

March 15, 2017

STATEMENT OF PROCEEDINGS

The Minutes of the

***FLOOD CONTROL DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY FLOOD CONTROL DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MARCH 15, 2017, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

MORNING SESSION: Meeting was called to order at 9:03 a.m.

PRESENT: Directors Dianne Jacob, Chairwoman; Kristin Gaspar, Vice Chairwoman; Greg Cox; Ron Roberts; Bill Horn; also, David Hall, Clerk of the Board.

Approval of Statement of Proceedings/Minutes for the meeting of February 15, 2017.

ACTION:

ON MOTION of Director Roberts, seconded by Director Horn, the Board of Directors of the San Diego County Flood Control District approved the Statement of Proceedings/Minutes for the meeting of February 15, 2017, on Consent.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Flood Agenda Items

Agenda # Subject

1. ADOPT RESOLUTION RATIFYING EMERGENCY REPAIR OF BARONA MESA STORM DRAIN IN SAN DIEGO COUNTRY ESTATES
 [FUNDING SOURCE: LAND USE & ENVIRONMENT GROUP EXECUTIVE OFFICE GENERAL PURPOSE REVENUE]
 (4 VOTES)

2. ADOPT RESOLUTIONS RATIFYING EMERGENCY REPAIR OF WINTER GARDENS STORM DRAIN IN LAKESIDE AND VISTA VICENTE STORM DRAIN IN SAN DIEGO COUNTRY ESTATES
 [FUNDING SOURCE: GENERAL PURPOSE REVENUE]
 (4 VOTES)

FL1. SUBJECT: ADOPT RESOLUTION RATIFYING EMERGENCY REPAIR OF BARONA MESA STORM DRAIN IN SAN DIEGO COUNTRY ESTATES (DISTRICT: 2)

OVERVIEW:

On January 17, 2017, the San Diego County Flood Control District (District) discovered a sink hole had developed over an existing 54-inch corrugated metal pipe storm drain located within a flood control easement between two private properties adjacent to Barona Mesa Road. The storm drain was originally constructed as part of the San Diego Country Estates development around 1974 and the portion of the storm drain at the end of the cul-de-sac is maintained by the District (57th Edition Thomas Guide Page 1173, C-5). The risk to the public and private property did not allow time to undertake a competitive bidding and award process. As a result, the Director, Department of Purchasing & Contracting, acting on behalf of the District authorized the use of an emergency contractor to initiate immediate repairs of the storm drain.

Public Contract Code § 21552 authorizes the District to award emergency contracts without complying with otherwise applicable bidding procedures pursuant to Section 22050 of the Public Contract Code. In accordance with Public Contract Code § 22050(b), the Director, Department of Purchasing & Contracting, has been delegated authority pursuant to County Administrative Code § 402 to award emergency contracts. This delegation of authority is made applicable to the District by Water Code Appendix § 105-8. When an emergency contract is awarded by the Director and work lasts more than two weeks, Public Contract Code § 22050(c) requires the Board by a 4/5ths vote to approve continued use of the emergency contract.

While much of the emergency culvert repair work has been completed, the installation of a liner in the repaired culvert has not yet been completed and the District is continuing to monitor the condition of the storm drain pipe because of ongoing risk of further failure until the liner is installed. The liner has been ordered and is expected to be received and installed at about the time the Board hears this item. This is a request to adopt a resolution in accordance with Public Contract Code §22050 to authorize completion of the emergency repair using the emergency contract and to ratify the emergency contract. The total repair cost for the Barona Mesa storm drain is estimated to be \$200,000.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for the Land Use & Environment Group Executive Office. If approved, this request will result in costs of \$200,000. The funding source is Land Use & Environment Group Executive Office General Purpose Revenue. There is no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15269 of the CEQA Guidelines because it involves emergency repairs to facilities damaged as a result of a disaster.
2. Adopt the Resolution Authorizing Emergency Expenditures (Attachment B) declaring that public interest and necessity demand continued expenditure of public funds on an emergency basis without competitive bidding and ratifying the emergency repair to the Barona Mesa Storm Drain. **(4 VOTES)**

ACTION:

ON MOTION of Director Roberts, seconded by Director Horn, the Board of Directors of the San Diego County Flood Control District took action as recommended, on Consent, adopting Resolution No. 17-031, entitled: RESOLUTION AUTHORIZING EMERGENCY EXPENDITURE.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

