

RESOLUTION 24-831

A RESOLUTION OF THE BOARD OF DIRECTORS OF GOLETA WEST SANITARY DISTRICT DECLARING AN EMERGENCY AND AUTHORIZING THE GENERAL MANAGER TO TAKE ALL OTHER NECESSARY ACTIONS TO ADDRESS THE EMERGENCY

WHEREAS, on October 30, 2024, Goleta West Sanitary District ("District") staff discovered a spill on the 24-inch force main ("FM") ("October Spill");

WHEREAS, as a result of this discovery there is an emergency need to conduct repairs to public infrastructure located on the District's easement over property owned by the City of Santa Barbara ("Airport Easement") and to prevent further damage and mitigate threats to health and safety;

WHEREAS, section 21.3.1.2 of the District's Board Policy Handbook ("Board Handbook") excepts the purchase of supplies or equipment from bidding procedures in cases of an emergency and permits acquisition from the nearest available source;

WHEREAS, in addition to the District's policy, the Public Contract Code authorizes public agencies to utilize special purchasing procedures when emergencies exist;

WHEREAS, Public Contract Code section 20806 provides that in the case of an emergency, or if it is necessary to do emergency work to prepare for national or local defense, Board may pass a resolution by a four-fifths vote of its governing body declaring that the public interest and necessity demand the immediate expenditure of district funds to safeguard life, health, or property. Upon adoption of such resolution, it may expend any sum required in the emergency without complying with this article;

WHEREAS, pursuant to the Public Contract Code, the Board of Directors ("Board") may adopt a resolution by a four-fifths vote of all of its members, declaring that (1) the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property, (2) 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, and (3) that the General Manager, through consultation with the Ad Hoc Spill Committee, 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, staff requests the Board ratify this emergency authorization in

response to the October Spill, which poses a threat to the public, infrastructure and the environment.

NOW, THEREFORE, the Board of Directors of Goleta West Sanitary District does resolve as follows:

1. The Board finds the above recitals true and correct and are incorporated herein.
2. An emergency is hereby declared pursuant to section 22.3.1.2 of the Board Handbook and Public Contract Code Sections 20806 and 22050 in response to the October Spill, which has required the District to decommission its 24-inch FM. As a result, the District is currently operating outside of its normal operating procedures until repairs to the 24 in FM can be completed and can be recommissioned. The public interest and necessity demand the immediate expenditure of District funds to safeguard life, health and property and to prevent any additional wastewater spill. The emergency will not permit a delay for the award of contracts pursuant to a competitive solicitation of bids, which process is hereby waived.
3. The General Manager, through consultation with the Ad Hoc Spill Committee, is authorized to 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.
4. The anticipated expenditure to address the emergency is within the District's approved budget.
6. The Board shall review the emergency action at its next regularly scheduled meeting, and 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 emergency.
7. The activity is categorically exempt from the California Environmental Quality Act (CEQA) because it involves the repair, replacement and/or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity (14 CCR Section 15301.) Furthermore, none of the exceptions to the use of this exemption apply. The activity is also exempt from CEQA because it involves an emergency repair of a public facility (14 CCR Section 15269(b).) This exemption applies to repairs to publicly or privately owned facilities necessary to maintain service essential to the public health, safety or welfare. Here, the emergency repair of the District's existing 24-inch FM is being pursued so to avoid any additional waste water spills, and is thus necessary to maintain service to the public health, safety and welfare. For the foregoing reasons, the activity is exempt from CEQA.

PASSED AND ADOPTED by the Board of Directors of the Goleta West Sanitary District, Santa Barbara County, California at a regular meeting duly held on the 5th day of November 2024.

I HEREBY CERTIFY that the forgoing Resolution was adopted by the Board of Directors of the Goleta West Sanitary District, Santa Barbara County, California at a meeting thereof held on the 5th day of November 2024, by the following vote of the members thereof:

AYES: Thomas, Turenchalk, Geyer, Lewis, Bearman
NOES: None
ABSTAIN: None
ABSENT: None



Brian McCarthy, Clerk - Secretary
(SEAL)

ATTEST:



Eva Turenchalk, President

