

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Nm Agenda Number:
Prepared on: February 24, 2005
Department Name: County Administrator
Department No.: 0130
Agenda Date: March 8, 2005 - Ongoing 14 day term
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Phil Demery, Public Works Director 568-3010
Bruce Carter, OES Manager 681-5559

SUBJECT: Reaffirm the existence of a Local Emergency resulting from the January 2005 Severe Storm Emergency for the County of Santa Barbara; Reaffirm the Waiver of the Competitive Bidding Process Pursuant to Public Contract Code 22050, and; Request that the Governor and President to Extend the Disaster Incident Period to February 28, 2005

Recommendation(s):

That the Board of Supervisors:

Adopt a resolution to reaffirm the existence of a Local Emergency due to the January 2005 storm, reaffirm the waiver of the competitive bidding process, pursuant to Public Contract Code 22050; and request that the Governor and President to extend the incident period for the Storm Disaster (FEMA-DR-1577-CA) to February 28, 2005

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 2; Ensure the Public Health and Safety and Provide Essential Infrastructure.

Executive Summary and Discussion:

(This Board letter was amended in order to request an extension of the disaster incident period to February 28, 2005. It was learned after this Board letter was initially docketed that the Federal Emergency

Management Agency is attempting to deny federal disaster assistance for significant damage that they contend occurred outside the disaster incident period.)

On January 10, 2005, when the Board of Supervisors was not in session, Director of Emergency Services Michael F. Brown, proclaimed the existence of a local emergency for Santa Barbara County due to damage resulting from a series of severe winter storms. Additionally, Mr. Brown requested Governor Schwarzenegger to proclaim the County of Santa Barbara to be in a State of Emergency. On January 11, 2005, your Board approved **Resolution 05-006** ratifying the proclamation of a local emergency and the request for a State Proclamation of Emergency. At that time and based on Mr. Brown's recommendation your Board requested the Governor to seek a Presidential Declaration of Emergency from the President of the United States. On January 26, 2005, Governor Schwarzenegger proclaimed the County of Santa Barbara to be in a State of Emergency.

On February 4, 2004, President George W. Bush proclaimed the County of Santa Barbara and seven other Southern California counties to be a major disaster (FEMA-1577-DR). The President's declaration provides assistance for public agencies, but excludes assistance for private individuals and businesses. The proclamation covers damage to public property that occurred over the period of December 27, 2004 through January 11, 2005. Eligible disaster work such as debris clearance and emergency work must be completed within six months after the designation, and permanent work is allowed eighteen months for completion.

With a State proclamation, local governments are eligible for recovery of 75% of costs associated with repair and replacement of public facilities and infrastructure. With a Presidential proclamation, the eligible reimbursement for local government agencies rises to approximately 93.75%. The federal share is 75%, the state share is 18.75% (75% of remaining 25%) and the local share is 6.25%. Assemblymember Pedro Nava is pursuing legislation (AB 164) to amend California law to allow the State to increase its cost share to 25%. If legislation is adopted the Federal share would remain at 75%, but the State share would increase to the 25% and the local share would drop to 0%. Similar legislation was successfully enacted after the San Simeon Earthquake Disaster (FEMA-DR-1505).

On February 18, 2005, the Governor's Office of Emergency Services requested the Federal Emergency Management Agency (FEMA) to include Individual Assistance for counties contiguous to Los Angeles and Ventura Counties as a result of the damages sustained from FEMA-1577-DR. At the time this Board letter was docketed FEMA had not acted on the State's request.

On January 18, 2005 the Board of Supervisors adopted **Resolution 05-018**, which authorized the waiver of the competitive bidding process for the repair and replacement of public facilities damaged by the emergency conditions pursuant to Public Contract Code Section 22050. By unanimous vote, the Board of Supervisors adopted **Resolution 05-042** on February 22, 2005, which reaffirmed the existence of a Local Emergency and the Waiver of the Competitive Bidding Process.

