



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works/Flood Control
Department No.: 054
For Agenda Of: May 16, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote

TO: Board of Supervisors
Board of Directors, Flood Control and Water Conservation District

FROM: Department Director(s) Scott D. McGolpin, Public Works Director, (805) 568-3010
Chris Sneddon, Deputy Director – Transportation, (805) 568-3064
Contact Info: Walter Rubalcava, Deputy Director – Water Resources, (805) 568-3436

SUBJECT: Public Works Director’s Report on Emergency Response Actions from Impacts of Flooding and Storms and Continuation of Emergency Actions, All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors and Board of Directors of the Flood Control and Water Conservation District (4/5 vote required):

- a) Receive and review a report from the Public Works Director regarding emergency actions taken pursuant to Resolution No. 19-327 and Public Contract Code section 22050 related to emergency operations responding to flooding, storms, debris removal and transportation projects following the recent storm events and the necessity of the action and the reasons the emergency will not permit delay resulting from competitive solicitation of bids;
- b) Determine that there is a need to continue the emergency actions ordered by the Public Works Director (4/5 vote required);
- c) Direct staff to return to the Board every 14 days to allow the Board to review the emergency action and determine whether there is a need to continue the emergency action, by a 4/5 vote, until the actions are terminated; and

That Board of Directors of the Flood Control and Water Conservation District:

- d) Determine that these emergency actions were found by the Board to be exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15269(c) on January 24, 2023. A Notice of Exemption was filed on this basis on January 24, 2023, and the proposed action is within the scope of that Notice of Exemption. The Notice of Exemption can be found: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6003416&GUID=29008858-08FE-4EDC-9D4F-61F811BF8AA1>

That the Board of Supervisors:

- e) Determine that these emergency actions were found by the Board to be exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15269(d) on February 7, 2023. A Notice of Exemption was filed on this basis on February 7, 2023, and the proposed action is within the scope of that Notice of Exemption. The Notice of Exemption can be found: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6013958&GUID=37923A72-7A13-4F48-85DB-7CFC621E91D2>

Summary Text:

This action is necessary to report on and consider continuing the emergency actions and work being done pursuant to the Public Works Director's authority under Resolution No. 19-327 and in compliance with Public Contract Code (PCC) section 22050.

Flood Control District:

This will be the last report for the Board of Directors to review the emergency response actions taken by the Flood Control District in response to this year's heavy rain events and to the January and March federally declared disasters. Flood Control projects listed in the Emergency Work Actions (Attachment B) will be completed by May 30, 2023 pursuant to Resolution No 19-327 and PCC section 22050. Most of these actions taken were to remove debris from debris basins and clogged creeks and were considered Category A work under the Federal Emergency Management Agency (FEMA) guidelines. This work had to be completed immediately to protect public health and safety and to lessen an immediate threat of additional damage. The remaining Flood Control projects that need to be completed do not fall under the description of this category. Moving forward, Flood Control will continue debris cleanup and repairs to Flood Control facilities and will comply with the applicable PCC sections.

Transportation Division

The Transportation Division will continue to report emergency response actions taken by the division in response to this year's heavy rain events and to the January and March federally declared disasters. The work that Transportation is working to complete will protect public health and safety and to lessen an immediate threat of additional damage.

Background:

On December 17, 2019, your Board explicitly authorized the Public Works Director, or designee, to take action whenever an Emergency occurs whether or not the Emergency results in a declared emergency. This Resolution defines 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” (Pub. Contract Code § 1102.)

Public Contract Code section 22050(a)(1) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may 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 for those purposes, without following otherwise-applicable competitive bid procedures. Section 22050(b)(1), authorizes that the Board of Supervisors/Directors, by a four-fifths vote, may delegate, by resolution, to the appropriate county administrative officer, chief engineer, or other nonelected agency officer, the authority to order any Action.

Following the Board's initial review of the emergency actions, Public Contract Code Section 22050(c)(2) requires the Public Works Department to request that the Board review the emergency action every 14 days, or at the next regularly scheduled meeting, and determine by a 4/5 vote that there is a need to continue the action until the action is terminated. Public Contract Code Section 22050 (c)(3) requires terminating the action at the earliest possible date that conditions warrant so that the remainder of the emergency response can be completed through normal competitive bid procedures.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

Current Flood Control costs associated with the emergency response efforts are being paid out of various flood zones using current appropriations. A Budget Revision Request will come before your Board when needed to reallocate appropriations from capital assets to services and supplies, and if needed, release designations in various flood zones. These costs will be submitted to state and federal agencies for reimbursement. No General Fund monies will be utilized for work associated with these actions.

Current estimated Transportation costs associated with the emergency response efforts will be included in the FY 2023-24 budget in the Transportation Division of the Public Works Department. If FY 2022-23 costs exceed available funding, a Budget Revision Request will come before your Board for approval to address emergency costs and expenditures that will be incurred by the Transportation Division. These costs may also be eligible for state and federal reimbursements.

Special Instructions:

Direct the Clerk of the Board to email the minute order of these actions to Ashley Kruzel at akruzel@countyofsb.org and Christina Lopez at clopez@countyofsb.org.

Attachments:

Attachment A - Copy of Resolution No. 19-327
Attachment B - Emergency Work Actions

Authored by:

Walter Rubalcava, Deputy Director – Water Resources, (805) 568-3436
Chris Sneddon, Deputy Director – Transportation, (805) 568-3064