



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: February 7, 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)

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, Supervisorial District

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 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 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

- d) Find that the proposed actions are associated with emergency response and are therefore statutorily exempt from the California Environmental Quality Act pursuant to Guideline Sections 15269(c) actions necessary to prevent or mitigate an emergency that does not have a low probability of occurrence, and that a California Environmental Quality Act Exemption for this project was approved by the Board and filed by the Clerk of the Board on January 24, 2023, therefore no new Categorical Exemption is required for the approval of the recommended actions. The Exemption can be found here:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6003416&GUID=29008858-08FE-4EDC-9D4F-61F811BF8AA1>

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.

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 (see Attachment A).

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 (see Attachment B). 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.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

Current Flood Control costs associated with the emergency response efforts are included in the FY 2022-23 budget in the Water Resources Division of the Public Works Department as shown on page D-424 in the budget book. If costs exceed the current amount budgeted, a Budget Request Revision will come before your Board for approval to address costs and expenditures that will be incurred by the District. These costs may also be eligible for state and federal reimbursement.

No General Fund monies will be utilized for work associated with these agreements.

Special Instructions:

Direct the Clerk of the Board to email a copy of the minute order of these actions to clopez@countyofsb.org.

Attachments:

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

Authored by:

Walter Rubalcava, Deputy Director – Water Resources, (805) 568-3436