



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:** November 7, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5 vote

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**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** Department Director(s) Scott D. McGolpin, Public Works Director, (805) 568-3010  
Contact Info: Matt Young, Interim Deputy Director – Water Resources, (805) 568-3546  
**SUBJECT:** **Public Works Director’s Report on Emergency Response Actions from Impacts of Flooding and Storms and Continuation of Emergency Actions, Various Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:**

As to Form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

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, and debris removal projects following the 2023 winter 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
- d) Determine that these emergency actions were found by the Board to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269(c) and 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>. Also determine that emergency actions for the Santa Maria River Restoration of Alignment Project were found by the Board to be exempt from the provisions of the State CEQA pursuant to Executive Order N-10-23, as well as State CEQA Guidelines Section 15269(c) on September 12, 2023, and the proposed action is within the scope of the Notice of Exemption filed on September 19, 2023. The Notice of Exemption can be found: <https://content.civicplus.com/api/assets/b121d4bc-a83e-4610-990b-c678c319b94f>.

### **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 (Attachment A) and in compliance with Public Contract Code (PCC) section 22050 and to receive and file the report (Attachment B).

On December 17, 2019, the Board approved Resolution No. 19-327 pursuant to Public Contract Code section 22050(b)(1) which authorizes the Board by a 4/5<sup>th</sup> vote to delegate authority to the Public Works Director to take certain actions in the event of an emergency

Public Contract Code section 22050(b)(3) and (c)(2), requires the Public Works Department to regularly report on current emergency response work actions ordered by the Public Works Director pursuant to the delegated authority. This allows the Board to comply with the statutory requirement to review the emergency action and determine by a four-fifths vote whether there is a need to continue the action.

Following the Board's initial review of the emergency actions, Public Contract Code Section 22050(c)(2) requires the Public Works Department to regularly requires that the Board review the emergency action every 14 days 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.

### **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:

Previous budget revision requests totaling \$1,385,000 have been approved by the Board to increase FY 2023/24 appropriations in various Flood Zones to increase Services and Supplies to allocate funding for the emergency response projects shown on Attachment B. The funds are utilized to cover construction, staff time, construction oversight, and debris disposal tracking associated with the emergency projects. These costs may be eligible for state and federal reimbursements. The department is working with OEM and the CEO to actively pursue disaster funding to reimburse FY 2022/23 and FY 2023/24 costs associated with the 23STM1 and 23STM2 declared disasters. Continuing expedited procurement helps avoid delays to restored services and potential reimbursement.

**Special Instructions:**

Direct the Clerk of the Board to email the minute order of these actions to Christina Lopez at [clopez@countyofsb.org](mailto:clopez@countyofsb.org).

**Attachments:**

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

**Authored by:**

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