



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: PW/Flood Control
Department No.: 054
For Agenda Of: November 5, 2024
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
Director(s) Chris Sneddon, Public Works Director, (805) 568-3010

Contact Info: Walter Rubalcava, Deputy Director - Flood Control, (805) 568-3436

SUBJECT: Public Works Director's Report on Emergency Response Actions from Impacts of the 2024 Lake Fire and Continuation of Emergency Actions, Third and Fourth 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 2024 Lake Fire 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 actions and determine, by a 4/5 vote, whether there is a need to continue the emergency actions until the actions are terminated;
- d) Authorize the Public Works Director or designee to execute an Emergency Watershed Protection Funding Agreement, with concurrence from County Counsel, Risk Management, and the Auditor-Controller, and any other associated documents, necessary to receive Natural Resources Conservation Service funding, if approved, for emergency work in response to the Lake Fire; and

- e) Determine that the 2024 Lake Fire 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 October 1, 2024. A Notice of Exemption was filed on this basis on October 1, 2024, 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=6875014&GUID=75BD5950-E167-42A8-8FC2-8C966C11735E>

Summary Text:

These actions are 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 Emergency Actions 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 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 require that the Board review the emergency actions 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.

The Flood Control District applied for Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Funding for three projects within the Lake Fire Watershed. NRCS funding has been approved at the local and state level, however funding allocation for all EWP projects have been on hold due to the new Federal Fiscal Year. Funds are expected to be released by the end of October 2024. To help protect property and lives, the Lake Fire Projects are required to be in place before significant storm runoff and potential debris flows occurs in the burned watershed and therefore the projects may need to proceed prior to NRCS funding. Should a project proceed prior to NRCS funding the reimbursement will be based on construction costs from the time of funding approval through project completion. A sample NRCS Funding Agreement is included as Attachment C.

Background:

The Lake Fire started on July 5, 2024, in the Zaca Lake drainage area, eventually burning approximately 40,000 acres across the Zaca, Alamo Pintado, Santa Agueda, Happy Canyon, Cachuma Creek and Sisquoc

River watersheds. On July 12th, the Board of Supervisors proclaimed a Local Emergency related to the Lake Fire.

Post fire changes in vegetation and soil properties found in burned watersheds can result in changes to watershed rainfall response and increase risk to downstream people and property. Increased risks can consist of erosion, changes to runoff and flood flows, and increased geologic hazards, including debris flows. Emergency Response and Protective Measures Projects can be implemented to reduce the impacts of wildfires. 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.

On December 17, 2019, the 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 4/5 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 4/5 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

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Santa Ynez Flood Zone	\$ 751,000.00		\$ 751,000.00

Fiscal Analysis:

Narrative:

The estimated cost for these projects is \$751,000 to the Santa Ynez Flood Zone. The Board approved budget revision (BJE No. 0010105) at the October 1, 2024 board hearing. The Flood Control District is also seeking grant funding from the NRCS to cover a portion of the costs.

No General Fund monies will be utilized for these emergency projects.

Special Instructions:

Direct the Clerk of the Board to email a copy of 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 Actions Report
Attachment C - Sample of NRCS EWP Funding Agreement

Authored by:

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