

March 22, 2017

STATEMENT OF PROCEEDINGS

The Minutes of the

**SAN DIEGO COUNTY SANITATION DISTRICT
SPECIAL MEETING**

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY SANITATION DISTRICT
SPECIAL MEETING
MEETING AGENDA
WEDNESDAY, MARCH 22, 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 9:12 a.m.

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

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.

Sanitation District Agenda Items

Agenda# Subject

1. ADOPT RESOLUTION RATIFYING EMERGENCY SEWER REPAIR AT LOS COCHES CREEK, NEAR EAST SIERRA ALTA WAY, SOUTH OF I-8 AT THE SOUTH END OF LAKE JENNINGS PARK ROAD IN LAKESIDE (DISTRICT: 2)[FUNDING SOURCE: DISTRICT FUND BALANCE] (4 VOTES)

1. **SUBJECT: ADOPT RESOLUTION RATIFYING EMERGENCY SEWER REPAIR AT LOS COCHES CREEK, NEAR EAST SIERRA ALTA WAY, SOUTH OF I-8 AT THE SOUTH END OF LAKE JENNINGS PARK ROAD IN LAKESIDE (DISTRICT: 2)**

OVERVIEW:

On Friday, March 17, 2017, the San Diego County Sanitation District (District) discovered a broken 12-inch sewer pipe in Los Cochés Creek, near East Sierra Alta Way, south of I-8 at the south end of Lake Jennings Park Road. District Crews immediately installed a temporary bypass system to pump sewage around the damaged sewer pipe, but emergency repairs were needed to put the sewer pipe back in operation. The sewer was originally constructed in 1968 and is maintained by the District (57th Edition Thomas Guide Page 1232, F-5). The risk to public health 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 repair of the sewer. An emergency contract was awarded to El Cajon Grading & Engineering Co., Inc. (El Cajon Grading) on Saturday, March 18, 2017 in an amount not to exceed \$100,000. El Cajon Grading completed the emergency repairs to the sewer pipe on Saturday, March 18, 2017 and additional site remediation and stabilization work is ongoing and expected to be complete by March 22, 2017.

Public Contract Code § 20783 authorizes the District to award emergency contracts without complying with otherwise applicable bidding procedures upon a 4/5th vote of the Board. Where this finding cannot be made before the emergency contract is awarded, California courts have recognized that the Board by a 4/5th vote may ratify the contract. See, for example, *Los Angeles Dredging Co. v. Long Beach* (1930) 210 Cal. 348.

This is a request to adopt a resolution in accordance with Public Contract Code § 20783 to ratify the emergency contract awarded to El Cajon Grading.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for the San Diego County Sanitation District. If approved, this request will result in costs of up to \$100,000. The funding source is District fund balance. 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) ratifying the emergency repair contract with El Cajon Grading & Engineering Co., Inc. to the sewer at Los Coches Creek, near East Sierra Alta Way, south of I-8 at the south end of Lake Jennings Park Road. **(4 VOTES)**

ACTION:

ON MOTION of Director Roberts, seconded by Director Horn, the Board of Directors of the Sanitation District took action as recommended, on Consent, adopting Resolution No. 17-038, entitled: RESOLUTION AUTHORIZING EMERGENCY EXPENDITURE.

AYES: Cox, Jacob, Gaspar, Roberts, Horn

There being no further business, the Board of Directors of the San Diego County Sanitation District adjourned at 12:03 p.m.

DAVID HALL
Clerk of the Board of Directors
of Sanitation District

Notes By: Miller

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board Directors of Sanitation 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 Wednesday, April 12, 2017.



DIANNE JACOB
Chairwoman

Attest:



DAVID HALL
Clerk of the Board

03/22/17 Sanitation District Special Meeting