

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
7 WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden,
8 unexpected occurrence, involving a clear and imminent danger, demanding immediate action to
9 prevent or mitigate loss of, or damage to life, health, property, or essential public services;”
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12 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of
13 Directors of the El Dorado Irrigation District as follows:

- 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 Silver Lake outlet works are the primary means of controlling outflow
17 from Silver Lake.
18 b. The outlet works consist of:
19 i. A single metal slide gate, protected by a metal trash rack, located
20 approximately 20 feet south of the upstream face of the Silver Lake
21 Dam, at an underwater depth of approximately 23 feet when the
22 reservoir is full;
23 ii. A steel outlet tower connected at its base to a concrete foundation on
24 the reservoir floor above the slide gate, and to the Silver Lake dam via
25 a steel walkway;
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- 1 iii. A manual valve operator at the top of the outlet tower, connected to
2 the slide gate by a metal stem; and
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4 iv. An outlet conduit to convey water through the slide gate, through the
5 dam, and out of its downstream face.

6 c. The outlet works have been in continuous operation for more than 85 years.

7 The outlet conduit was slip-lined in the 1980's due to degradation of the outlet
8 pipe. The slide gate system, and outlet tower appear original besides the
9 retaining pin for the gate lifting bar which was replaced in 2006 due to
10 corrosion failure.

11 d. On June 11, 2008, District staff engineering, an engineering contractor, and
12 dive team conducted a one-day dive/remote operated vehicle investigation of
13 the outlet works that revealed the following conditions:
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- 15 i. The steel bracing for the outlet tower is completely failed due to
16 corrosion;
17 ii. The other steel members have experienced significant corrosion and
18 section loss;
19 iii. The degree of corrosion increases from top to bottom of the outlet
20 tower;
21 iv. The valve stem is heavily corroded and pitted
22 v. The slide gate leaf and outlet conduit appear to be in satisfactory
23 condition.
24 vi. Due to the inherent limitations of underwater inspections, not all
25 components of the system can be confirmed satisfactory. The most
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1 comprehensive inspections and rehabilitations can be completed only in
2 a de-watered condition.

- 3
- 4 e. The failure of the outlet tower's lateral bracing leaves the tower vulnerable to
5 sudden and unexpected toppling due to failure, wave action, wind, impact, or
6 other stresses. If the tower topples, the gate valve would be inoperable and
7 would be damaged. If the gate valve became damaged and/or inoperable in an
8 open position, the result would be an uncontrolled release of the entire active
9 storage of Silver Lake. If it became damaged and/or inoperable in a closed
10 position, there would be no means to release water until the reservoir was
11 within 11 feet of maximum water surface elevation.
- 12
- 13 f. An uncontrolled release of water from Silver Lake would create unseasonable
14 high flows that pose risks of environmental damage to the riparian ecosystem
15 of the Silver Fork American River downstream of the dam, and also put at risk
16 the safety of the public recreating in the Silver Fork American River and
17 established campgrounds, dispersed campgrounds, and trails alongside that
18 watercourse. The District and its ratepayers would be exposed to a substantial
19 risk of adverse regulatory action and financial liability for personal injury or
20 death and environmental harm.
- 21
- 22 g. An uncontrolled release of water from Silver Lake would suddenly and
23 unseasonably eliminate water storage in the reservoir, making it difficult or
24 impossible for the District to meet mandatory minimum lake level and
25 minimum streamflow conditions of the FERC operating license that
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1 governs the operations of Silver Lake, creating additional and substantial risks
2 of environmental harm and adverse regulatory action and financial liability.

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4 h. Conversely, if the slide gate became damaged and/or inoperable in a closed
5 position, the District would be unable to meet the requirements Department of
6 Water Resources Division of Safety of Dams (DSOD) and Federal Energy
7 Regulatory Commission (FERC) to be able to release water in the event of a
8 potential dam failure condition. In such a situation, the inability to open the
9 slide gate would put the environment and downstream recreationalists at even
10 more substantial risk of harm.

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

17
18 j. All of the foregoing risks will increase substantially over time unless remedial
19 action is taken as soon as possible. The greatest time of risk is the snowmelt
20 period each spring, when massive quantities of water flow into Silver Lake
21 and are impounded by the dam.

22
23 k. The hazard of sudden toppling of the outlet tower may pose a safety risk to
24 District personnel who must access the bridge and tower at least monthly to
25 adjust the valve. Although the bridge and tower are protected from public
26 access, any member of the public who defeated those protections would be
27 exposed to the same potential hazard.

1 1. It is the professional opinion of District staff that the use of procurement
2 by negotiation in accordance with applicable law and District
3 Administrative Regulations, and an exemption from otherwise applicable
4 CEQA requirements will substantially accelerate the design work,
5 procurement of goods and services, and construction work necessary to
6 perform remedial actions.
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8 2. Based on the facts and professional opinions stated herein and all written, oral,
9 and visual evidence presented at the hearing of this Resolution, the Board of
10 Directors finds and declares that the present condition and need for remedial
11 action at the Silver Lake Dam outlet works is a sudden, unexpected occurrence
12 that involves or poses a clear and imminent danger, and that requires or demands
13 immediate action to prevent or mitigate the loss or impairment of life, health,
14 property, or essential public services within the meaning of Public Contract Code
15 section 1102 and CEQA Guidelines section 15359, and therefore constitutes an
16 emergency.
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18 3. Based on the facts and professional opinions stated herein and upon all written,
19 oral, and visual evidence presented at the hearing of this Resolution, the Board of
20 Directors hereby finds and declares:
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22 a. That the emergency will not permit a delay resulting from a competitive
23 solicitation for bids, and that the actions authorized and directed herein are
24 necessary to respond to the emergency.
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b. That the project of remediating the present conditions at the Silver Lake Dam outlet works and re-establishing a fully functioning system for controlled releases from Silver Lake is exempt from CEQA.

4. The Board of Directors hereby delegates, authorizes, and directs the District General Manager and his designees to procure by negotiation engineering and construction services necessary to formulate and execute a plan for remediating the emergency conditions declared herein. The General Manager or his designees shall report to and seek ratification of the Board of Directors for each action taken in excess of their normal authority, at the first regular Board of Directors meeting held after each such action.

5. This Resolution shall take effect immediately upon adoption. Subject to the ratification required by Public Contract Code sections 22050(b)(3), (c)(1), and (c)(2), and by District Administrative Regulation 3061.1, subdivision g, this Resolution shall remain in full force an effect until rescinded by a subsequent Resolution of the Board of Directors.

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The foregoing Resolution was introduced at a special meeting of the Board of Directors

1 of the EL DORADO IRRIGATION DISTRICT, held on the _____th of _____, 2008, by

2 Director _____, who moved its adoption. The motion was seconded by

3 Director _____, and a poll vote taken which stood as follows:

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6 AYES:

7 NOES:

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9 ABSENT:

10 ABSTAIN:

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12 The motion having a majority of votes "Aye", the resolution was declared to have been
13 adopted, and it was so ordered.

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15 _____
16 President, Board of Directors of
17 EL DORADO IRRIGATION DISTRICT

18
19 ATTEST:

20 _____
21 Clerk to the Board

22 (SEAL)

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I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT

1 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
2 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
3 regular meeting of the Board of Directors held on the _____ day of _____, 2008.
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6 _____
7 Clerk to the Board
8 EL DORADO IRRIGATION DISTRICT
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