



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: March 13, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote

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

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
Chris Sneddon, Deputy Public Works Director, 568-3064

SUBJECT: **Public Works Director's Report on Emergency Response Actions from Impacts of Flooding and Storms and Continuation of Emergency Actions, First 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 Supervisors and the Board of Directors of the Flood Control and Water Conservation District:

- a) Receive and review a report from the Public Works Director regarding emergency actions taken pursuant to Resolution No. 15-321 and Public Contract Code section 22050 related to emergency operations responding to flooding, storms, and debris removal following the January 9, 2018 storm 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 action 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 action is 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 February 27, 2018, 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=3352168&GUID=3FC6F605-BCBF-4D07-9953-8ADCE27238E0>

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. 15-321 in response to the Thomas Fire Debris Flow that occurred on January 9, 2018.

On December 15, 2015, the Board approved Resolution No. 15-321 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).

The Public Works Department is returning to your Board, as required by state law in Public Contract Code section 22050(b)(3) and (c)(2), to 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.

Public Contract Code Section 22050(c)(2) 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 action can be completed by giving notice for bids to let contracts.

Background:

In 2015 in preparation of the anticipated impacts of El Niño, the Public Works Department evaluated changes in policies at the state and federal level. To maximize Public Work's eligibility for state and federal reimbursement, clarifying the authority of the Public Works Director during emergencies was needed. In particular, the Federal Emergency Management Agency (FEMA) evaluates the policies and authority of a governmental entity to take action, in particular the entity's procurement authority/policy. Adopting Resolution 15-321 authorized the Public Works Director to take emergency action was one item that was done to prepare for emergency situations.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

Current Flood Control costs associated with the response events from the Thomas Debris Flow are being paid out of the South Coast Flood Zone, using current appropriations. A Budget Revision Request will be coming before your Board for approval addressing costs and anticipated expenditures that will be incurred by Flood Control. Appropriations will be increased using Flood Control reserves. These costs will also be submitted to the state and federal agencies for reimbursements.

Transportation costs are being paid from Road Funds. These costs will also be submitted to state and federal agencies for reimbursement. The Department will return to your board at a later date with a Budget Revision Request and discussion of these costs and anticipated expenditures.

Special Instructions:

Direct the Clerk of the Board send a copy of minute order of these actions to the Flood Control District, Attn: Christina Lopez.

Attachments:

Attachment A - Copy of Resolution No. 15-321
Attachment B - Emergency Work Description and Contracts

Authored by:

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Chris Sneddon, Deputy Public Works Director, Transportation Division