



**PUBLIC SERVICE BOARD MEETING  
AGENDA ITEM  
REGULAR MEETING**

**Wednesday, June 08, 2022**

**SUBJECT**

2022 Emergency Stormwater System Resolution and monsoon season preparedness update

**BACKGROUND**

In the 2021 monsoon season, severe rain events impacted the entire city, causing significant stormwater runoff, overflows, blockages, mudslides, and water stagnation, resulting in property damage to real estate as well as facilities owned by El Paso Water. The 2021 Emergency Stormwater System Resolution authorizing the President/CEO to contract and purchase without further action of the PSB, pursuant to allowable exemptions to the bid statute under Section 252.022(a) of the Texas Local Government Code, facilitated the urgent repairs, maintenance, upgrades, and construction of over 40 projects in the span of over ten months necessary to protect the public health and safety of residents, customers, and property owners and to immediate repairs due to unforeseen damage to EPWater property.

Based on information and discussion with a Hydrometeorologist under contract with EPWater, statistics, probability, and behavior of past monsoon seasons in El Paso, it is probable to experience rain events similar to 2021 in the upcoming 2022 monsoon season. An approved 2022 Emergency Stormwater System Resolution will authorize the President/CEO or designee to take necessary action to preserve and protect the public health and safety of residents and to immediately repair EPWater facilities and property if severe storms cause substantial damages to the Stormwater System.

**STRATEGIC OBJECTIVES SUPPORTED**

Improve Infrastructure

**EVALUATION PROCESS**

If there is an urgent public necessity to repair damages to the Stormwater System caused by severe 2022 monsoon season storms, various consultants and contractors will be selected to perform the necessary design and repairs. Where contractors are already mobilized, they will be used to complete the repairs. In areas where no contractors are mobilized, selection will be based on their past experience and qualifications to complete the work, as well as their ability to mobilize immediately. President/CEO or designee would be authorized to take actions and make procurement related to emergency stormwater relief that results from severe 2022 monsoon season storms, pursuant to allowable exemptions to the bid statute under Section 252.022(a) of the Texas Local Government Code in order to immediately construct, repair and maintain EPWater facilities and property to mitigate flooding and damage to property or the loss of life.

**FINANCIAL IMPLICATIONS**

Sufficient funds will be available from various accounts.

**PROPOSED ACTION REQUESTED**

Adopt the 2022 Emergency Stormwater System Resolution, authorizing the President/CEO or designee to contract and purchase without further action of the Public Service Board, pursuant to allowable exemptions to the bid statute under section 252.022(a) of the Texas Local Government Code, including Texas Local Government Code Section 252.022(a)(2) procurements made to preserve and protect the public health and safety of the residents of El Paso, and Texas Local Government Code Section 252.022(a)(3) procurements necessary because of unforeseen damage to public property, machinery, equipment, or other property, if severe storms during the 2022 monsoon season cause damage to the Stormwater System.

**SUPPORTING DOCUMENTATION PROVIDED**

- Resolution

## RESOLUTION

### **AN EMERGENCY STORMWATER SYSTEM RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AUTHORIZING THE PRESIDENT/CEO OR DESIGNEE TO CONTRACT AND PURCHASE WITHOUT FURTHER ACTION OF THE PUBLIC SERVICE BOARD, PURSUANT TO ALLOWABLE EXEMPTIONS TO THE BID STATUTE UNDER SECTION 252.022(a) OF THE TEXAS LOCAL GOVERNMENT CODE.**

**WHEREAS**, the City of El Paso, Texas (“City”) established the Municipal Drainage Utility System under Ordinance 016668 and vested complete authority and control of the management and operation of the Drainage System in the Public Service Board (“Board”) for El Paso Water Utilities (“El Paso Water”) to ensure that management and control of storm water adequately preserves and protects the public health, safety and welfare of the residents of El Paso, Texas; and

**WHEREAS**, the 2022 monsoon season in El Paso, Texas is from June 15, 2022 and September 30, 2022; and

**WHEREAS**, EPWater’s Hydrometeorologist’s opinion, based on training and experience, is that it is probable to experience rain events similar to the 2021 monsoon season in the upcoming 2022 monsoon season based on statistics, probability and behavior of past monsoon seasons; and

**WHEREAS**, severe storms during the 2022 monsoon season may cause significant storm water runoff, surface water overflows and surface water stagnation, resulting in substantial property damage to the real estate and facilities belonging to El Paso Water; and

**WHEREAS**, if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System, an urgent public necessity will exist to take action for certain procurements in order to immediately construct, repair and maintain El Paso Water’s facilities and property to mitigate flooding and damage to property or the loss of life; and

**WHEREAS**, the Board finds that certain purchases and contracts are necessary to preserve and protect the public health and safety of residents, customers, and property owners and to immediately repair unforeseen damage to El Paso Water property, if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System.

**NOW, THEREFORE, BE IT RESOLVED by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas:**

**Section 1.** That the findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Public Service Board (PSB Board) and made a part of this Resolution for all purposes.

**Section 2.** That, pursuant to this Resolution, if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System, the President/CEO or designee is hereby authorized to take such action and make such procurements related to emergency stormwater relief that result from such storms, both in facilities and contracts, without further PSB Board action, so as to ensure necessary and essential collection of storm water runoff and to protect the health, safety and welfare of the residents, customers and property owners from storm water overflows and stormwater stagnation. If such emergency occurs, the President/CEO or designee is directed to take whatever action in his judgement is necessary, to include, but not by way of limitation, design, construction, repair and maintenance to facilities and property of El Paso Water Utilities that results from severe monsoon season storms of 2022. Because of the emergency nature of damages caused by severe storms, the President/CEO or designee is further authorized to enter into contracts and make purchases in accordance with the exemption to the State competitive bidding statutes as allowed under Texas Local Government Code Section 252.022(a), including Sections 252.022(a)(2) and 252.022(a)(3), 252.022(a)(4) and 252.022(a)(7), if severe storms occur during 2022 monsoon season, which cause substantial damage to the Stormwater System.

**Section 3.** That pursuant to this Resolution, if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System, the President/CEO or designee is authorized to enter into contracts for professional engineering services, without further PSB Board action, with the most qualified professional service provider pursuant to Chapter 2254 Texas Government Code, without a need to follow the Architect and Engineer Selection Policy procedures.

**Section 4.** That pursuant to this Resolution, if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System, the President/CEO or designee is authorized to take any and all related actions, such as the negotiation and signing of contracts and termination of contracts, which are hereby authorized to protect the best interests of the Stormwater System and the residents, customers and property owners.

**Section 5.** The authorization granted by this Resolution shall commence if severe storms occur during 2022 monsoon season which cause substantial damage to the Stormwater System and continue in full force and effect until amended or revoked by the El Paso Water Utilities Public Service Board, based on a determination that an urgent public necessity no longer exists to take action to construct, repair or maintain El Paso Water's facilities and property to mitigate flooding and damage to property or the loss of life.

**Section 6.** The President/CEO will report to the El Paso Water Utilities Public Service Board on actions taken pursuant to this Resolution.

**Section 7.** This Resolution shall become effective immediately upon its adoption and passage.

(Signatures Begin on the Following Page)

**PASSED AND APPROVED** at the regular meeting of the El Paso Water Utilities Public Service Board of the City of El Paso, Texas, this 8<sup>th</sup> day of June, 2022, at which meeting a quorum was present and which was held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001, et. Seq.

**EL PASO WATER UTILITIES  
PUBLIC SERVICE BOARD**

\_\_\_\_\_  
Kristina Mena, Chair

**ATTEST:**

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Bryan Morris, Secretary/Treasurer

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Daniel Ortiz,  
General Counsel

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Gisela Dagnino,  
Chief Operations Officer