



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: July 9, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

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 Flooding and Storms and Termination of Emergency Actions, Various 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:

- a) Determine that the emergency actions ordered by the Public Works Director and described in the prior reports for the 2023 and 2024 winter storm events have terminated;
- b) Determine that the recommended actions related to and continuations of the January 31 - February 2024 storms are statutorily exempt under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15269(c), and a Notice of Exemption was filed on this basis on February 27, 2024, and the proposed action is within the scope of that Notice of Exemption. The Notice of Exemption can be found at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6550615&GUID=D11ABFCC-C05D-4677-AA1B-94625858ABD3>
- c) Determine that these emergency actions related to and continuations of 2023 storm response were found by the Board to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269(c) and a Notice of Exemption was filed on this basis on January 24, 2023, 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=6003416&GUID=29008858-08FE-4EDC-9D4F-61F811BF8AA1> ; and

- d) Determine that emergency actions for the Santa Maria River Restoration of Alignment Project were found by the Board to be exempt from the provisions of the State CEQA 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 the Notice of Exemption filed on September 19, 2023. The Notice of Exemption can be found: <https://content.civicplus.com/api/assets/b121d4bc-a83e-4610-990b-c678c319b94f>.

Summary Text:

This item is on the agenda to terminate the emergency actions ordered by the Public Works Director's authority under Resolution No. 19-327 (Attachment A) for the 2023 winter storms (23STM1 and 23STM2) and the 2024 winter storms (24STM1 and 24STM2) – see Attachment B.

As of the date of this report, the Flood Control District has concluded the emergency actions for these projects and will no longer need to report emergency actions to the Board. Flood Control will adhere to applicable Public Contract Code bidding requirements moving forward.

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. 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, 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.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

Costs associated with the 2023 and 2024 winter emergencies (shown in Attachment B) are funded by the District through various Flood Zones, ARPA, and the County General Fund. The total estimated cost for the emergency projects is \$34,828,532.

Emergency Projects Cost		
Project	Project Title	Total Cost
23GU01	Santa Maria River Restoration of Alignment	\$ 7,000,000 *
SL2301	Santa Maria River Pilot Channel	\$ 580,549
	Orcutt East Side Farmland Basin Outlet	
OR2301	Structure	\$ 700,000
OR2302	UVP Bradley Basin Improvements	\$ 169,894
23STM 1/2	2023 Storm 1 & Storm 2 Damage	\$ 20,588,088
24STM 1/2	2024 Storm 1 & Storm 2 Damage	\$ 5,790,000 *
Total Actual and Estimated Cost		\$ 34,828,532

* Includes year-to-date actuals and estimated cost through FY24/25

The department is actively working with the Office of Emergency Management and the County Executive Office to pursue state and federal reimbursement for eligible costs associated with the declared emergencies.

Special Instructions:

Direct the Clerk of the Board to email 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 Work

Authored by:

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