



## Legislation Text

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**File #:** 2021-0204, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-565-2231

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

Receive Report on Required Emergency Work and Termination of Emergency Contracting Authorities Relating to the LNU Lightning Complex Fires.

**Recommended Action:**

Terminate emergency contracting authority in accordance with Public Contract Code section 22050.

**Executive Summary:**

Due to the LNU Lightning Complex Fires, conditions of extreme peril to the safety of persons and property arose within Sonoma County. The LNU Fires caused destruction of wildland habitat, structures, and public infrastructure posing significant risks to surviving properties, including many County-owned and maintained assets. These conditions were sudden and unexpected, and posed a clear and imminent danger requiring immediate action to prevent and mitigate the loss and impairment of life, health, property, and essential public services. Accordingly, your Board authorized waivers of competitive bidding requirements for needed emergency actions relating to the Fires, as authorized under Public Contract Code section 22050.

Your Board received updates on the needed actions and authorized extension of the waivers and the emergency repairs, starting in early October 2020 and continuing to the present.

As of February 23, 2021, all emergency repairs and mitigation measures have been completed and the subject waiver is no longer needed for the LNU Lightning Complex Fires. The remaining demolition and restoration work will be completed subject to applicable standard procurement requirements.

**Discussion:**

LNU Complex Fires

On August 18, 2020, the Governor of the State of California proclaimed a State of Emergency in California due to fires burning statewide. Locally, emergency proclamations were issued and ratified as to what later were referred to as the LNU Lightning Complex Fires. As a result of these Fires, damages and dangerous conditions arose along County rights-of-way and other properties and facilities owned or maintained by the County. These conditions were sudden and unexpected and posed a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services.

These dangerous conditions included: (a) accumulation of compromised burned trees and other dangerous vegetation and debris; and (b) damage to County owned or maintained properties and facilities, including roads and waterways. Impacts included the need to stabilize dangerous conditions affecting County roadways, such as by hydroseeding, debris and vegetation removal, soil and slope stabilization, and repairs to roads and associated infrastructure. The County lacked the capacity and/or expertise to repair the damages and remove the dangerous conditions caused by the LNU Lightning Complex Fires in a timely manner.

On October 13, 2020, the Board of Supervisors adopted a Resolution in accordance with Public Contract Code Section 22050, declaring an emergency need to repair and remove dangerous conditions resulting from the LNU Lightning Complex Fires, suspending the requirement of competitive bidding, delegating authority to execute contracts for emergency work, and taking other certain actions. The waiver of the bid process was to be terminated at the earliest possible date that conditions warranted so that the remainder of the work would be completed under the standard bid processes.

Since that waiver, regular reports have been brought back to your Board as required by law to authorize extension of the waiver and continue emergency actions without competitive bidding.

TPW issued emergency contracts for repairs and stabilization, such as tree debris removal, ditch re-establishment, mastication of trees, and hydro-seeding.

Work under these contracts completed around February 23, 2021. Based on an assessment of all conditions and County resource considerations, all emergency repairs and actions are complete and the waiver of competitive procurement requirements related to the LNU Lightning Complex Fires is no longer needed.

Conclusion

As of February 23, 2021, 100% of the emergency repairs have been completed and conditions no longer warrant waiver of competitive bidding requirements for the LNU Lightning Complex Fires emergency actions. This item requests the Board to terminate the subject emergency contracting waiver and authority made pursuant to Public Code section 22050 as to the LNU Lightning Complex Fires.

**Prior Board Actions:**

01/26/21, 01/05/2021, 12/15/2020, 12/8/2020, 11/17/20; 11/10/20; 10/20/20: Receive Report on Required Emergency Work and Make Findings to Extend Emergency Contracting Actions and Waive Competitive Bidding Requirements Pursuant to Public Contract Code Section 22050 Due to the LNU Lightning Complex Fires.

10/13/20: Resolution authorizing emergency contracts for repairs and dangerous removal due to the LNU Lightning Complex Fires pursuant to Public Contract Code 22050.

**FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 20-21<br/>Adopted</b> | <b>FY21-22<br/>Projected</b> | <b>FY 22-23<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  |                             |                              |                               |
| Additional Appropriation Requested |                             |                              |                               |
| <b>Total Expenditures</b>          |                             |                              |                               |

|                        |  |  |  |
|------------------------|--|--|--|
| <b>Funding Sources</b> |  |  |  |
| General Fund/WA GF     |  |  |  |
| State/Federal          |  |  |  |
| Fees/Other             |  |  |  |
| Use of Fund Balance    |  |  |  |
| Contingencies          |  |  |  |
| <b>Total Sources</b>   |  |  |  |

**Narrative Explanation of Fiscal Impacts:**

There is no fiscal impact resulting from this Board action, however, significant work remains to be done and staff are pursuing reimbursement for emergency-related expenses. Reimbursement is anticipated through the Federal Emergency Management Agency’s Public Assistance program and the California Governor’s Office of Emergency Services and the County’s insurance to the extent of coverage limits. County staff is working diligently to adhere to the funding reimbursement regulations of these programs in order to maximize the probability of successful reimbursement requests. Following competitive bidding processes and confirmation of reimbursement, staff will return to the Board with award recommendations for the remaining demolition and repair work.

| <b>Staffing Impacts:</b>                       |  |                           |                           |
|--|--|---------------------------|---------------------------|
| <b>Position Title (Payroll Classification)</b> | <b>Monthly Salary Range (A-I Step)</b> | <b>Additions (Number)</b> | <b>Deletions (Number)</b> |
|  |  |                           |                           |
|  |  |                           |                           |
|  |  |                           |                           |

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

None

**Related Items “On File” with the Clerk of the Board:**

Fire Damage Assessment