



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

Wednesday, November 10, 2021

SUBJECT

Emergency Stormwater System Resolution for City-Wide Repairs to the Stormwater System

BACKGROUND

In the months of June-August 2021, severe rain events impacted the entire city. In some areas, the rain storms surpassed the intensities from the monsoonal storms in 2006, precipitating as much as 6 inches of rain. These rain events caused significant stormwater runoff, overflows, blockages, and water stagnation, resulting in damage to facilities owned by EPWater. While damage to the stormwater system continues to be assessed, facilities already identified as having been damaged include but are not limited to: Sam Snead Storm Drain System, High Ridge Channel, Mesa Park Dr Arroyo (Flow Path 20A), Hickerson WRF, Ojo De Agua Channel, Keystone Dam Access Road, Magdalena Pond, Franklin Crest Flume, and Canterbury Channel (Flow Path 21A).

STRATEGIC OBJECTIVES SUPPORTED

Improve Infrastructure

EVALUATION PROCESS

This year's monsoon season brought on severe weather conditions resulting in severe damage to infrastructure. EPWater must continue to take necessary action to repair damage and protect the public and infrastructure.

Various contractors and consultants were selected to perform the necessary repairs. Where contractors are already mobilized, they will continue to complete the repairs. 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.

Public necessity exists to take urgent action for certain procurements and contracts in order to immediately construct, repair and maintain EPWater's facilities and property to mitigate flooding and damage to property or the loss of life. It is advisable to position the Utility to exercise exemptions to the State's bidding statutes under Texas Local Government Code Section 252.022(a), such as the exemption of procurements made to preserve and protect the health and safety of the customers of EPWater, from adherence to competitive bidding statutes.

FINANCIAL IMPLICATIONS

Sufficient funds are available from various accounts.

PROPOSED ACTION REQUESTED

Consider and adopt an Emergency Stormwater System Resolution authorizing the President/CEO or designee to continue 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.

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 CONTINUE CONTRACTING AND PURCHASING WITHOUT FURTHER ACTION OF THE PSB 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 protects the health, safety and welfare of the residents of the City; and

WHEREAS, severe storms during the 2021 monsoon season caused 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, there remains a critical need to continue to contract for the completion of substantial stormwater repairs related to the 2021 monsoon season prior to the 2022 monsoon season, in approximately 6 months, or else face an imminent threat of hazard or danger to the public when the next severe weather condition arrives; and

WHEREAS, an urgent public necessity exists 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 Utility property.

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, the President/CEO or designee is hereby authorized to take such action and make such procurements related to emergency stormwater relief, 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. 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 resulted from the severe monsoon season storms of 2021. Because of the emergency situation, 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 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).

Section 3. That, pursuant to this Resolution, 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, 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 Drainage System and the residents, customers and property owners.

Section 5. This Resolution and its authorization shall 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 the progress made and actions taken.

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 10th day of November, 2021, 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:

Christopher Antcliff, Secretary/Treasurer

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Daniel Ortiz, General Counsel

Gilbert Trejo, Chief Technical Officer