



County of Sonoma

State of California

Date: November 12, 2019

Item Number: _____
Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Declaring An Emergency Need To Remove Dangerous Conditions Resulting From The Kincade
Fire, Suspending The Requirement Of Competitive Bidding, Delegating Authority To Execute
Contracts For Emergency Work, Ratifying Contracts Executed By The County Administrator,
And Making A Determination Under The California Environmental Quality Act**

Whereas, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by the Kincade Fire, a fast-moving wildland and urban fire that erupted around 9:30 p.m. on Wednesday, October 23, 2019, at which time the Board of Supervisors was not in session; and

Whereas, the Kincade Fire has caused widespread destruction, burning over 77,750 acres, destroying an estimated 374 structures, including approximately 175 residential structures and 11 commercial structures, and damaging productive agricultural lands; and

Whereas, on October 24, 2019, the Director of Emergency Services for the County of Sonoma issued a proclamation of a local emergency for the County related to the Kincade Fire and related events that were underway and anticipated; and

Whereas, on October 25, 2019, the Governor of the State of California proclaimed a State of Emergency for Sonoma County due to the Kincade Fire and related events; and

Whereas, on October 31, 2019, the Board of Supervisors adopted Resolution No. 19-1657 ratifying the Director of Emergency Services' proclamation of the existence of a local emergency and requesting that the Governor of the State of California make additional assistance available, including but not limited to California Disaster Act Assistance; and

Whereas, as a result of the Kincade Fire, dangerous conditions have arisen along County rights-of-way and other properties and facilities owned or maintained by the County that were sudden and unexpected and pose a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property,

or essential public services; and

Whereas, the dangerous conditions that have arisen include, but are not limited to: (a) the accumulation of compromised trees and other dangerous vegetation and debris, which need to be removed to protect first responders, staff and the public; (b) damage to County owned or maintained properties and facilities, including highways and waterways; and (c) urgent need in advance of winter rains for slope stabilization and hydro-seeding, which is a process of planting seeds that germinate quickly in fire damaged areas that are unstable due to a loss of brush and tree cover that would normally prevent erosion and slides; and

Whereas, the County does not have the capacity and/or expertise to deliver these safety measures and would normally issue a notice inviting bids to hire a contractor, which could take between two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible remove and stabilize the dangerous conditions needed to protect public health and safety in a timely manner; and

Whereas, Public Contract Code Section 22050 authorizes the Board of Supervisors to enter into contracts for the repair or replacement of public facilities as may be necessary to mitigate emergency conditions without giving notice for bids, and to delegate such authority to the County Administrator. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications; and

Whereas, the County Administrator has the authority to enter into emergency contracts in accordance with Public Contract Code Section 22050 pursuant to Sonoma County Code Section 2-351(b); and

Whereas, this Board finds, based upon substantial evidence, that the emergency will not permit a delay resulting from a formal competitive solicitation for bids and this action is necessary to respond to an emergency.

Now, Therefore, Be It Resolved that this Board hereby finds, declares, determines and orders as follows:

1. Correctness of Recitals. That the foregoing recitals are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Kincade Fire necessitates repairs and/or replacement of public facilities, which will not permit a delay resulting from competitive solicitation of bids. This action is necessary to respond to the emergency.
2. Delegation of Authority. The County Administrator, and her designees, are authorized to enter into contracts with contractors and to take such other action

deemed reasonable and necessary to immediately remove dangerous vegetation along or near County rights-of-way, stabilize and protect County rights-of-way and other property, and otherwise protect public health and safety.

3. Suspension of Competitive Bidding. That the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the existence of the dangerous conditions in and along County rights-of-way and properties owned or maintained by the County, but that this suspension shall be limited to work deemed reasonable and necessary by the County Administrator to protect life and property and to provide continuity of public services.
4. Duty to Report. That the County Administrator is directed, while carrying out the authority delegated by this Resolution, to report to the Board on actions taken pursuant to this Resolution in accordance with Public Contract Code Section 22050.
5. Determination of CEQA Exemption. That the requirements of the California Environmental Quality Act ("CEQA") do not apply because, among other reasons, the emergency work is categorically exempt from the requirements of CEQA pursuant to California Public Resources Code Sections 21080(b)(2), (b)(3) and (b)(4), and California Code of Regulations Title 14, Section 15269. The requirements of CEQA also do not apply because the emergency work is categorically exempt as a minor alteration to land under California Code of Regulations Title 14, Section 15304.
6. Ratification of County Administrator's Actions. All acts by the County Administrator with respect to emergency contracting pursuant to Sonoma County Code 2-351(b) and pursuant to the Proclamation of Local Emergency for the Kincade Fire are also hereby ratified.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.