



## Legislation Details (With Text)

**File #:** 23-0747      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/4/2023      **In control:** Board of Supervisors

**On agenda:** 4/11/2023      **Final action:** 4/11/2023

**Title:** Director of the Department of Transportation, serving as the Road Commissioner, recommending the Board receive and file the attached report as required under Resolution 016-2023, providing a status update on the emergency road repair work related to the 2022 storms.

**FUNDING:** Undetermined. Options include General Fund, Road Fund, Tribe Fund Balance or Road Maintenance General Fund Designation. The Department will also be seeking FEMA and CalOES reimbursement through the California Severe Winter Storms, Flooding, Landslides and Mudslides FEMA declaration for incident period December 27, 2022 - January 31, 2023.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Road Repair Update Memo 4-4-23

Date	Ver.	Action By	Action	Result
4/11/2023	1	Board of Supervisors	Approved	Pass

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**DISCUSSION / BACKGROUND**

Starting December 30, 2022, severe storms fell on El Dorado County, bringing high winds, heavy snow, historical precipitation, high and fast-flowing streams, creeks, and rivers, which resulted in power outages and damages. Department of Transportation has not identified the full extent of damages experienced from the storms due to existing snow on the ground in higher elevations and water levels at lower elevations.

Public Contract Code section 22050, Contracts without Bids; Procedures, authorizes the Board of Supervisors to delegate authority by resolution to non-elected county officers to order actions to repair or replace a public facility and procure services for those purposes in the event of an emergency. Section 2.18.020 of the County Code of Ordinances, designates the Director of Transportation as a county officer serving as the Road Commissioner. There is a significant risk if the standard Board approval process for design, plans, specifications, permission to advertise and award of a public project is followed, the work would not be completed and pose an imminent threat to public safety. It is critical that the County make these emergency repairs immediately in order to prevent or mitigate the loss or impairment of life, health, or property.

On January 10, 2023, the Board adopted Resolution 016-2023. The resolution included a requirement for the Road Commissioner to report to the Board on the status of the emergency at every single regular meeting following the adoption of the resolution until the emergency terminates. The attached report includes an update on the status of emergency road repairs authorized by the Road Commissioner.

Federal Emergency Management Agency (FEMA) declared the storms that hit El Dorado County from December 27, 2022 to January 31, 2023 a disaster on January 14, 2023. Transportation attended the applicant briefing on March 14, 2023 and intends on requesting reimbursement for the road repairs. Four of the repairs are located on roads that fall under Federal Highway Administration (FHWA). Reimbursement will be sought for those repairs as well. Invoices for the completed projects have been received and have been submitted for payment.

### **ALTERNATIVES**

This is a receive and file action only.

### **PRIOR BOARD ACTION**

January 10, 2023 - Legistar 23-0136 - Approval of Resolution 016-2023 granting the Road Commissioner authority to take all necessary actions to authorize road repairs necessary to repair damage to County maintained roads or roads that are serviced by a County Zone of Benefit in order to make those roads operational and safe.

January 24, 2023 - Legistar 23-0206 - Update on the emergency road repairs.

February 7, 2023 - Legistar 23-0314 - Update on the emergency road repairs.

February 14, 2023 - Legistar 23-0363 - Update on emergency road repairs.

February 21, 2023 - Legistar 23-0399 - Update on emergency road repairs.

March 7, 2023 - Legistar 23-0508 - Update on emergency road repairs.

March 14, 2023 - Legistar 23-0546 - Update on emergency road repairs.

March 21, 2023 - Legistar 23-0609 - Update on emergency road repairs.

April 4, 2023 - Legistar 23-0697 - Update on emergency road repairs.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation.

### **FINANCIAL IMPACT**

Transportation has estimated the existing emergency repairs will not exceed \$3,000,000.00.

Transportation is hopeful that a portion of eligible expenses related to the cost of the repairs will be reimbursed with Federal Emergency Management Agency (FEMA) funding (75%) and California Governor's Office of Emergency Services (CalOES) funding (18.25%). Additionally, staff will submit eligible costs for repairs that fall under FHWA scope for reimbursement as well. Total reimbursement amounts and the timing of reimbursements have not yet been determined, and any costs FEMA and FHWA determines as ineligible will need to be covered by the County. The County has not set-aside funds to cover these repairs to date; therefore, funding options to cover the repairs include Tribe Fund balance, Road Maintenance General Fund Designation or other unknown options. If the Road Maintenance General Fund Designation was used it would substantially reduce the amount of grind and pave work that Transportation has planned for 2023 and would need to be determined

immediately before the contract is awarded.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Infrastructure, Public Safety

**CONTACT**

Rafael Martinez, Director