

RESOLUTION NO. 2026-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT PURSUANT TO PUBLIC CONTRACT CODE §§ 20645 & 22050 DECLARING AN EMERGENCY CONDITION AT THE R.W. MATTHEWS DAM INTAKE STRUCTURE AND AUTHORIZING EMERGENCY PROCUREMENT OF COMMERCIAL DIVE SERVICES

WHEREAS, the Humboldt Bay Municipal Water District (District) owns and operates the R.W. Matthews Dam and Ruth Lake reservoir, which serves as the sole primary water supply for approximately 90,000 Humboldt County residents; and

WHEREAS, on March 3, 2026, during a Division of Safety of Dams (DSOD) field inspection, the hydraulic slide gate at the R.W. Matthews Dam intake structure failed while being operated to the closed position and is now stuck in a partially open position and cannot be operated in either direction; and

WHEREAS, the partially open gate may be subject to cavitation damage due to high-velocity flow, and there is no stop log structure or alternative closure mechanism available to isolate the intake; and

WHEREAS, the District cannot dewater the penstock or access the slide gate cylinder room and hydraulic system for repair without first isolating the intake underwater; and

WHEREAS, the District's Situation Evaluation Committee has been activated pursuant to the District's Emergency Action Plan for a "High Flow or Non-Failure Emergency," and local, state and federal agencies have been notified of the condition; and

WHEREAS, specialized commercial dive services are required to perform underwater inspection, assessment, and repair of the slide gate system and associated hydraulic components located approximately 110 feet below the water surface; and

WHEREAS, Public Contract Code §1102 defines an emergency as 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; and

WHEREAS, the Board of Directors finds that the slide gate failure at the R.W. Matthews Dam intake structure constitutes such an emergency; and

WHEREAS, Public Contract Code §22050 authorizes a public agency, in the case of emergency, to 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 without competitive bidding, provided that the governing body determines by a quorum vote that the emergency will not permit delay resulting from competitive solicitation and that immediate action is necessary; and

WHEREAS, the Board of Directors finds that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health, property, and essential public services, and that emergency procurement of commercial dive services is necessary to inspect and repair the slide gate system at the R.W. Matthews Dam intake structure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Humboldt Bay Municipal Water District as follows:

1. The Board of Directors hereby finds and declares that an emergency exists within the meaning of Public Contract Code §§1102, 20645, and 22050 due to the failure of the hydraulic slide gate at the R.W. Matthews Dam intake structure.
2. The Board further finds that the emergency will not permit a delay resulting from competitive solicitation for bids and that immediate action is necessary to protect the District's water supply infrastructure and restore emergency shutoff capability.
3. The General Manager is hereby authorized and directed to procure commercial dive services and any necessary equipment, materials, and related services on an emergency basis without competitive bidding in order to inspect, assess, and repair the slide gate system and associated hydraulic components.
4. The General Manager is authorized to expend up to **\$215,000 from the District's Capital Reserve Fund** for emergency dive services, including underwater inspection and repair of the slide gate operating system.
5. Pursuant to Public Contract Code §22050(b), the Board shall review the emergency action at its next regularly scheduled meeting and at each regularly scheduled meeting thereafter until the emergency action is terminated, to determine by a quorum vote that there remains a need to continue the emergency action.
6. The Board shall terminate the emergency action at the earliest possible date that conditions warrant so that any remaining work may be completed in accordance with normal competitive bidding requirements.

PASSED and ADOPTED on this 12th day of March 2026, at a Special Meeting of the Board of Directors of the Humboldt Bay Municipal Water District, based on the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

Sheri Woo, Vice President

Contessa Dickson, Board Secretary