

RESOLUTION NO. 2449

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE OLIVEHURST PUBLIC UTILITY DISTRICT
CONFIRMING AND DECLARING PUBLIC CONTRACTING EMERGENCY AND
NEED FOR EMERGENCY EXPENDITURE OF FUNDS TO
PURCHASE A REPLACEMENT 75 HP VAUGHAN PUMP
IN ADVANCE OF RAINY SEASON**

WHEREAS, the Olivehurst Public Utility District's (OPUD) Wastewater Treatment Plant current influent pump is out of service and non-serviceable; and

WHEREAS, currently, OPUD staff has repaired one (1) of the two (2) pumps to an operational efficiency of seventy (70) percent and the other pump was deemed non-serviceable; and

WHEREAS, OPUD's Chief Plant Operator has diligently worked with a repair company to diagnose the issue with the determination being that one of the pumps is in need of immediate replacement; and

WHEREAS, as the rainy season approaches, it is urgent that the existing influent pump be replaced with one that is operational because not doing so creates an unacceptably high risk of an SSO spillway that could lead to permit violations and fines; and

WHEREAS, given the potential for an inoperable influent pump to affect the health and safety of the community and the possible adverse impact to District facilities, the Board of Directors has determined by a four-fifths vote that an emergency exists, and the necessary steps must be taken to meet the emergency, secure the site and start the replacement process; and

WHEREAS, compliance with competitive bidding procedures typically takes a number of months and would not allow prompt action to be taken, as required to safeguard the public and District facilities; and

WHEREAS, section 22050 of the California Public Contract Code and the applicable provisions of the District's Purchasing Policy provide that in cases of emergency and pursuant to a four-fifths vote, the Board of Directors 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, the District's Public Works Department has obtained pricing for the necessary equipment that does not exceed \$100,000.00 and has money within its existing budget to pay for the replacement of this facility; and

WHEREAS, Public Contract Code section 22050 further provides that in cases of emergency and pursuant to a four-fifths vote, the Board of Directors may also delegate the authority to procure the necessary equipment, services, and supplies to a specified and appropriate District manager; and

WHEREAS, the California Environmental Quality Act establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, this situation has arisen suddenly and unexpectedly, and involves a clear and imminent threat, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, and essential public services.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Olivehurst Public Utility District, that the Board finds, pursuant to Public Contract Code section 22050(a), that based on substantial evidence presented before the Board, the above-described emergency will not permit a delay resulting from competitive solicitation for bids for the replacement of the District's Wastewater Treatment Plant influent pump, and that this action is necessary to respond to the emergency; and

BE IT FURTHER RESOLVED that the Board authorizes staff to proceed with the replacement of the Wastewater Treatment Plant's current influent pump and procurement of the necessary equipment, services and supplies for that purpose without giving notice for bids to let contracts; and

BE IT FURTHER RESOLVED that staff will proceed to obtain all necessary regulatory authorizations for the repair on an expedited basis using all available emergency procedures; and

BE IT FURTHER RESOLVED that OPUD will request all governmental entities with authority over this repair to expedite their consideration of the matter and to use available emergency procedures to ensure that this repair is completed in a timely manner so as to avoid the harms that would result from a catastrophic failure of the system; and

BE IT FURTHER RESOLVED that, in accordance with the Public Contract Code and the District's Purchasing Policy, the Board will review the status of the emergency at each subsequent meeting of the Board of Directors and vote to authorize continuation of this Resolution until the emergency action is completed.

On motion duly made and seconded, this Resolution was adopted by the following vote on February 7, 2025. (Four-fifths vote required for passage.)

OLIVEHURST PUBLIC UTILITY DISTRICT

President, Board of Directors
Olivehurst Public Utility District

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

District Clerk and Ex-Officio Secretary

Deirdre Joan Cox, Legal Counsel

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I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 7th day of February, 2025, by the following vote:

AYES, AND IN FAVOR THEREOF:

NOES:

ABSTAIN:

ABSENT:

District Clerk and ex-officio Secretary