



## Legislation Text

---

**File #:** 2019-1868, **Version:** 1

---

**To:** Board of Supervisors

**Department or Agency Name(s):** County Administrator

**Staff Name and Phone Number:** 707-565-2431

**Vote Requirement:** 4/5th

**Supervisory District(s):** All

**Title:**

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 Kincade Fire.

**Recommended Action:**

That the Board of Supervisors:

- A) Receive report on required emergency work resulting from the Kincade Fire; and
- B) Make findings that there is an ongoing need to continue emergency actions and for further emergency work resulting from the Kincade Fire; and
- C) Continue to suspend competitive bidding requirements for emergency work.

(4/5<sup>th</sup> Vote Required)

**Executive Summary:**

This item requests the Board of Supervisors review current conditions and emergency actions taken in response to the Kincade Fire, and make findings to continue emergency contracting procedures and determine need to continue the emergency actions taken to date. Under the Public Contract Code, emergency actions and waivers of competitive bidding requirements undertaken pursuant to Section 22050 must be reviewed at certain initial and subsequent meetings of the public entity. As discussed below, emergency contracts continue to be necessary for directly and immediately addressing the continuing emergency conditions resulting from the Kincade Fire.

**Discussion:**

On the night of Wednesday October 23, 2019, the Kincade Fire erupted near Geyserville in the north part of the County. Within days, the fast-moving wildfire spanned the County from Geyserville in the north down to Windsor and across to the Sonoma/Lake County line.

Notwithstanding a mass mobilization of emergency responders and the assistance of needed mutual aid from a multitude of outside agencies, the Kincade Fire caused widespread destruction, burning over 77,000 acres and destroying almost 400 structures, including over 170 homes and eleven businesses. The Kincade Fire was extinguished on November 6, 2019.

Pursuant to Sonoma County Code Chapter 10 and the emergency authority permitted pursuant to Government Code Section 8630, the County's Director of Emergency Services issued a Proclamation of

Existence of Local Emergency in the Sonoma County Operational Area on Thursday, October 24, 2019, which was ratified by your Board on October 31, 2019. On October 25, 2019, Governor Gavin Newsome declared state emergency due to the effects of the Kincade Fire and to the concurrent power shutdown and extreme weather conditions.

On November 12, 2019, the Board of Supervisors adopted Resolution No. 19-0487 in accordance with Public Contract Code Section 22050, 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, and taking other certain actions.

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. Actions taken pursuant to these emergency contracting procedures must be reviewed within specified initial time periods and every two weeks thereafter, or the next regularly scheduled meeting if more than two weeks between meetings, for the public entity to determine (by four-fifths vote) if there is need to continue the actions without competitive bidding. The waiver of the bid process must be terminated at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

As a result of the Kincade Fire, dangerous conditions arose and continue to exist. These dangerous conditions 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.

Transportation and Public Works (TPW) coordinated emergency work in response to the fire, for removal of burned trees that posed an immediate risk to the road right of way. This work was performed under emergency blanket purchase orders in coordination with County Purchasing. Emergency contracts are still needed for additional work to replace burned guardrails, damaged culverts, hydroseeding for erosion control, and stump treatment. These contracts will be executed under the authority of the County Administrator.

The hydroseeding contract is scheduled for execution the week of January 6 and the guardrail and culvert contracts will follow in February.

The County Administrator will return to the Board to provide a status report for continued review of the emergency actions in accordance with Section 22050 of the Public Contract Code.

**Prior Board Actions:**

01/06/20 Board receive a report on required emergency work from the Kincade Fire and approved to suspend competitive bidding requirement for emergency work.

12/17/19 Board receive a report on required emergency work from the Kincade Fire and approved to suspend competitive bidding requirement for emergency work.

12/2/19 Board receive a report on required emergency work from the Kincade Fire and approved to suspend

competitive bidding requirement for emergency work.

11/12/19 - 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

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 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:**

None

<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:**

None

