

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN SENATE JUNE 9, 2014

AMENDED IN SENATE FEBRUARY 20, 2014

AMENDED IN ASSEMBLY MAY 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 155

Introduced by Assembly Member Alejo
(Coauthor: Assembly Member Stone)
(Coauthors: Senators Cannella and Monning)

January 22, 2013

An act to add Section 11.1 to the Monterey County Water Resources Agency Act (Chapter 1159 of the Statutes of 1990), relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 155, as amended, Alejo. Monterey County Water Resources Agency: design-build.

(1) Existing law, the Monterey County Water Resources Agency Act, establishes the Monterey County Water Resources Agency as a flood control and water agency within the County of Monterey.

This bill would authorize the agency to award a design-build contract for the combined design and construction of a project to connect Lake San Antonio, located in the County of Monterey, and Lake Nacimiento, located in the County of San Luis Obispo, with an underground tunnel or pipeline for the purpose of maximizing water storage, supply, and groundwater recharge.

(2) The bill would declare that, due to the unique circumstances of the agency, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The Salinas Valley contains some of the most fertile land
4 in, and is a leading provider of produce to, the world, and due to
5 the economic impact of its production it contributes to the general
6 economic well-being of the state.

7 (2) As of 2014, the state, including the County of Monterey,
8 has experienced extraordinary drought conditions, which threaten,
9 in part, the economic viability and agricultural production of the
10 valley.

11 (3) In light of these extraordinary drought conditions, the
12 Governor, on January 17, 2014, declared a state of emergency.

13 (4) The Monterey County Water Resources Agency (hereafter
14 the agency), established pursuant to Chapter 1159 of the Statutes
15 of 1990, owns and controls two reservoirs: Lake San Antonio,
16 located in the County of Monterey, and Lake Nacimiento, located
17 in the County of San Luis Obispo.

18 (5) These lakes provide water storage for, and flood control
19 protection to, the Salinas Valley River Groundwater ~~basin~~ Basin
20 downstream of the lakes, and also improves water supply and
21 groundwater recharge in the basin, which contribute to the
22 economic viability and agricultural production of the valley.

23 (6) The agency has previously undertaken projects to improve
24 water storage and groundwater recharge within the basin, including
25 the Salinas Valley Water Project, which, in part, implemented
26 modifications to the spillway in the dam at Lake Nacimiento, and
27 in the operation of the dams and spillways at the lakes.

28 (7) Despite these projects, the current drought conditions will
29 have long-term significant impacts on the agricultural production

1 in the valley, and additional appropriate projects are necessary to
2 ensure the continued economic viability and agricultural production
3 in the valley, especially in light of future conditions as may be
4 affected by global climate change.

5 (8) The watershed of Lake Nacimiento generally experiences
6 more runoff from storms and thus provides more water for storage
7 than does the watershed of Lake San Antonio and, as a result, water
8 otherwise available for storage at Lake Nacimiento is lost due to
9 volumes exceeding its storage capacity.

10 (9) The agency has proposed a project to connect Lake
11 Nacimiento and Lake San Antonio by an underground tunnel or
12 pipeline that would be constructed within a right-of-way or other
13 easement acquired by the agency for that purpose.

14 (10) The project will maximize overall water storage at the lakes
15 by allowing the conveyance of water to Lake San Antonio for
16 storage that may otherwise overflow from Lake Nacimiento, thus
17 improving the benefits provided by the lakes and the Salinas Valley
18 Water Project to the basin and the valley, mitigating the impact of
19 the drought, and improving the economic viability of the valley
20 and its agricultural production, all benefitting the state.

21 (11) Utilizing an alternative project delivery system, consisting
22 of a design-build contract, will provide benefits by shifting the
23 liability and risk for cost containment and project completion to
24 the design-build entity, and will provide for the more timely and
25 efficient project delivery in light of the current drought conditions
26 and the Governor's emergency declaration.

27 (12) The agency has requested the authority to utilize the
28 alternative project delivery system in conjunction with a project
29 labor agreement that meets the requirements of Chapter 2.8
30 (commencing with Section 2500) of Part 1 of Division 2 of the
31 Public Contract Code so as to complete the project in a more timely
32 and efficient manner without any disruptions.

33 (b) It is the intent of the Legislature that the design-build process
34 set forth in Section 2 of this act may be used by the agency solely
35 for the purpose of the project, and not for other purposes.

36 SEC. 2. Section 11.1 is added to the Monterey County Water
37 Resources Agency Act (Chapter 1159 of the Statutes of 1990), to
38 read:

39 11.1. (a) The following definitions apply to this section:

1 (1) “Design-build” means a procurement process in which both
2 the design and construction of a project are procured from a single
3 entity.

4 (2) “Design-build entity” means a partnership, corporation, or
5 other legal entity that is able to provide appropriately licensed
6 contracting, architectural, and engineering services as needed
7 pursuant to a design-build contract.

8 (3) “Lakes” means collectively Lake San Antonio, located in
9 the County of Monterey, and Lake Nacimiento, located in the
10 County of San Luis Obispo, both owned and operated by the
11 Monterey County Water Resources Agency.

12 (4) “Project” means a project to connect the lakes with an
13 underground tunnel or pipeline for the purpose of maximizing
14 water storage, supply, and groundwater recharge at the lakes, and
15 within the Salinas Valley River Groundwater Basin and the Salinas
16 Valley proper, including all necessary subsurface and surface
17 improvements.

18 (5) “Project labor agreement” means an agreement that meets
19 the requirements of Chapter 2.8 (commencing with Section 2500)
20 of Part 1 of Division 2 of the Public Contract Code.

21 (b) (1) Notwithstanding any other law, the agency may award
22 a design-build contract for the combined design and construction
23 of the project.

24 (2) If the agency does award a design-build contract as
25 authorized under paragraph (1), it shall do the following:

26 (A) Establish a procedure for the selection of the design-build
27 entity for the project.

28 (B) Award the contract based upon a written proposal that is
29 determined to be the most advantageous to the agency.

30 (C) Ensure that the design-build entity selected for the project
31 enters into a project labor agreement that will bind all of the
32 contractors performing work on the project.

33 (c) The agency may utilize a design-build contract solely for
34 the project and for no other purpose.

35 SEC. 3. The Legislature finds and declares that a special law
36 is necessary and that a general law cannot be made applicable
37 within the meaning of Section 16 of Article IV of the California
38 Constitution because of the unique circumstances of the Monterey
39 County Water Resources Agency.

1 SEC. 4. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to mitigate the conditions within the County of Monterey
6 caused by the current drought and as set forth by the Governor in
7 the related emergency declaration, it is necessary that this act take
8 effect immediately.

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