

## RESOLUTION NO. 21-108

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT NUMBER 3 TO BOARD OF SUPERVISORS AGREEMENT NUMBER 19-004/DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 180073, FOR PROFESSIONAL ENGINEERING SERVICES WITH BRELJE & RACE CONSULTING ENGINEERS, FOR AN ADDITIONAL AMOUNT OF \$95,000 FOR REDWOOD VALLEY WATER INFRASTRUCTURE RETROFIT PROJECT ENGINEERING SERVICES FOR THE TERM STARTING UPON EXECUTION OF THIS AGREEMENT THROUGH DECEMBER 31, 2023, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT EXCEEDING \$30,000 (REDWOOD VALLEY AREA)**

WHEREAS, by way of Resolution Number (No.) 17-146, the Board of Supervisors (BOS) authorized Declaring a Local Emergency Related to the Redwood Fire as part of the Mendocino Lake Fire Complex Event of October 2017; and

WHEREAS, on November 6, 2018, the Redwood Valley County Water District (District) and the County Department of Transportation (DOT) entered into a Memorandum of Agreement (MOA) for construction of seismic force resistant public water facilities and associated features associated with the known as the Redwood Valley Water Infrastructure Retrofit Project (Project) being completely funded by the District and grant funds; and

WHEREAS, the County is an eligible grant applicant under the Redwood Fire Disaster Hazard Mitigation Grant Program which is administered by the Federal Emergency Management Agency and matching grants from the Department of Water Resources for this Project that will benefit the Redwood Valley community; and

WHEREAS, pursuant to the Memorandum of Agreement entered into on November 6<sup>th</sup>, 2018, the District and the County agreed that the County will procure and contract for the design and construction of the Project; and

WHEREAS, County contract administration of this seismic force resistant retrofit of the District's water mains and facilities using grant funding is part of the overall Redwood Fire resiliency effort is expected to result in significant improvement to the District; and

WHEREAS, federal funding for the Project requires that the County follow Section 106 of the National Historic Preservation Act ("NHPA") where any tribe with standing can require a Cultural Monitor during the National Environmental Policy Act (NEPA) process. As part of compliance with Section 106, Tribal Cultural Monitors play an essential role during activities such as archaeological testing, data recovery, excavation and construction in culturally sensitive areas because they enable tribes to have representation and provide input during activities that may have the potential to disturb, damage or destroy sensitive tribal cultural resources; and

WHEREAS, it was uncertain until the NEPA review process began as to whether a cultural monitor would be required for the Project, and during this process a tribe did require a cultural monitor; and

WHEREAS, Brelje & Race Consulting Engineers (Consultant) have agreed under Task 15 Implementation of Permit Requirements that additional costs for Consultant support staff and sub-contract Tribal Monitor Services under said BOS Agreement No. 19-004/DOT Agreement No. 180073 is necessary and in addition to scope; and

WHEREAS, Brelje & Race Consulting Engineers has estimated the additional sub-contract Tribal Monitor Services work proposed under DOT Agreement No. 180073, for a cost of \$95,000; and



WHEREAS, DOT previously utilized its contingency amount of \$30,000, for additional Tribal Monitor Services work by Amendment No. 2 to perform a portion of this additional work under DOT Agreement No. 180073; and

WHEREAS, DOT believes it is prudent to restore a contingency amount of \$30,000, for additional amendments for unforeseen additional work that may need to be performed under DOT Agreement No. 180073, and to authorize the Director of Transportation to execute amendments to use the contingency amount, so as to allow for timely completion of the work.

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


1. Approves Amendment No. 3 to BOS Agreement No. 19-004/DOT Agreement No. 180073, Professional Services Agreement with Brelje & Race Consulting Engineers, for completion of professional engineering services; and
2. Authorizes and directs the Chair of the Board of Supervisors to execute said Amendment No. 3 on behalf of Mendocino County; and
3. Authorizes and directs the Director of Transportation or his designated representative to sign any and all amendments to this agreement that will not result in an increased cost beyond the amounts specified above.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor Williams, and carried this 13<sup>th</sup> day of July, 2021, 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: CARMEL J. ANGELO  
Clerk of the Board

  
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DAN GJERDE, 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: CARMEL J. ANGELO  
Clerk of the Board

  
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Deputy