

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Public Works

BOARD AGENDA:5.C.1  
AGENDA DATE: July 30, 2024

**SUBJECT:**

Approval of an Update in Accordance with Public Contract Code Section 22050 for the  
Emergency Repairs to Crows Landing Community Services District's Well No. 4  
Replacement Project

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2024-0416**

On motion of Supervisor Withrow ----- Seconded by Supervisor Chiesa -----  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, C. Condit, and Chairman Grewal -----

Noes: Supervisors: None -----

Excused or Absent: Supervisors: B. Condit -----

Abstaining: Supervisor: None -----

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

**MOTION:**

  
ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:5.C.1  
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CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

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**SUBJECT:**

Approval of an Update in Accordance with Public Contract Code Section 22050 for the Emergency Repairs to Crows Landing Community Services District's Well No. 4 Replacement Project

**STAFF RECOMMENDATION:**

1. Approve an emergency update in accordance with California Public Contract Code Section 22050 for emergency repairs to Crows Landing Community Services District's Well No. 4 Replacement Project.
2. Affirm by a 4/5 vote the emergency declaration remains necessary and authorize staff to proceed with needed repairs to Crows Landing Community Services District's Well No. 4 Replacement.

**DISCUSSION:**

The Crows Landing Community Services District (CLCSD) owns, operates, and maintains a water distribution system to serve approximately 355 residents of the Crows Landing Community. The existing water system is served by two groundwater wells, Well No. 4 and Well No. 5. The CLCSD Well No. 4 experiences periodic failures that renders the Community with only one well with no backup system for water services.

The proposed Crows Landing Industrial Business Park (CLIBP) is to the west of the Crows Landing Community and will transform the former Crows Landing Naval Air Facility into a vibrant, regional employment and business center. The design of infrastructure improvements at the former base are underway.

On November 29, 2022, the Board of Supervisors approved a Memorandum of Understanding with the CLCSD that outlined the construction of a new well for the CLIBP and the rehabilitation of the existing CLCSD Well No. 4. A proposed inter-connection between the new CLIBP well and CLCSD Well No. 4 would provide mutually beneficial redundant well backup water service. The CLIBP well has been drilled, but the functionality of the new CLIBP well will not occur until early 2025. The attempted rehabilitation efforts for the CLCSD Well No. 4 have found that there are failures in the well casing. As a result, there will continue to be operational challenges for the CLCSD Well No. 4, exposing the Crows Landing Community to a lack of water should their lone Well No. 5 become inoperable.

As a result of these circumstances, the Public Works Department and CLCSD have agreed to drill a new well on the CLCSD Well No. 4 site, relocate the existing pump and

equipment into the new well, and abandon the existing well. It is also agreed that while the CLCSD Well No. 4 is off-line a contractor be on standby to make any needed repairs should the remaining CLCSD Well No. 5 become inoperable. Finally, it was agreed that these repairs should be made as soon as possible to avoid the summer peak water demands and groundwater drawdown.

On April 16, 2024, the Board of Supervisors approved the declaration of an emergency to drill a new well for CLCSD.

California Public Contract Code (PCC) section 1102 states, "Emergency, 'as used in this code', means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." Utilizing the required timelines of a traditional public bidding procedure and execution of a contract by the Board of Supervisors would extend the start of construction into the summer months where there would be extreme risk to the operation of the Crows Landing Community's water supply system.

Public Works has prepared Plans and Specifications for the Well No. 4 replacement, has obtained permission to enter the CLCSD properties, and the CLCSD has filed the required environmental Notice of Exemption. A permit for the new well and demolition of the existing well has been approved. Public Works advertised for bidding from contractors and bids were opened on April 26, 2024. Rounded to the nearest dollar, the low bid by Howk Systems, of Modesto, California, in the amount of \$1,217,720, was accepted and awarded by the Public Works Director under authority granted by Board Resolution No. 2024-0170. The project cost will be eligible for reimbursement under the American Rescue Plan Act. Work has begun on abandoning the existing well. Drilling for the new well started on July 8, 2024, and was completed on July 12, 2024. A fully functioning new well is anticipated by mid-August. During the time that the existing Well No. 4 is out of service, a back-up generator and pump will be on stand-by should the remaining CLCSD well malfunction.

As required by the Public Contract Code 22050(c)(1), Staff will return to the Board of Supervisors and report on the status of the emergency repair project at its next regularly scheduled meeting and every 14 days thereafter. Staff will return to the Board to provide an update at the August 13, 2024, meeting.

**POLICY ISSUE:**

Public Contract Code (PCC) Section 22050(a)(1) states, "In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, 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." Further, PCC Section 22050(c)(1) requires Staff to report on the emergency at its next regularly scheduled meeting and every 14 days thereafter until the emergency is terminated.

It is important to note that following emergency procedures will still require prevailing wage.

**FISCAL IMPACT:**

The cost of the repairs is estimated at approximately \$1.4 million. This is an increase to the \$1.3 million previously stated in prior Board of Supervisor agenda items and reflects the awarded bid amount and construction support. Staff will return to the Board of Supervisors with cost updates as the project progresses. The Board of Supervisors previously approved a spending plan for the County's American Rescue Plan Act (ARPA) funds, which included \$12 million for the CLIBP projects.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priorities of *Delivering Efficient Public Services* and *Enhancing Community Infrastructure* by repairing the well system.

**STAFFING IMPACT:**

Existing Public Works Staff will oversee the work related to this Emergency Project.

**CONTACT PERSON:**

David A. Leamon, Director of Public Works

(209) 525-4130