

RESOLUTION OF THE BOARD OF DIRECTORS OF  
EL DORADO IRRIGATION DISTRICT

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3 WHEREAS, Public Contract Code section 20567 authorizes irrigation districts to let  
4 contracts without notice for bids in case of an emergency; and  
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7 WHEREAS, District Administrative Regulation 3061.1, subdivision g, authorizes  
8 emergency procurements of supplies, equipment, services, or construction items when there  
9 exists a threat to public health, welfare, or safety, and requires Board of Directors ratification of  
10 emergency procurements exceeding \$50,000; and  
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13 WHEREAS, Public Contract Code section 22050(a)(2) requires that before action is  
14 taken to procure equipment, services, and supplies without giving notice for bids, the governing  
15 body must first make a finding, based on substantial evidence set forth in the minutes of its  
16 meeting, that the emergency will not permit a delay resulting from a competitive solicitation for  
17 bids, and that the action is necessary to respond to the emergency; and  
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20 WHEREAS, Public Resources Code section 21080(b)(2) exempts from the California  
21 Environmental Quality Act (CEQA) emergency repairs to public service facilities necessary to  
22 maintain service; and  
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25 WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section  
26 15269(c) exempt from CEQA specific actions necessary to prevent or mitigate an emergency  
27 from CEQA; and  
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1           WHEREAS, Public Contract Code section 11102 defines “emergency” as “a sudden,  
2 unexpected occurrence that poses a clear and imminent danger, requiring immediate action to  
3 prevent or mitigate the loss or impairment of life, health, property, or essential public services;”  
4 and  
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6           WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden,  
7 unexpected occurrence, involving a clear and imminent danger, demanding immediate action to  
8 prevent or mitigate loss of, or damage to life, health, property, or essential public services;”  
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10           NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of  
11 Directors of the El Dorado Irrigation District as follows:  
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- 14           1.     The Board finds and expressly relies upon the following facts and professional  
15                 opinions presented to it in connection with this Resolution:
    - 16                 a.    The Caples Lake Dam outlet works are the sole means of controlling outflow  
17                         from Caples Lake.
    - 18                 b.    The outlet works consist of:
      - 19                         i.   Upper and lower metal slide gates located in a well-like shaft within  
20                                 the dam, at underwater depths of approximately 36 and 64 feet when  
21                                 the reservoir is full;
      - 22                                 ii. Two metal stems that connect each slide gate to a valve operator at the  
23                                 top of the dam within the valve house;
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iii. An inlet conduit, protected by a metal trash rack, that leads from the upstream face of the dam, at the base of the reservoir, to the shaft containing the slide gates; and

iv. An outlet shaft and conduit to convey water released through either slide gate through the dam and out of its downstream face.

c. The outlet works have been in continuous operation, without any known replacement or major repairs, for more than 85 years.

d. District staff has experienced recent and increasing operational difficulties, including binding, strain accumulation, lurching, and leakage through closed slide gates, debris blockages of the trash rack, and faulty operation of the lower slide gate.

e. An unmanned underwater inspection of the slide gate shaft in 2006 showed the slide gates to be in a severely degraded condition but was inconclusive as to other key operational factors.

f. On June 10-11, 2008, District staff engineering, an engineering contractor, and dive team conducted a two-day dive investigation of the outlet works that revealed the following conditions:

i. Brass seats for the lower slide gate are missing, resulting in excessive leakage and vibration;

ii. The lifting connection of the lower slide gate leaf and the gate stem is degraded and loose;

iii. The concrete adjacent to the lower slide gate frame is heavily eroded, resulting in steel reinforcement exposure and corrosion;

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- iv. The lower gate stem is bent in two directions, which results in binding against the concrete shaft wall and the upper gate during gate operation;
  - v. Several metal stem restraints required to align, guide, and prevent from stem buckling are missing or broken;
  - vi. The slide gates, gate stems, and stem guides are all severely corroded, compromising their structural integrity and putting them at risk of sudden failure;
  - vii. Both gate stems were installed out-of-plumb;
  - viii. Combined leakage from the closed slide gates is approximately 900 gallons per minute (2 cubic feet per second); and
  - ix. The trash rack on the intake is severely bent and dislodged from its original installation.
  - x. Due to the inherent limitations of underwater inspections, not all components of the system can be confirmed satisfactory. The most comprehensive inspections and rehabilitations can be completed only in a de-watered condition.
  - g. Any attempt to operate the lower slide gate, which is currently closed, carries a substantial risk of gate failure. If this gate failed in an open position, the result would be an uncontrolled release of the entire active storage of Caples Lake. If it failed in a closed position, the upper slide gate would be the only means of releasing stored water from the lake.

