The County of Yuba

County Administrator

TO: Board of Supervisors

FROM: Kevin Mallen, County Administrator

SUBJECT: Approve joint powers agreement with Yuba Water Agency for use of construction manager at-risk procurement (CMAR) and authorize Chair to execute.

DATE: January 13, 2026

NUMBER: 639/2025

Recommendation

Approve joint powers agreement with Yuba Water Agency for use of construction manager at-risk procurement (CMAR) and authorize Chair to execute.

Background/Discussion

The Joint Powers Agreement (Agreement) between Yuba Water Agency (Agency) and Yuba County to create the Yuba Water Construction Authority (Authority) would establish the Authority as an independent joint powers authority to use the "construction manager at-risk" (CMAR) procurement method for select future Agency public works projects. CMAR is a competitively procured contract that guarantees project costs and provides construction management and general contractor services. This method is expected to reduce costs and risks for Agency projects while improving project efficiency.

A joint powers agreement is necessary because the Agency is not one of the entities authorized by statute to use CMAR directly. Public Contract Code section 20146 authorizes the County, or a public entity with a governing body made up of the County Board of Supervisors, but not the Agency, to use CMAR procurement for public works projects exceeding $1 million. By partnering with the County to form the Authority, the Authority can utilize this efficient procurement method for its upcoming capital projects

The Authority would be set up as a streamlined entity to facilitate Agency projects while maintaining Agency project control and financial oversight. As required by Public Contract Code section 20146, the Authority would be governed by a Board composed of the members of the Yuba County Board of

Supervisors serving as ex-officio Directors. The Authority Board is expected to meet 1-2 times annually immediately after an Agency regular meeting.

Although the Authority would have its own governing board, the Agency maintains primary control over all projects through individual Project Agreements between the Agency and Authority:

- **Agency Initiation**: The Agency Board must first propose and approve a Project Agreement before it is considered by the Authority Board.
- **Agency Administration**: The Authority would have no employees of its own. All administrative and technical services would be provided by Agency employees, Agency consultants, or Authority consultants.
- **Direct Oversight**: All project activities, including advertising for and awarding CMAR contracts and establishing project pricing, would be performed in consultation with the Agency.
- **Return of Project Assets**: Upon project completion, the Authority would be required to grant all rights and obligations in the CMAR project back to the Agency.

Committee Action

This item is being directly to the full Board for consideration following the Agency's approval of the Agreement on January 6, 2026.

Fiscal Impact

None

Attachments

639/2025 JPA with YWA