

## RESOLUTION NO. 22-131

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION WATER AGENCY DIVISION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 220013 AT AN ESTIMATED AMOUNT OF \$147,500 TO PERFORM SUMMERS LANE POND ACCESS ROAD MAINTENANCE IN SUPPORT OF WATER DELIVERIES TO COASTAL AREA RESIDENTS FOR THE MENDOCINO COUNTY COMMUNITY WATER SUPPLY REPLACEMENT PROJECT TO IMPLEMENT SAID PROJECT WITH FUNDS TO BE ALLOCATED FROM DEPARTMENT OF WATER RESOURCES GRANT NUMBER 4600014496 THROUGH DISASTER RECOVERY BUDGET UNIT 2910 (COUNTY-WIDE)**

WHEREAS, on April 20, 2021, the Board of Supervisors declared the existence of a Local Emergency related to the 2021 Drought; and

WHEREAS, during the 2021 Drought, the City of Fort Bragg notified water delivery companies that it would not be able to sell any of its potable water for delivery to residents and businesses in the unincorporated area of the Mendocino County coast whose wells were underperforming or running dry, as the City's water supply would only be enough for residents of the City itself; and

WHEREAS, the Mendocino County Community Water Supply Replacement Project involves the hauling of potable water from inland Mendocino County to the City of Fort Bragg Summers Lane Pond, where it is entered into the City of Fort Bragg water system, treated, and then sold for delivery to homeowners in the unincorporated area, providing a needed source of potable water during these extreme drought conditions; and

WHEREAS, the County of Mendocino has obtained grant funding from the California Department of Water Resources pursuant to agreement number: 4600014496 for the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, on August 31, 2021, County of Mendocino, City of Ukiah, City of Fort Bragg entered into Mutual Aid Agreement 2122-098 for the purpose of Providing for Emergency Assistance which included the supply of water from City of Ukiah to the City of Fort Bragg if transported by the County of Mendocino the purpose of the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, it is anticipated that continued drought conditions in 2022 will require continuation of the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, water delivery trucks caused accelerated wear and tear on the access road to the City of Fort Bragg Summers Lane Pond with maintenance costs currently estimated to be some \$147,500 and are anticipated to be 100% reimbursable through state grants; and

WHEREAS, in order to repair the accelerated wear and tear caused to the access road in 2021 by water delivery trucks, and in order to prepare for likely additional wear and tear to be caused in 2022 by water delivery trucks, the Department of Transportation Water Agency Division proposes to apply aggregate base rock to the City of Fort Bragg's industrial access road to Summers Lane Pond; and

WHEREAS, the application of aggregate base rock to the industrial access road to Summers Lane Pond is in direct furtherance of the Mendocino County Community Water Supply Replacement Project and assisting with the public purpose of providing potable water to coastal

Mendocino County residents who otherwise would be at risk of having no water supply during these drought conditions; and

WHEREAS, Department of Transportation Water Agency Division staff cannot do projects on non-county roads greater than \$60,000 under the California Uniform Public Construction Cost Accounting Act (Public Contract Code Section 22000, et seq.), and therefore requires an "A" - General Engineering or C-12 Earthwork and Paving contractor; and

WHEREAS, under Section 20142 of the California Public Contract Code, the Board of Supervisors may authorize the Director of Transportation to execute contract change orders subject to certain cost limitations; and

WHEREAS, by Resolution No. 07-009, the Board of Supervisors authorized the Director of Transportation to execute changes to any DOT contract that exceeds \$250,000 by up to \$25,000, plus 5% of the amount of the original contract costs in excess of \$250,000, and in no event shall any change or alteration exceed \$150,000; and

WHEREAS, the Director of Transportation acting as the General Manager recommends and requests authorization to proceed with the advertisement and award of DOT Contract No. 22013 to apply aggregate base rock to the City of Fort Bragg's industrial access road to Summers Lane Pond.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Finds that the proposed application of aggregate base rock to the City of Fort Bragg's industrial access road to Summers Lane Pond will benefit the public within Mendocino County by mitigating the effects of increased truck traffic on the access road as a result of, and allow for the continuation of, the Mendocino County Community Water Supply Replacement Project. The Mendocino County Community Water Supply Replacement Project benefits the public by acting as a reserve water supply during times of extreme drought.
2. Authorizes and directs the Director of Transportation acting as the General Manager to sign the Notice to Bidders inviting bids for DOT Contract No. 22013 to apply aggregate base rock to the City of Fort Bragg's industrial access road to Summers Lane Pond; and
3. Authorizes and directs the Director of Transportation acting as the General Manager to award the above mentioned DOT contract, upon confirmation of an appropriate low bidder and acceptable contract documents by County Counsel and Risk Management, and report the results to the Board through the applicable Director's Report.

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor McGourty, and carried this 7<sup>th</sup> day of June, 2022, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE  
Interim Clerk of the Board

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TED WILLIAMS, Chair  
Mendocino County Board of Supervisors

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Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
County Counsel

BY: DARCIE ANTLE  
Interim Clerk of the Board

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Deputy