding requirements pursuant to Public Contract Code section 22050 for any and all contracts necessary to address the emergency provided the respective contract is approved, funded, and for a particular type of use or project authorized by any one or more of the Grants.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that upon Grant approval and funding, the Shasta County Public Works Director or the Director of Resource Management is each independently hereby granted authority to order any related action reasonably necessary to implement the Program, procure hauled water, install individual and community water tanks, provide bottled water delivery, fund emergency water interties, construction of new wells or rehabilitation of existing wells, pumps and appurtenances, and other projects that support immediate drought response and shall otherwise take any directly related and immediate action required by the emergency, and shall procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, and is further authorized to enter into and sign contracts, including retroactive, permits, funding agreements, and other documents required by the emergency and each and all of the Grants, in accordance with this Resolution and Public Contract Code Section 22050(b)(1), provided that the County first receives verification in writing from the State of California of the amount or amounts of the Grant or Grants, in the form of a Letter of Commitment or Grant Agreement and that such contracts are otherwise compliant with the Contracts Manual, Administrative Policy 6-101.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that if a project or action is taken or performed on behalf of a County Service Area (CSA), then pursuant to Government Code section 25214.3, should there not be sufficient funds in a particular CSA to completely pay to repair, replace, restore, relocate, or install wells, pumps, and to pay for all other actions required by the emergency (collectively the “emergency repair costs”), the balance of funds used to pay the emergency repair costs shall constitute a loan to the respective CSA in which the project was located and for which the “emergency repair costs” were incurred and said CSA shall repay the loan to the County General Fund within the same fiscal year as required by Government Code section 25214.3, unless terms and conditions for repayment of the loan are otherwise modified by the Board of Supervisors as allowed by Government Code section 25214.4.

NOW, BE IT FURTHER RESOLVED AND PROCLAIMED that projects and program referenced herein constitute an emergency project that is exempt from the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, §§ 21000, et seq. and Title 14 of the California Code of Regulations, §§ 15000 et seq. (“State CEQA Guidelines”)), pursuant to 14 Cal. Code of Regs. §15269 as an emergency project.

NOW, BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED that this Board of Supervisors will review the need for continuing emergency work at its next regularly scheduled meeting and thereafter, at least once every fourteen days until this Board determines review is no longer required in accordance with Public Contract Code section 22050.

DULY PASSED AND ADOPTED this 28th day of February, 2023, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:
MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By _____
Deputy