

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Nm Agenda Number:
Prepared on: March 10, 2005
Department Name: County Administrator
Department No.: 0130
Agenda Date: March 22, 05 - Ongoing 14 day term
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Bruce Carter, OES Manager 681-5559
Phil Demery, Public Works Director 568-3010

SUBJECT: Reaffirm the existence of a Local Emergency resulting from the January 2005 Severe Storm Emergency for the County of Santa Barbara, and; Reaffirming the Waiver of the Competitive Bidding Process Pursuant to Public Contract Code 22050

Recommendation(s):

That the Board of Supervisors:

Adopt a resolution to reaffirm the existence of a Local Emergency due to the January 2005 storm, and to reaffirm the waiver of the competitive bidding process pursuant to Public Contract Code 22050.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 2; Ensure the Public Health and Safety and Provide Essential Infrastructure.

Executive Summary and Discussion:

After the Board declared a local emergency due to the impacts of severe winter storms and at the request of the Board, Governor Arnold Schwarzenegger proclaimed the County of Santa Barbara to be in a State of Emergency. Under the local proclamation, local governments are eligible for recovery of 75% of costs associated with repair and replacement of public facilities and infrastructure. On January 26, 2005 the Governor requested a Presidential major disaster designation for both Individual Assistance and Public Assistance.

On February 4, 2004, President George W. Bush proclaimed the County of Santa Barbara and seven other Southern California counties (Kern, Ventura, Los Angeles, Orange, San Bernardino, Riverside and San Diego) to be a major disaster (FEMA-1577-DR) making local governments, community college districts, school districts, special districts, and certain non-profits eligible for federal disaster assistance. The President's declaration includes only the counties of Ventura and Los Angeles for Individual Assistance (IA) for private individuals and businesses; the remaining six counties were excluded from the IA designation. For Santa Barbara County, President Bush's declaration covers damage to public property that occurred over the period of December 27, 2004 through January 11, 2005. On March 8, 2005 the Board of Supervisors adopted a Resolution requesting that Governor Schwarzenegger and President Bush extend the incident period for FEMA-1577-DR to February 28, 2005.

With the Presidential proclamation, the eligible reimbursement for local government agencies rises to approximately 93.75%. The federal share is 75%, the state share is 18.75% (75% of remaining 25%) and the local share is 6.25%. Assemblymember Pedro Nava is pursuing legislation (AB 164) to increase the State's share of the disaster costs to 25% for Santa Barbara and Ventura Counties. If successful, this legislation would translate to a shift in the disaster assistance. The federal share would remain at 75% while the state share would increase to 25% and the local share would drop to 0%.

On Friday, February 18, 2005, the Governor's Office of Emergency Services requested that the Federal Emergency Management Agency (FEMA) include Individual Assistance for counties contiguous to Los Angeles and Ventura Counties as a result of the damages sustained from FEMA-1577-DR. At the time this Board letter was docketed FEMA has not responded to the State's request.

On January 18, 2005 the Board of Supervisors adopted **Resolution 05-018**, which authorized the waiver of the competitive bidding process for the repair and replacement of public facilities damaged by the emergency conditions pursuant to Public Contract Code Section 22050. Every fourteen (14) days the Board of Supervisors has reaffirmed the existence of a Local Emergency and the Waiver of the Competitive Bidding Process.

This winter's storm event constitutes a continuing emergency and it is impractical to solicit competitive bids for the repair or replacement of public facilities damaged by the unrelenting storms. Public Contract Code Section 22050(a) authorizes the Board of Supervisors, by a four-fifths vote, 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 for those purposes, without giving notice for bids to let contracts*". It is requested that the local emergency be continued and that the bidding process continue to be waived. The Board is obligated to terminate the existence of a local emergency and waiver of the bid process at the earliest possible date that conditions warrant, so that the remainder of work may be completed under the bid process.

Mandates and Service Levels:

No change in programs or service level.

Fiscal and Facilities Impacts:

There are no direct fiscal or facilities impacts as a result of these recommendations. Adoption makes the County eligible for state disaster relief funds otherwise not available and allows storm damage repairs to be made in the most expedient and efficient way possible in preparation for future storms throughout the rest of this winter's storm season.

Special Instructions:

None

Concurrence:

Public Works

County Counsel

General Services

Auditor Controller

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF REAFFIRMING
ONGOING EXISTENCE OF LOCAL
EMERGENCY DUE TO JANUARY 2005,
HEAVY RAINS AND REAFFIRMING
WAIVER OF BIDDING PROCESS
PURSUANT TO PUBLIC CONTRACT
CODE SECTION 22050

RESOLUTION NO. 05-____

WHEREAS, on January 11, 2005, this Board adopted Resolution 05-006 which ratified the proclaimed existence of a local emergency due to heavy rain which created a condition of extreme peril to life and property in Santa Barbara County; and

WHEREAS, Section 8630 of the Government Code provides in part, that the body declaring a local emergency shall review, at least every fourteen (14) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest date that conditions warrant; and

WHEREAS, on January 18, 2005, this Board adopted Resolution 05-018, which authorized the waiver of the competitive bidding process for the repair or replacement of public facilities damaged by the emergency conditions pursuant to Public Contracts Code Section 22050; and

WHEREAS, Public Contracts Code Section 22050 requires this Board to review every 14 days the basis for waiving the competitive bid process; and

WHEREAS, this Board has reviewed and reaffirmed the ongoing need for continuing the local emergency and need for continuing the competitive bidding process, at least every fourteen (14) days; and

WHEREAS, the condition of extreme peril to life and property still exists in this County and the need for the local emergency and waiver of the competitive bid process continues.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara, that there is a need to continue the proclamation of the local emergency that

was made by this Board by Resolution 05-006. The local emergency will continue in place until terminated by action of this Board.

IT IS FURTHER RESOLVED that Board Resolution 05-018 is reaffirmed and the competitive bid process for the repair or replacement of public facilities shall continue to be waived pursuant to Public Contracts Code Section 22050.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this _____ day of _____, 2005, by the following vote (4/5th vote required for waiver of bidding process):

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy