



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:** September 19, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5 vote

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**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 Action from Impacts of Flooding and Storms and Continuation of Emergency Actions, All Supervisorial Districts**

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**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 action taken pursuant to Resolution No. 19-327 and Public Contract Code section 22050 related to emergency operations to restore property adjacent to the Santa Maria River damaged by 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 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 actions are terminated; and
- d) Determine that this emergency action 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 action 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 in connection with the restoration of property adjacent to the Santa Maria River near the City of Guadalupe damaged by the 2023 winter storm events.

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<sup>th</sup> 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 require 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.

On September 12, 2023, the Board directed District staff to pursue emergency work needed to restore property adjacent to the Santa Maria River near the City of Guadalupe damaged by the 2023 winter storm events. Severe storms in Feb/March 2023 caused the Santa Maria River to dramatically exceed its historic high-water level and break-out from its historic alignment, thereby threatening adjacent property, including homes, the City of Guadalupe wastewater treatment plant, and other public and private facilities. Emergency action is needed to restore property adjacent to the Santa Maria River within the intention of preventing or mitigation further damage in the upcoming winter rain season.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund	\$ 4,500,000.00		
ARPA	\$ 2,500,000.00		
Guadalupe FZ	\$ 1,000,000.00		
Fees			
Other:			
<b>Total</b>	<b>\$ 8,000,000.00</b>	<b>\$ -</b>	<b>\$ -</b>

**Fiscal Analysis:**

Narrative:

To fund this project, a Budget Revision Request (BJE No. 0009313) was approved by the Board at their September 12, 2023 hearing to establish appropriations of \$8,000,000 in the Public Works Guadalupe Flood Zone Fund for Services and Supplies by an Operating Transfer from General County Programs General Fund, ARPA Funds, and a Release of Restricted Fund Balance in Public Works Guadalupe Flood Zone.

**Special Instructions:**

Direct the Clerk of the Board to email the minute order of these actions to Christina Lopez at [clopez@countyofsb.org](mailto:clopez@countyofsb.org).

**Attachments:**

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

**Authored by:**

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