Legislation Text

File #: 2020-1017, **Version:** 1

To: Board of Supervisors
Department or Agency Name(s): County Administrator, Transportation and Public Works, General Services
Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231
Vote Requirement: 4/5th
Supervisorial District(s): All

Title:
Resolution Authorizing Emergency Contracts for Repairs and Dangerous Conditions Removal Due to the Glass Incident Fires Pursuant Public Contract Code Section 22050.

Recommended Action:

A) Adopt a resolution declaring an emergency need to repair damage and remove dangerous conditions from public facilities resulting from the Glass Incident Fires and suspending the requirement of competitive bidding for related emergency contracts. (4/5th Vote Required)
B) Delegate authority to the County Administrator and the Directors of the Transportation and Public Works and the General Services Departments, to negotiate and execute such emergency contracts. (4/5ths Vote required)
C) Ratify all emergency public facilities contracts executed by the County Administrator related to the Glass Incident Fires. (4/5th Vote Required)
D) Make a determination that such emergency public facilities contracts are categorically exempt under the California Environmental Quality Act.

Executive Summary:
This item requests the Board of Supervisors adopt a resolution declaring an emergency need to repair, replace, and remove damage and dangerous conditions from critical properties and facilities owned and maintained by the County resulting from the Glass Incident Fires, suspending the requirement of competitive bidding, delegating authority to the County Administrator and the Directors of the Transportation and Public Works and the General Services Departments to execute contracts for emergency work, ratifying contracts executed by the County Administrator to date related to the Glass Incident Fires, and making a determination under the California Environmental Quality Act.

Discussion:

Conditions of extreme peril to the safety of persons and property have arisen within the County of Sonoma caused by the Shady Fire, which has been incorporated into the complex of fires known as the Glass Incident Fires. The Glass Incident Fires are fast-moving fires that have caused wildland destruction, destroyed structures and public facilities, and continue to threaten public infrastructure, and in Sonoma County, the Walbridge Fire has burned over 48,000 acres. A Local Emergency has been proclaimed and a State of Emergency in Sonoma County has been declared by Governor Gavin Newsome. (Further information regarding the Glass Incident Fires is contained in the accompanying item to your Board for ratification of the related local

emergency proclamation.)

As result of the Glass Incident Fires, damages and 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. 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; and (b) damage to County owned or maintained properties and facilities, including assets at the Los Guilicos campus and various roads and waterways throughout the eastern portion of the County. For example, repairs are needed to restore water booster systems that serve the Juvenile Justice Center and Valley of the Moon Children's Home, extensive smoke and water damage needs to be mitigated in impacted buildings, and hazardous materials from burned buildings need to be immediately abated.

The County lacks the capacity and/or expertise to repair the damages or remove the dangerous conditions caused by the Glass Incident Fires in a timely manner. Even when expedited, normal procurement process to hire needed contractors takes 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 make repairs and remove and stabilize the damage and dangerous conditions needed to protect public health and safety in a timely manner.

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 and other agency officers. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications. Under Sonoma County Code Section 2-351(b), the Board has delegated to the County Administrator authority to enter into emergency contracts for repair and replacement of public facilities in accordance with Public Contract Code Section 22050.

Actions taken by any delegated officer pursuant to these emergency contracting procedures must be reviewed by the Board of Supervisors within specified initial time periods and every two weeks thereafter, or the next regularly scheduled meeting if more than two weeks between meetings, 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.

The damages and dangerous conditions that have resulted from Glass Incident Fires necessitate emergency work, which will not permit a delay resulting from competitive solicitation of bids. These may include the need to stabilize dangerous conditions affecting County roadways, such as hydro seeding, debris and vegetation removal, soil and slope stabilization, and repairs to roads and associated infrastructure. Restoration of electricity, power, domestic backflow water devices and other repairs likely will be necessary in order to re-occupy and deliver services at the Los Guilicos Juvenile Justice Center and Valley of the Moon Children's Home. Accordingly, the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, must be suspended because of the existence of the damages and dangerous conditions in and along County rights-of-way and properties owned or maintained by the County, but that this suspension is limited to work deemed reasonable and necessary to protect life and

property and the environment and to provide continuity of public services as a result of the emergency from the Glass Incident Fires.

Furthermore, pursuant to Sonoma County Code 2-351(b) and the Proclamation of Local Emergency for the Glass Incident Fires, the County Administrator undertook emergency contracts for roadway clearing and other immediate response measures as to various public facilities. All such contracts and other acts by the County Administrator with respect to the Glass Incident Fires are hereby ratified.

The repair and restoration work is categorically exempt from the requirements of California Environmental Quality Act ("CEQA"), including as "emergency work" pursuant to California Public Resources Code Sections 21080(b)(2), (b)(3) and (b)(4), and California Code of Regulations Title 14, Section 15269, and as minor alteration to land under California Code of Regulations Title 14, Section 15304.

Staff 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:
None

FISCAL SUMMARY

Expenditures	**FY 20-21 Adopted**	**FY21-22 Projected**	**FY 22-23 Projected**
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:
No known fiscal impact. Costs for all emergency related purchases and services will be submitted to the state and/or the federal government for any available reimbursement.

Staffing Impacts:			
Position Title (Payroll Classification)	**Monthly Salary Range (A-I Step)**	**Additions (Number)**	**Deletions (Number)**

Narrative Explanation of Staffing Impacts (If Required):
None

Attachments:
Resolution authorizing emergency contracting and waiving competitive bidding requirements

Related Items "On File" with the Clerk of the Board:
None