



Montecito Sanitary District

1042 Monte Cristo Lane *A Public Service Agency*
Santa Barbara, CA 93108

Phone: (805) 969-4200
www.montsan.org

BOARD PACKET

For the Special Board Meeting of

Friday, January 27, 2023

1. AGENDA	2
2. STAFF REPORT – EMERGENCY DECLARATION TO ADDRESS THREAT TO PUBLIC HEALTH AND SAFETY	4
3. RESOLUTION 2023-962 EMERGENCY CONTRACTS.....	14



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AGENDA

For the Special Meeting of the Board on:

January 27, 2023

The special meeting of the Governing Board will begin at 4:00 p.m. on January 27, 2023 in the District's Board Room at 1042 Monte Cristo Lane.

The public may attend the meeting in person or participate remotely via Zoom using the following virtual meeting details:

By visiting: <https://us02web.zoom.us/j/89130035510>

Or by calling: 1-669-900-6833

Meeting ID: **891 3003 5510**

1. CALL TO ORDER

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT

Public comment on agenda items only is limited to 3 minutes and is at the discretion of the Board President. For further instructions, please see [Instructions for Public Comment](#) on the District's website.

3. EMERGENCY BUSINESS

A. Emergency Contracts Resolution Adoption – Resolution 2023-962

4. ITEMS FOR THE NEXT AGENDA

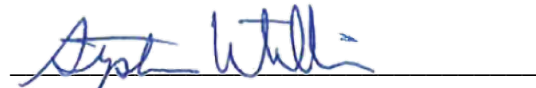
The next Board meeting will be a regularly scheduled board meeting on February 8, 2023 at 12:00 pm.

5. ADJOURNMENT

The Montecito Sanitary District has resumed in-person meetings in accordance with the Brown Act. In accordance with the State of Emergency declaration issued on March 4, 2020 by the Governor of the State of California in response to COVID-19 and Government Code 54953(e), the District also provides alternative methods of remote participation which permit members of the public to observe and address public meetings remotely via telephone or Zoom. These methods of participation can be accessed through the internet link provided at the top of this agenda.

Agenda for Special Board Meeting
January 27, 2023

This agenda was posted on the District website, and at the Montecito Sanitary District Bulletin Board in accordance with the requirements of the Brown Act. Attested by:

A handwritten signature in blue ink, appearing to read "Steph Williams", is written over a horizontal line.

Stephen Williams
District Administrator/Clerk of the Board



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MONTECITO SANITARY DISTRICT STAFF REPORT

DATE: January 27, 2023
TO: Board of Directors
FROM: John F. Weigold, General Manager
Aleks R. Giragosian, General Counsel
SUBJECT: Emergency Declaration to Address Threat to Public Health & Safety Due to Heavy Rains and Flooding

RECOMMENDATION

Staff recommends the Board of Directors adopt Resolution No. 2023-962 declaring an emergency and authorizing the General Manager to repair or replace public facilities and take related actions without giving notice for bids to let contracts.

DISCUSSION:

Declaring an Emergency

State law allows the District to circumvent the public bidding requirements in cases of emergency. Public Contract Code section 20806 states:

If there is an emergency, or if it is necessary to do emergency work to prepare for national or local defense, the district board may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of district funds to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this article. If notice for bids to let contracts will not be given, the board shall also comply with Chapter 2.5 (commencing with Section 22050).

Public Contract Code section 22050, subdivision (a), states:

(1) 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.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

Public Contract Code section 1102 defines “emergency” to mean “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.”

Here, a declaration of an emergency is justified on the grounds that the heavy rains experienced in Montecito from late December 2022 through early January 2023 were a sudden, unexpected occurrence which damaged public infrastructure resulting in a clear and imminent danger to the residents of the Montecito Sanitary District. The damage requires immediate action to prevent or mitigate the loss or impairment of property and essential public services. The specific facilities currently identified as requiring immediate action are provided below as part of the Emergency Projects Report attached to this staff report and are listed below (Attachment 1):

Collection System:

- Project 1: Creekbank Restoration – Manhole 616-4D
- Project 2: Creekbank Restoration – Manhole 638-4C
- Project 3: Creekbank Restoration – Pipe L333-7
- Project 4: Creekbank Restoration – Pipe L380-5
- Posilipo Lift Station variable frequency drive (VFD).

Treatment Plant:

1. Influent pump.
2. Grinder motor.

Next Steps

State law requires the District to rescind the emergency declaration at the earliest opportunity. Public Contract Code section 22050, subdivision (c), states:

(1) [T]he governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

...

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

The emergency declaration will be agendized for the Board’s next regular meeting

on February 8, 2023. At that time, the Board will review the condition of the public infrastructure at issue and determine whether the emergency is still warranted. If so, it will have to adopt another resolution by four-fifths vote to continue to declaration of emergency. If not, it may end the emergency declaration by a simple majority.

Future Emergencies

To deal with future emergencies, staff proposes the Board adopt a separate resolution authorizing the General Manager to take necessary actions and report back to the Board. Public Contract Code section 22050, subdivision (b)(1), authorizes the Board, by a four-fifths vote, to delegate to the General Manager the authority to order repairs or replacements of public facilities and to procure the necessary equipment services and supplies for those purposes to address an emergency. Public Contract Code section 22050, subdivision (b)(3), states the General Manager “shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.”

To that end, staff is revising the District’s purchasing policy to include this authority. If the District approves that resolution by a four-fifths vote, the General Manager will be authorized to take all necessary emergency actions and report back to the Board. The Board will then review the General Manager’s actions and determine whether there is a need to continue to the emergency actions.

FISCAL IMPACT:

The Fiscal Year 2022-23 Capital Improvement Projects Approved Budget included \$30,000 for Emergency Collections System Emergency repairs and another \$30,000 for Emergency Lift Station repairs. Excess repair costs were not budgeted for in the current fiscal year; staff will come back to the Board with a Budget Adjustment as soon as costs are finalized. Initial emergency costs are estimated at \$222,000 but projects are still being identified/evaluated. Staff is pursuing FEMA/CalOES Emergency Claims as well as working with insurance to maximize reimbursement to the District.

Public Notice – Notice complies with Brown Act notification requirements regarding Special Meetings.

Environmental Determination – This emergency declaration and the projects to be approved are exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 CCR 15269, subdivision (b), which exempts, “emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.” Here, the emergency declaration are proposed projects are intended to address a threat to public health, safety or welfare caused damage to public facilities by recent rains and flooding, as described in greater detail above.

