



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/Water
Agency/Laguna County
Sanitation
Department No.: 054
For Agenda Of: December 17, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
Board of Directors, Flood Control and Water Conservation District
Board of Directors, Water Agency
Board of Directors, Laguna County Sanitation District

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

SUBJECT: Adopt a Resolution to Authorize the Public Works Director to Undertake
Emergency Response Operations, All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions: That the Board of Supervisors, and the Board of Directors of the Water Agency, Flood Control and Water Conservation District, and Laguna County Sanitation District:

- a) Adopt a Resolution authorizing the Public Works Director or designee to take emergency action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. This Resolution will supersede and replace Resolution 15-321. (4/5 vote required); and
- b) Determine that the proposed action is not a project under the California Environmental Quality Act, pursuant to Guidelines Section 15378(b)(5) as it consists of organization or administrative activities that will not result in a direct or indirect physical change in the environment.

Summary Text:

In preparation of this upcoming winter, including the anticipated impacts from recent fires, the Public Works Department recommends clarifying the authority of the Public Works Director during emergencies. This Resolution defines emergency in accordance with the Public Contract Code and supersedes and replaces Resolution 15-321. The Resolution would clarify the Public Works Director's,

or his or her designee's, authority in an emergency and, pursuant to Public Contract Code section 22050(a)(1), allow procurement of the necessary equipment, services, and supplies for emergency purposes without giving notice for bids. Upon initiation of such emergency response work, the Public Works Department will return to the Board to report on the emergency response work and to seek any authorizations necessary to continue to respond to the emergency. If the Director takes any actions pursuant to Public Contract Code section 22050, the Director will report the actions as required by Section 22050(c)(2), and continuation of the action will need to be affirmed by the Board at every subsequent Board meeting (or 14 days).

Background:

By adopting this Resolution your Boards are explicitly authorizing the Public Works Director, or his or her 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 giving notice for bids to let contracts. 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.

The Resolution helps to maximize the County's, Districts', and Agency's eligibility for state and federal reimbursement by clarifying the authority of the Public Works Director during emergencies. 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 emergency procurement authority/policy. The Resolution will become a part of this policy.

The County of Santa Barbara has suffered from many federally declared disasters over the years. Emergency recovery actions from the extraordinary impacts of flooding, fire, oil spills, or other sudden unexpected occurrences can be costly and the County, Agency, and Districts need to recover all eligible costs from these events. Often, the point at which a federal disaster declaration occurs can be several days or weeks after the first impacts are felt and the need to take action is often immediate to prevent or mitigate further loss or impairment of life, health, property, or essential public services.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

This Resolution grants the Public Works Director or designee the authority to immediately respond to emergencies and procure the necessary equipment, services, and supplies for those purposes, pursuant to Public Contract Code section 22050. This resolution is necessary to retain eligibility for state and federal emergency reimbursement funding which could save the County, Agency and Districts millions of dollars.

Subject: Adopt a Resolution to Authorize the Public Works Director to Undertake Emergency Response Operations, All Supervisorial Districts

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Key Contract Risks:

N/A

Special Instructions:

Please forward a copy of the executed Resolution and a certified stamped minute order approving these actions to Public Works, Transportation Division, Attn: Gena Valentine, 568-3064.

Attachments:

Attachment A: Resolution authorizing the Public Works Director, or his or her designee, to take emergency action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Attachment B: Resolution 15-321

Authored by:

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