



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 6B ADOPTION OF RESOLUTION 24-485. DISCUSS, REVIEW, AND ADOPT A RESOLUTION APPROVING THE AGREEMENT WITH PARADISE TREE SERVICE FOR DEBRIS REMOVAL.**

#### Summary:

During high tide and storm events during the winter of 2023-24, large logs, driftwood, and other natural debris clogged the creek bed above the San Simeon Community Services District (“District”) wastewater treatment plant pipeline bridge spanning the Arroyo Del Padre Juan. The log jam is over 100 feet long, over 30 feet wide, and approximately 6 to 10 feet above the creek bed.

Paradise Tree Service (“Paradise”) submitted a proposal to clear the tree and debris obstructions in the creek bed before damage occurs to the pipeline bridge. Paradise’s proposal included a cost estimate of Fifty-Four Thousand Dollars (\$54,000.00) for the work. The District and Paradise have negotiated an agreement for the proposed work, which would commence after all required permits are obtained by the District.

Section 19.03 of the Policies and Procedures Governing the San Simeon Community Services District and Board of Directors (“Policies and Procedures”) generally requires the District to solicit formal, advertised bids or requests for proposals if the expenditures exceed Fifty Thousand Dollars (\$50,000). However, “emergency conditions” allow the District to proceed without soliciting formal, advertised bids or requests for proposals. The Policies and Procedures specify:

An emergency is defined as a breakdown in machinery and/or equipment resulting in the inability of the District to provide essential services or a threat to public health, safety, or welfare, including, but not limited to, threatened damage to natural resources or an imminent threat of injury or damage to any person or property.

The District’s urgent need to remove the debris clogging the creek bed above the pipeline bridge constitutes an emergency condition. The log jam behind the pipeline bridge requires an emergency fix due to the risk of potential damage to the pipeline bridge, which would cause immediate and substantial risk to public health because without the pipe bridge, the District would be unable to provide water and wastewater service to its citizens. Further,

there would be a risk to natural resources due to a sewage spill into the ocean.

Section 18.08.01 of the Policies and Procedures requires all expenditures and purchases of \$5,000 or greater to have prior authorization/approval by the District Board of Directors (“Board”). The proposed Resolution approves the agreement with Paradise for debris removal and authorizes the District’s Interim General Manager to execute the agreement.

Board Actions:

1. The Board may adopt the Resolution approving the agreement with Paradise Tree Service for debris removal.
2. The Board may adopt the Resolution approving the agreement with Paradise Tree Service for debris removal, subject to any changes as directed by the Board.
3. The Board may reject the Resolution approving the agreement with Paradise Tree Service for debris removal and take no further action.

Attachments:

1. Resolution.
2. Agreement with Paradise Tree Service for Debris Removal.