



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
Department No.: 054
For Agenda Of: February 27, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote

TO: Board of Supervisors

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

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:

- 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 at the next regular meeting, or every 14 days in the case of consecutive weekly regular meetings, 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 2023 winter storms 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>

- e) Determine that the 2024 winter storm (24STM1) emergency actions are statutorily exempt under the California Environmental Quality Act. The exemption from CEQA is granted by the Legislature by Statute as the following emergency projects are exempt from the requirements of CEQA. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is initiated within one year of the damage occurring. Therefore, the project is contemplated by the CEQA exemption under section 15269. Emergency Projects, (d) and direct the staff to file a Notice of Exemption with the Clerk of the Board of Supervisors on that basis.

Summary Text:

This Board item reports on and recommends continuing the emergency actions and work being done pursuant to the Public Works Director's authority under Resolution No. 19-327 for the 2023 winter storms (23STM1 and 23STM2) and the 2024 winter storm (24STM1).

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 request that the Board review the emergency action at the next regular meeting, or every 14 days in the case of consecutive weekly regular meetings, 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.

Disaster response and recovery processes are actively in progress. The extended timeframe of these operations are a result of the extent and severity of damage, the multi-jurisdictional collaboration at some damage sites, and staff's attention to federal procedures and guidelines to maximize reimbursement. Public Works is planning to continue emergency operations with expedited procurement to ensure public safety and access to roadways and prevent from further exacerbation of vulnerable locations across the county.

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, 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.

While the Public Works Department was working to complete the emergency actions in response to the 2023 winter storms (23STM1 and 23STM2), the recent 2024 winter storm (24STM1) has required additional emergency actions under Public Contract Code section 22050(a)(1). Public Works will utilize existing contracts procured on an emergency basis to respond to the new emergency (24STM1) to the extent feasible, and Public Works will continue to report to the Board on the need to continue responding on an emergency basis until all emergency response actions have concluded.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

The Board of Supervisors, on November 7, 2023, approved temporary loan in the amount of \$23,589,700 in order to continue work on the Transportation disaster projects associated with the 23STM1 and 23STM2 declared disasters. The department is working with OEM and the CEO to actively pursue disaster funding to reimburse costs associated with the 23STM1 and 23STM2 declared disasters. Continuing expedited procurement helps avoid delays to restored services and potential reimbursement.

The Department anticipates an additional \$3 million of work will be required following the early February 2024 storms, 24STM1.

Special Instructions:

Direct the Clerk of the Board to email the minute order of these actions to Yanette Luna at yluna@countyofsb.org.

Attachments:

Attachment A - Copy of Resolution No. 19-327

Attachment B - Emergency Work Actions

Attachment C – 24STM1 Notice of Exemption

Authored by:

Chris Sneddon, Deputy Director – Transportation, (805) 568-3064