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h. Because of the binding of the lower gate stem against the upper slide gate, operation of the lower slide gate also poses a risk of further damage to or failure of the upper slide gate. Damage to the upper slide gate could impair the District's ability to fully operate it, restricting the range of water releases that could be made, and the ability to modulate those releases. If the upper slide gate failed in an open position, the result would be an uncontrolled release of all water stored in Caples Lake above the elevation of the upper slide gate. If the upper slide gate failed in a closed position, the District would either be compelled to rely on the compromised lower slide gate to control releases through the Caples Lake Dam, or, if the lower slide gate had also failed, the District would lose all ability to make more than minimal controlled releases of water from Caples Lake.

i. An uncontrolled release of water from Caples Lake would create unseasonable high flows that pose risks of environmental damage to the riparian ecosystem of Caples Creek downstream of the dam, and also put at risk the safety of the public recreating in Caples Creek, the Silver Fork American River, and established campgrounds, dispersed campgrounds, and trails alongside those watercourses. The District and its ratepayers would be exposed to a substantial risk of adverse regulatory action and financial liability for personal injury or death and environmental harm.

j. An uncontrolled release of water from Caples Lake would suddenly and unseasonably diminish or eliminate water storage in the reservoir, making it difficult or impossible for the District to meet mandatory minimum lake level

and minimum streamflow conditions of the Federal Energy Regulatory Commission (FERC) operating license that governs the operations of Caples Lake, creating additional and substantial risks of environmental harm and adverse regulatory action and financial liability.

k. Conversely, if one or both slide gates failed in a closed position, the District would be unable to control storage of water in Caples Lake, creating a substantial risk of uncontrolled filling of the reservoir and overtopping of the Caples Lake Auxiliary Dam, which serves as reservoir's service and auxiliary spillways. Although a spill would not threaten the safety of either dam, the potential reservoir spill during spring run-off or a precipitation event could result in significant flows down the spillway channel or in the case of a severed precipitation event, could result in spilling over the auxiliary spillway and down Highway 88, thereby putting motorists, the environment, and downstream recreationists at even more substantial risk of harm. Very substantial flows through the Caples Lake spillway would violate the maximum flow condition in the FERC license and threaten environmental harm to the spillway channel and the ecology of the natural watercourses downstream.

l. Either the sudden loss of water stored in Caples Lake, or the inability to control and modulate water released from it, would also impede the District's ability to provide adequate drinking water to its customers and to generate hydroelectric power for the California market. Each of these functions is an essential public service.

1                   m. All of the foregoing risks will increase substantially over time unless remedial  
2                   action is taken as soon as possible. The greatest time of risk is the snowmelt  
3                   period each spring, when massive quantities of water flow into Caples Lake  
4                   and are impounded by the dams.

5                   n. It is the professional opinion of District staff that the use of procurement by  
6                   negotiation in accordance with applicable law and District Administrative  
7                   Regulations, and an exemption from otherwise applicable CEQA  
8                   requirements will substantially accelerate the design work, procurement of  
9                   goods and services, and construction work necessary to perform remedial  
10                  actions.

11                  2.       Based on the facts and professional opinions stated herein and all written, oral,  
12                  and visual evidence presented at the hearing of this Resolution, the Board of  
13                  Directors finds and declares that the present condition and need for remedial  
14                  action at the Caples Lake Dam outlet works is a sudden, unexpected occurrence  
15                  that involves or poses a clear and imminent danger, and that requires or demands  
16                  immediate action to prevent or mitigate the loss or impairment of life, health,  
17                  property, or essential public services within the meaning of Public Contract Code  
18                  section 1102 and CEQA Guidelines section 15359, and therefore constitutes an  
19                  emergency.

20                  3.       Based on the facts and professional opinions stated herein and upon all written,  
21                  oral, and visual evidence presented at the hearing of this Resolution, the Board of  
22                  Directors hereby finds and declares:  
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- 1 a. That the emergency will not permit a delay resulting from a competitive  
2 solicitation for bids, and that the actions authorized and directed herein are  
3 necessary to respond to the emergency.  
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- 5 b. That the project of remediating the present conditions at the Caples Lake Dam  
6 outlet works and re-establishing a fully functioning system for controlled  
7 releases from Caples Lake is exempt from CEQA.

8 4. The Board of Directors hereby delegates, authorizes, and directs the District  
9 General Manager and his designees to procure by negotiation engineering and  
10 construction services necessary to formulate and execute a plan for remediating  
11 the emergency conditions declared herein. The General Manager or his designees  
12 shall report to and seek ratification of the Board of Directors for each action taken  
13 in excess of their normal authority, at the first regular Board of Directors meeting  
14 held after each such action.  
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16 5. This Resolution shall take effect immediately upon adoption. Subject to the  
17 ratification required by Public Contract Code sections 22050(b)(3), (c)(1), and  
18 (c)(2), and by District Administrative Regulation 3061.1, subdivision g, this  
19 Resolution shall remain in full force an effect until rescinded by a subsequent  
20 Resolution of the Board of Directors.  
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1 The foregoing Resolution was introduced at a special meeting of the Board of Directors  
2 of the EL DORADO IRRIGATION DISTRICT, held on the \_\_\_\_\_th of \_\_\_\_\_, 2008, by  
3 Director \_\_\_\_\_, who moved its adoption. The motion was seconded by  
4 Director \_\_\_\_\_, and a poll vote taken which stood as follows:  
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6 AYES:

7 NOES:

8 ABSENT:

9 ABSTAIN:

10 The motion having a majority of votes "Aye", the resolution was declared to have been  
11 adopted, and it was so ordered.  
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13 \_\_\_\_\_  
14 President, Board of Directors of  
15 EL DORADO IRRIGATION DISTRICT

16 ATTEST:

17 \_\_\_\_\_  
18 Clerk to the Board

19 (SEAL)

20 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT  
21 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the  
22 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a  
23 regular meeting of the Board of Directors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
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25 \_\_\_\_\_  
26 Clerk to the Board  
27 EL DORADO IRRIGATION DISTRICT