Attachments: Attachment 1 – Emergency Projects Report



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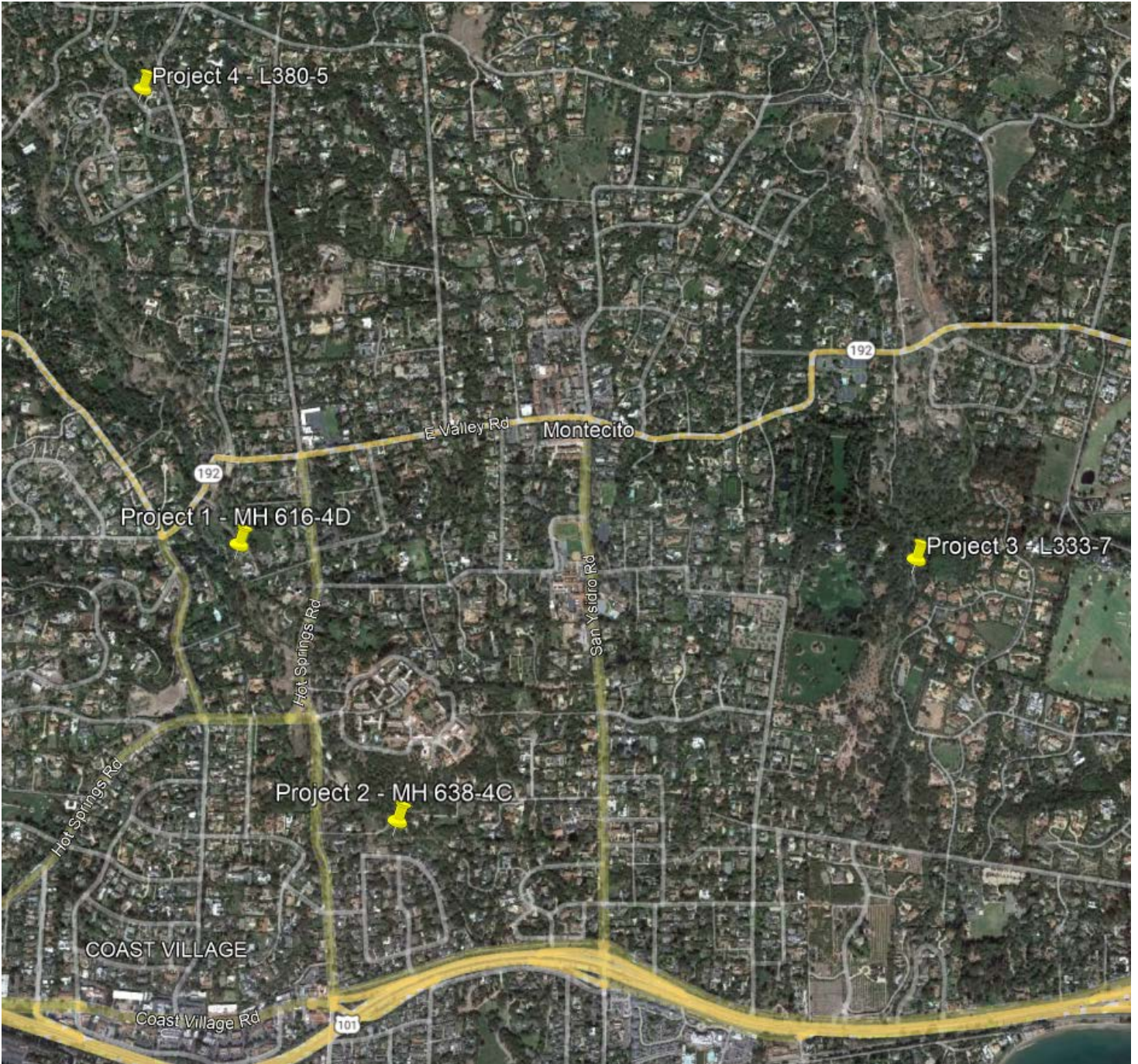
EMERGENCY PROJECTS REPORT

January 27, 2023

Overview:

The District continues to assess the storm damage from late December 2022 through early January 2023. So far the District has identified four areas of concern in the Collection System that requires immediate action to restore creekbanks and protect our District facilities in place. The District has retained Rincon Consultants to guide the District through the necessary permitting processes to allow execution of the work. Rincon has notified the District environmental monitoring services may be required. The District has also been in talks with contractors to discuss the scope of work to be done on a time and materials (T&M) basis. In addition, the District will look to secure a construction inspector for these projects to help document the work in support of our anticipated FEMA/CalOES reimbursement.

Projects Vicinity Map:



Project 1: Creekbank Restoration – Manhole 616-4D



Photo 1: Before Storm



Photo 2: After Storm

Manhole 616-4D is located along Montecito Creek and just north of 1250 Pepper Lane. The storm caused severe erosion displacing large boulders and sediment surrounding the manhole. Staff recommends this manhole immediately be protected-in-place as allowed by emergency permits with un-grouted boulders, rock, and sediments. Project is estimated to cost \$30,000.

Project 2: Creekbank Restoration – Manhole 638-4C



Photo 3: After Storm

Manhole 638-4C is located along Montecito Creek and just north of 188 Santa Elena Lane. The storm caused severe erosion displacing large boulders and sediment surrounding the manhole. Staff recommends this manhole immediately be protected-in-place as allowed by emergency permits with un-grouted boulders, rock, and sediments. Project is estimated to cost \$30,000.

Project 3: Creekbank Restoration – Pipe L333-7



Photo 4: After Storm Pipe Break



Photo 5: After Storm Pipe Repair

Sewer main line L333-7 is located along San Ysidro Creek and along a walking trail owned by the Ennisbrook Owners Association, north of Ennisbrook Drive. The storm caused severe erosion displacing large boulders and sediment surrounding the pipe. Staff recommends this main line immediately be protected-in-place as allowed by emergency permits with un-grouted boulders, rock, and sediments. Project is estimated to cost \$75,000.

Project 4: Creekbank Restoration – Pipe L380-5



Photo 6: Before Storm



Photo 7: Before Storm (Prior to Backfill)



Photo 7: After Storm



Photo 8: After Storm

Sewer main line L380-5 is located along Meadow Lane and crosses a private bridge located within the community of Riven Rock. The bridge crosses Montecito Creek. The storm caused severe erosion displacing large boulders and sediment surrounding the pipe and bridge wingwall. Staff recommends this main line immediately be protected-in-place as allowed by emergency permits with un-grouted boulders, rock, and sediments. Project is estimated to cost \$45,000.

Posilipo Lift Station Variable Frequency Drive (VFD)

One of the three VFDs at the Posilipo Lift Station failed during the storm event. Staff installed the spare VFD and will be sending the failed unit for repair/rebuild. The estimated cost for the VFD repair/rebuild is \$8,000.

Influent Pump

One of the three influent pumps within our influent pump station (IPS) was damaged with the excessive flow and debris coming into the treatment plant. A purchase order for a replacement pump was executed under prior authorization from the Board on January 11, 2023. The estimated cost for the pump is \$30,000.

Grinder Motor

The grinder motor for IPS Grinder No. 2 was flooded and damaged during the storm event. The District has since installed a spare motor. Staff will replace the spare motor in the short term. The estimated cost for the motor is \$4,000.

RESOLUTION NO. 2023-962

**RESOLUTION OF THE GOVERNING BOARD OF
THE MONTECITO SANITARY DISTRICT
AUTHORIZING EMERGENCY CONTRACTS PURSUANT TO
PUBLIC CONTRACT CODE § 22050**

BE IT RESOLVED by the Montecito Sanitary District Board of Directors as follows:

SECTION 1: The Board of Directors finds and declares as follows:

- A. Pursuant to Public Contract Code (“PCC”) § 20168 and 22050, the Board of Directors may, upon a four-fifths vote, declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of an emergency, and 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.
- B. The heavy rain and flooding experienced from late December 2022 through early January 2023 constitutes a sudden, unexpected occurrence that posed a clear and imminent danger to District property, its citizens, and employees.
- C. Several District assets and infrastructure have been damaged due to rain events listed above and will require immediate attention to repair/replace.
- D. Based upon these facts, the Board of Directors finds that there is an imminent threat to public health and safety that requires immediate action.
- E. In compliance with applicable law, and to protect public, health, safety and welfare, the General Manager is authorized to take immediate emergency action to repair District assets and will report their actions to the Board of Directors.
- F. Under such emergency conditions, the Board of Directors finds that the delay resulting from public bidding would imperil essential public services.
- G. The project is exempt from review under the California Environmental Quality Act of 1970, as amended, Public Resources Code section 21000 *et seq.* (“CEQA”) pursuant to Section 15269, subdivision (a) of the CEQA Guidelines because the electrical emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare.

SECTION 2: In light of the emergency described above, the Board of Directors authorizes the General Manager to take all steps necessary to protect public health, safety and welfare including, without limitation, awarding contracts in accordance with PCC § 22050 and MPMC Chapter 2.52.

SECTION 3: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED by the Governing Board of the Montecito Sanitary District on the 27th day of January, 2023.

AYES:

NAYS:

ABSENT:

(SEAL



ATTEST:

Board President
Ellwood Barrett

Clerk of the Board
Stephen Williams