This winter's storm events constitute a continuing emergency and it is impractical to solicit competitive bids for the repair or replacement of public facilities damaged by the unrelenting storms. Public Contract Code Section 22050(a) authorizes the Board of Supervisors, by a four-fifths vote, to "*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*". When the bidding process is waived, the Board is required to review its decision every 14 days,

to determine by a four-fifths vote whether the waiver should continue. The Board would be obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant, so that the remainder of work may be completed under the bid process.

Continuing winter storms through February 28, 2005 have exacerbated existing damage by approximately \$750,000. The countywide rainfall total through February 28, 2005 is 221% of normal, with some areas as high as 321% of normal. The San Marcos Pass rain gauge has recorded 64.1 inches of rainfall from September 1, 2004 – February 28, 2005.

Due to the unrelenting storms and the resulting exacerbated damage, it is requested that the Governor and President extend the disaster incident period to February 28, 2005. The extended incident period would cover December 27, 2004 – February 28, 2005. Extension of the incident period is critical for including the exacerbated storm damages and for federal disaster accounting and funding clarity.

Mandates and Service Levels:

No change in programs or service level.

Fiscal and Facilities Impacts:

There are no direct fiscal or facilities impacts as a result of these recommendations. Adoption makes the County eligible for state disaster relief funds otherwise not available and allows storm damage repairs to be made in the most expedient and efficient way possible in preparation for future storms throughout the rest of this winter's storm season.

Special Instructions:

None

Concurrence:

Public Works
County Counsel
General Services
Auditor Controller

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF REAFFIRMING
ONGOING EXISTENCE OF LOCAL
EMERGENCY DUE TO JANUARY 2005,
HEAVY RAINS, REAFFIRMING
WAIVER OF BIDDING PROCESS
PURSUANT TO PUBLIC CONTRACT
CODE SECTION 22050; AND REQUEST
TO EXTEND THE DISASTER INCIDENT
PERIOD TO FEBRUARY 28, 2005

RESOLUTION NO. 05-____

WHEREAS, on January 11, 2005, this Board adopted Resolution 05-006 which ratified the proclaimed existence of a local emergency due to heavy rain which created a condition of extreme peril to life and property in Santa Barbara County; and

WHEREAS, Section 8630 of the Government Code provides in part, that the body declaring a local emergency shall review, at least every fourteen (14) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest date that conditions warrant; and

WHEREAS, on January 18, 2005, this Board adopted Resolution 05-018, which authorized the waiver of the competitive bidding process for the repair or replacement of public facilities damaged by emergency conditions, pursuant to Public Contracts Code Section 22050; and

WHEREAS, Public Contracts Code Section 22050 requires this Board to review every 14 days the basis for waiving the competitive bid process; and

WHEREAS, this Board has reviewed and affirmed the ongoing need for continuing the local emergency and need for continuing the waiver of the competitive bidding process, at least every fourteen (14) days; and

WHEREAS, the condition of extreme peril to life and property still exists in this County and the need for the local emergency and waiver of the competitive bid process continues. Since January 11, 2005, ongoing storms have continued to exacerbate damages. The County has

received 221% of its annual average rainfall. The existing State of Emergency and Presidential Proclamation only cover damage, which occurred between December 27, 2004 and January 11, 2005. It is imperative to extend the disaster incident period to February 28, 2005, in order to encompass all the significant damage that has been discovered.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara, that there is a need to continue the proclamation of the local emergency that was made by this Board by Resolution 05-006. The local emergency will continue in place until terminated by action of this Board.

IT IS FURTHER RESOLVED that Board Resolution 05-018 is reaffirmed and the competitive bid process for the repair or replacement of public facilities shall continue to be waived pursuant to Public Contracts Code Section 22050.

IT FURTHER RESOLVED AND ORDERED that a copy of this resolution be forwarded to the Governor of California with the request that he extend the disaster incident period of the current State of Emergency within Santa Barbara County to February 28, 2005, and further that the Governor request the President of the United States to also extend the disaster incident period of the Presidential Proclamation (FEMA-DR-1577-CA) to February 28, 2005.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this _____ day of _____, 2005, by the following vote (4/5th vote required for waiver of bidding process):

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy