



# STAFF REPORT

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**Meeting Type:** Board of Directors  
**Title:** Emergency Contracting Provisions West Peak Power Pole Removal  
**From:** Shaun Horne, Director of Watershed Resources  
**Through:** Ben Horenstein, General Manager  
**Meeting Date:** May 21, 2024

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**TYPE OF ACTION:**      X      Action                      Information                      Review and Refer

**RECOMMENDATION:** Adopt a resolution approving the continuing use of the District's emergency contracting procedures for West Peak Emergency Power Pole Removal, to Pinnacle Power Services as executed by the General Manager to ensure prompt removal of downed and partially downed power poles and associated infrastructure at West Peak

**SUMMARY:** Severe winter storms in early February resulted in winds of over 100 mph on the top of Mt. Tamalpais at West Peak. These storms resulted in severe damage to the remnant power lines and power poles that run through the Old Mill Valley Air Force Base at West Peak. Storm damage has compromised 49 poles on the District's watershed lands that require immediate removal to protect public safety and 18 transformers.

**DISCUSSION:** The District owns and manages over 21,000 acres of watershed lands on Mt. Tamalpais and in west Marin. The District's watershed lands are open to the public to enjoy. West Peak has numerous trails around and through the site that are routinely used by visitors. The site offers panoramic views of the Bay Area from the top of Mt. Tamalpais. However, the site is currently closed to all visitors due to storm damage that occurred and has made the site unsafe for those who may try to visit the area despite the closure. As a result of severe winter weather and wind, the District needs to take immediate action to remove the compromised and down power lines and poles.

Rangers identified the hazardous conditions at West Peak in February. Immediately after identifying the hazard, the District coordinated with PG&E to secure the site and disconnect the power lines from the PG&E facilities. Pinnacle Power responded to assess the site conditions and worked with the District's Watershed Maintenance Division to develop a plan for removing and disposing of the compromised infrastructure.

## Emergency Contracting Provisions

West Peak Emergency Power Pole Removal must occur on an emergency basis because:

1. A significant emergency exists with downed power poles, compromised poles, and the associated power line infrastructure at West Peak.
2. Immediate removal of downed power line infrastructure is necessary to remove the hazardous conditions and restore safe public access to the site.

District Code Section 2.90.055 (a) allows construction contracts to be awarded upon obtaining informal quotations without advertisement in significant emergencies or when repairs or replacements are necessary to permit continued operation or services by the District upon the approval of a four-fifths vote of the Board of Directors. This action is based on a finding that the emergency will not permit the delay, which would result from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

District Code Section 2.90.055 (b) allows the General Manager to award a contract for emergency services in order to respond to the exigent circumstances in a timely manner, and provided that the General Manager shall timely inform the Board. The Board shall determine by a four-fifths vote at every regularly scheduled meeting thereafter whether there is a need to continue the action. The Board shall terminate the action at the earliest possible date that permits the remainder of the emergency work to be completed pursuant to a contract awarded after competitive bidding.

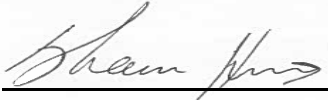
On March 13, 2024, the District General Manager awarded an emergency general services agreement to Pinnacle Power based on the informal quote listed below in order to commence the prompt removal of the compromised power poles and ancillary equipment. The General Manager reported to this Board at the March 19<sup>th</sup> meeting and the Board ratified the emergency contract and approved continue use of the emergency contracting provisions to quickly restore the site and protect public safety. Work began on March 21<sup>st</sup> and is expected to continue through May due to weather and logistical delays. This item seeks a determination by the Board, by a four-fifths vote, that there is a continuing emergency requiring the emergency services as set forth in the contract.

**ENVIRONMENTAL REVIEW:** The Project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b) "Existing Facilities" in that the Project performs minor repairs and alterations to an existing facility involving no expansion of use. Application of the categorical exemption is not barred by any of the exceptions set forth in 14 CCR Section 15300.2. The Project is also statutorily exempt under CEQA Guidelines section 15269(c) in that the prompt removal of the compromised power poles and ancillary equipment is necessary to mitigate the risk to public safety in the near term.

**FISCAL IMPACT:** Funds budgeted in the District's Watershed Capital Budget A1E05 will be used to cover the emergency removal costs and transformer disposal.

**ATTACHMENT(S):**

1. Proposed Resolution Approving the Continued Use of the District's Emergency Contracting Provisions

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
<u>Watershed</u>	 <b>Shaun Horne</b> <b>Watershed Resources</b> <b>Director</b>	 <b>Ben Horenstein</b> <b>General Manager</b>