



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: October 3, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote

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

FROM: Department Scott D. McGolpin, Public Works Director, (805) 568-3010
Director(s) Matt Griffin, Interim Deputy Director – Water Resources, (805) 568-3444
Contact Info:

SUBJECT: **Public Works Director’s Report on Emergency Response Actions from Impacts of Flooding and Storms and Continuation of Emergency Actions and to Approve a Budget Revision Request, Various Supervisorial Districts**

County Counsel Concurrence

As to form: Yes

Other Concurrence: 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;
- d) Approve Budget Revision Request (BJE No.0009322) to increase appropriations to Services and Supplies in the amount of \$300,000 in the Public Works Orcutt Flood Zone Fund, and \$400,000 in

the Public Works Santa Maria River Levee Maintenance Flood Zone funded by the release of Restricted Purpose of Fund Balance (4/5 vote required); and

- 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(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> and determine that emergency actions for the Santa Maria River Restoration of Alignment Project was found by the Board to be exempt from the provisions of the California Environmental Quality Act 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 that Exemption determination.

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, receive and file the report (Attachment B) and to approve a Budget Request Revision (BRR - Attachment C) to increase appropriations in the various Flood Zone Funds.

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 4/5th 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: No

Fiscal Analysis:

Narrative:

Approving the attached Budget Request Revision increases appropriations in the various Flood Zone Funds for Services and Supplies by release of Restricted Purpose of Fund Balance. The BRR allocates funding for the Orcutt-Solomon Creek Debris Basin emergency cleanout and the Santa Maria River Pilot Channel emergency project for construction, staff time, construction oversight, and debris disposal tracking.

Special Instructions:

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

Attachments:

Attachment A - Copy of Resolution No. 19-327
Attachment B - Emergency Work Actions
Attachment C - BRR (BJE No. 0009322)

Authored by:

Matt Griffin, Interim Deputy Director – Water Resources, (805) 568-3444