FL2. SUBJECT: ADOPT RESOLUTIONS RATIFYING EMERGENCY REPAIR OF WINTER GARDENS STORM DRAIN IN LAKESIDE AND VISTA VICENTE STORM DRAIN IN SAN DIEGO COUNTRY ESTATES (DISTRICT: 2)

OVERVIEW:

The San Diego County Flood Control District (District) was notified that sinkholes developed at two different storm drains maintained by the District. The first sinkhole developed over an existing 36-inch corrugated metal pipe storm drain located within a flood control easement on private property adjacent to Winter Gardens Blvd. in Lakeside (57th Edition Thomas Guide Page 1231, J-7). The storm drain was originally constructed in 1982 and is maintained by the District. The second sinkhole developed over an existing 36-inch corrugated metal pipe storm drain located within a flood control easement between two private properties adjacent to Vista Vicente Court. The storm drain was originally constructed as part of the San Diego Country Estates development in 1975 and the portion of the storm drain at the end of the cul-de-sac is maintained by the District (57th Edition Thomas Guide Page 1153, E-4).

In both cases, the risk to the public and private property did not allow time to undertake a competitive bidding and award process. As a result, the Director, Department of Purchasing & Contracting, acting on behalf of the District authorized the use of an emergency contractor to initiate immediate repairs of the storm drains on March 3, 2017.

Public Contract Code § 21552 authorizes the District to award emergency contracts without complying with otherwise applicable bidding procedures pursuant to § 22050 of the Public Contract Code. In accordance with Public Contract Code § 22050(b), the Director, Department of Purchasing & Contracting,

has been delegated authority pursuant to County Administrative Code § 402 to award emergency contracts. This delegation of authority is made applicable to the District by Water Code Appendix § 105-8. When an emergency contract is awarded by the Director and work lasts more than two weeks during a period when a Board meeting would otherwise occur, Public Contract Code § 22050(c) requires the Board by a 4/5ths vote to approve continued use of the emergency contract and requires subsequent Board approvals at every regularly scheduled meeting thereafter until work is complete.

The emergency contract work to fully repair the failed storm drains at both of these locations started on March 6, 2017. This is a request to adopt a resolution in accordance with Public Contract Code § 22050 to authorize completion of emergency repairs using emergency contracts and to ratify the emergency contracts. The total repair cost for the Winter Gardens storm drain is estimated not to exceed \$250,000 and the total repair cost for the Vista Vicente storm drain is estimated not to exceed \$150,000.

FISCAL IMPACT:

Funds for the Winter Gardens Storm Drain Repair are included in the Fiscal Year 2016-17 Operational Plan for the Department of Public Works Watershed Protection Program. If approved, this request will result in costs of \$250,000. The funding source is General Purpose Revenue.

Funds for the Vista Vicente Storm Drain Repair are included in the Fiscal Year 2016-17 Operational Plan for the Land Use & Environment Group Executive Office. If approved, this request will result in costs of \$150,000. The funding source is Land Use & Environment Group Executive Office General Purpose Revenue.

There is no change in net General Fund cost and no additional staff years for either of these emergency repair projects.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed projects are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15269 of the CEQA Guidelines because they involve emergency repairs to facilities damaged as a result of a disaster.
2. Adopt the Resolution Authorizing Emergency Expenditures (Attachment C) declaring that public interest and necessity demand continued expenditure of public funds on an emergency basis without competitive bidding and ratifying the emergency repair to the Winter Gardens Storm Drain. (4 VOTES)

3. Adopt the Resolution Authorizing Emergency Expenditures (Attachment D) declaring that public interest and necessity demand continued expenditure of public funds on an emergency basis without competitive bidding and ratifying the emergency repair to the Vista Vicente Storm Drain. (4 VOTES)

ACTION:

ON MOTION of Director Roberts, seconded by Director Horn, the Board of Directors of the San Diego County Flood Control District took action as recommended, on Consent, adopting Resolution No. 17-032, entitled: RESOLUTION AUTHORIZING EMERGENCY EXPENDITURE (Attachment C); and Resolution No. 17-033, entitled: RESOLUTION AUTHORIZING EMERGENCY EXPENDITURE (Attachment D).

AYES: Cox, Jacob, Gaspar, Roberts, Horn

There being no further business, the Board of Directors of the San Diego County Flood Control District adjourned at 12:59 p.m.

DAVID HALL
Clerk of the Board of Directors of the
San Diego County Flood Control District

Notes: Miller

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Flood Control District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Tuesday May 02, 2017.



DIANNE JACOB
Chairwoman

Attest:



DAVID HALL
Clerk of the Board