



Legislation Text

File #: 2021-0382, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services
Staff Name and Phone Number: Caroline Judy, 707-565-8058
Vote Requirement: 4/5th
Supervisory District(s): First

Title:

Receive Report on Required Emergency Work and Extension of Emergency Contracting Authority Relating to the Glass Incident Fire

Recommended Action:

That the Board of Supervisors:

- A) Receive report on required emergency work resulting from the Glass Incident Fire; and
- B) Make findings that there is an ongoing need to continue emergency actions and for further emergency work resulting from the Glass Incident Fire; and
- C) Continue to suspend competitive bidding requirements for emergency work; and
- D) Delegate authority to the County Administrator and designee(s) to execute such emergency contracts.

(4/5th Vote Required)(First District)

Executive Summary:

This item requests the Board of Supervisors review current conditions and emergency actions taken in response to the Glass Incident 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 Glass Incident Fire, including to meet applicable debris clean-up deadlines.

Discussion:

Glass Incident Fire

On September 27, 2020, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by the Shady Fire, which was later incorporated into the complex of fires known as the Glass Incident Fire. A local Emergency Proclamation was ratified by the Board on October 2, 2020, and a State of Emergency in Sonoma County was declared by Governor Gavin Newsom. As a result of the Glass Incident Fire, damages and dangerous conditions along County rights-of-way and at other properties and facilities owned or maintained by the County arose that were sudden and unexpected and which required immediate and expedited action to prevent or mitigate the loss or impairment of life, health, property, and essential public services. These dangerous conditions included (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. Impacts included the need to stabilize dangerous conditions affecting County roadways, such as by hydro seeding, debris and vegetation removal, soil and slope stabilization, and repairs to roads and associated infrastructure. For example, repairs were 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, some structures are required to be demolished, and hazardous materials from burned buildings need to be immediately abated.

The County has limited capacity to repair the damages or remove the dangerous conditions caused by the Glass Incident Fire in a timely manner. Even when expedited, a 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.

On October 2, 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 Glass Incident Fire, suspending the requirement of competitive bidding, delegating authority to execute contracts for emergency work, and taking other certain actions. 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 at subsequent regularly scheduled meetings in accordance with statute 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 would be completed under the standard bid processes.

Since October 2020, 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.

Notwithstanding the significant progress made to date on Fire-related repairs and recovery work by Transportation and Public Works and by the General Services Department, damages to critical facilities and dangerous conditions due to the Glass Incident Fire continue to exist, in particular at Los Guilicos campus.

At Los Guilicos campus, multiple assessments of utilities infrastructure, structures, and landscaping have been completed. As a result, the Building Inspector red tagged several hazardous structures. On October 2nd, staff toured the campus with representatives from the County's insurance company to prepare an initial damage claim. Infrequently-occupied buildings such as the Archives are still in the process of being cleaned from smoke damage and inspected by the County's Industrial Hygienist. An arborist has delivered their report indicating that 235 fire-destroyed trees must be removed as they threaten structures or utilities. Some trees

identified as hazardous immediately proximate to structures have been removed. The cost estimate for demolition of the destroyed or damaged buildings, repairs to structure roofs and the damaged facility storm drains was completed in January. Staff have submitted applications for phase one and phase two debris assessments to Department of Environmental Health. As most County functions have moved back onto campus, staff are continuing to communicate via email with county tenant departments, and with non-county tenants to ensure all tenants are provided consistent communication and updates as to status of ongoing work. Staff have met scheduled milestones for re-occupancy and are continuing to work on debris and tree removal activities.

Moreover, remaining fire debris continues to pose an environmental and public health concern. In accordance with public health orders applicable to the Glass Fire, including County's urgency Ordinance for Glass Fire debris removal (Ordinance No. 6327), a deadline of June 1, 2021, has been set for completion of all Fire-related debris cleanup from affected properties. Properties that fail to meet the deadline are declared to be nuisances and health hazards and are subject to abatement. Under standard bidding timeframes and assuming no extenuating circumstances, estimates for completion of remaining Glass Fire cleanup at Los Guilicos campus (including demolition of burned and red-tagged structures) would extend beyond the June 1 deadline (contractor on-board by May 2021; work estimate of eight weeks). In light of the environmental and public health concerns and need to timely complete all fire cleanup, time is of the essence to secure and finish the needed work in compliance with the deadline.

Six structures were destroyed in the Glass Fire. The EOC Storage Shed (a 2,732 square foot wood building at the eastern edge of the campus) was completely consumed including its contents of disaster relief supplies. Burn debris remains and must be removed. The EMT Classroom/Storage building (a 3,600 SF building of unreinforced brick walls) suffered burn damage to its wood roof and structural elements, causing the walls to collapse. Several unreinforced masonry walls remain and collapse is imminent as well as burn debris remaining at the site. Several smaller structures including the Sierra Garden Shed, Sierra Garden Greenhouse, Sierra Garden House (164 Pythian Rd) and the Sierra Storage Shed (538 Eliza Way) were also burned. Although these structures were completely consumed, the former contents included garden supplies including fertilizers and possibly pesticides that must be remediated. County insurance will provide for the cost of demolition.

The underground storm drain system adjacent the Juvenile Justice Center and the Valley of The Moon Children's Home was also destroyed. This underground storm drain system (also referred to as culverts) was constructed in year 2003 with the Juvenile Justice Center to manage storm water runoff from new construction. The storm drain was constructed of plastic materials and considered more economical than other materials used for storm drains such as steel, concrete or clay pipe. As with all underground storm drains, leaf and landscape debris tend to accumulate over years of operation, notwithstanding proper maintenance routines. The debris tends to be dry due to years of drought in California. Staff noted burn marks emanating from storm drain inlets suggesting fires in the storm drain. Maintenance staff were able to deploy robotic cameras for a more detailed evaluation and found that the plastic piping had been consumed by the fire, leaving bare dirt and rock in place. The unsupported dirt poses hazard of collapse with traffic loads imposed and could present storm water contamination and undermining of roads if not addressed. Insurance will not cover the cost to replace the underground storm drain but staff is applying for reimbursement through FEMA grants.

To date, Phase 1 and Phase 2 environmental studies have been completed and bids received from demolition contractors. Using expedited emergency contracts, current schedules anticipate completion of the work by

early June, but are not guaranteed to be finished prior to the June 1, 2021, public health order deadline.

Accordingly, the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, must continue to be suspended because of the existence of the damages and dangerous conditions at the properties owned or maintained by the County.

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:

Glass Incident Fire:

01/26/21, 01/05/2021, 12/15/2020, 12/8/2020, 11/17/20; 11/10/20; 10/20/20, 10/13/2020: Receive Reports 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 Glass Incident Fires.

10/02/2020: Resolution adopted authorizing emergency contracts for repairs and dangerous conditions removal due to the Glass Incident Fires pursuant to Public Contract Code Section 22050.

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY 21-22 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:

Reimbursement for emergency-related expenses is anticipated through funds from Federal Emergency Management Agency's Public Assistance program and the California Governor's Office of Emergency Services. 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.

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:

None

Related Items "On File" with the Clerk of the Board:

None