



RESOLUTION NO. 2022- 3

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PLUMAS EUREKA COMMUNITY SERVICES DISTRICT
DECLARING AN EMERGENCY AND AUTHORIZING EMERGENCY REPAIRS AT A
SEWER LIFT STATION WITHOUT THE SOLICITATION OF COMPETITIVE BIDS**

WHEREAS, Public Contract Code Section 22050 provides that in the case of an emergency, pursuant to a four-fifths vote, the Board of Directors (“Board”) of the Plumas Eureka Community Services District (“District”) may order the repair or replacement of public facilities required by that emergency without the solicitation of bids; and

WHEREAS, Public Contract Code Section 22050 further provides that before taking such action, the Board shall make a finding, based on substantial evidence, 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

WHEREAS, the existing sewer lift station associated with Wastewater Treatment Plant 7 recently began failing; and

WHEREAS, to prevent the failure of the sewer lift station and the District’s sewer system, the Board has determined that it is necessary to take immediate action to repair the lift station.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings:

(a) The emergency described in the above recitals does not permit a delay that would result from a competitive solicitation of bids for repair of the lift station because the competitive solicitation of bids would delay the construction by a minimum of sixty days.

(b) The immediate repair of the lift station is necessary in order to respond to the emergency created by its unexpected failure.

Section 2. Determination. The Board hereby determines that the lift station should be repaired without the solicitation of competitive bids due to the emergency described in this Resolution.

Section 3. Reporting. The Board hereby directs the General Manager to report to the Board at every regularly scheduled meeting of the Board, until the repair of the lift station is completed, on whether the emergency described in this Resolution continues to exist and whether the action authorized by this Resolution continues

to be warranted. The Board shall, thereafter, determine, by a four-fifths vote, whether there is a need to continue the action authorized by this Resolution.

Section 4. Effective Date: This Resolution shall become effective upon its adoption.

Section 5. Notice of Exemption: The adoption of this Resolution and repair of the lift station is exempt from the California Environmental Quality Act (CEQA). First, the repair represents emergency repairs to publicly or privately owned serviced facilities necessary to maintain service essential to the public health, safety or welfare. (CEQA Guidelines, 15269(b), (c).) Second, the repairs are exempt from CEQA pursuant to section 15301 of the Guidelines, as Class 1 repairs to existing public facilities that involve negligible or no expansion of use beyond that existing at the time of the repairs. The General Manager shall file a notice of exemption within five days of adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this _____ day of August 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jillian Cole, Clerk of the Board