



Legislation Text

File #: 22-1418, **Version:** 1

Department of Transportation recommending the Board:

- 1) Receive and file a presentation on the status of the Caldor Fire Road Repair Project; and
- 2) Adopt and authorize the Chair to sign Resolution **126-2022**, authorizing the Director of Transportation, acting as the Road Commissioner, to take all necessary actions to approve and award the 2022 Caldor Fire Road Repair Project to the lowest, responsive bidder for the emergency repair projects. (4/5 vote required)

FUNDING: General Fund / Federal Emergency Management Agency Reimbursement Funds.

DISCUSSION / BACKGROUND

Between August 2021 and October 2021, the Caldor Fire impacted the local community and left a path of destruction. Prior to major debris removal efforts, County staff, in conjunction with State and Federal representatives, inspected the debris removal paths and documented roadway conditions in anticipation of damage from the heavy equipment utilizing the roadways on a daily basis.

After months of debris removal operations and other activity related to the Caldor Fire, the Department of Transportation (Transportation) is faced with emergency repairs that must be completed before Winter 2022. County staff continues to work with CalOES and FEMA to identify portions of the roadways that could potentially be reimbursed. Regardless of reimbursement, the roadways' failures need to be repaired to ensure public safety.

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. The normal process of Board approval to award the contract for public projects poses a significant risk of the work not being completed by Winter 2022. It is critical that the County make these repairs by Winter 2022 in order to perform essential public services, such as snow removal, and to prevent or mitigate the loss or impairment of life, health, or property. Therefore, staff requests that the Board find substantial evidence exists that this emergency will not permit the delay resulting from the normal process of awarding a contract and that it is necessary to repair the damaged County roads. Staff further requests that the Director of Transportation, acting as the Road Commissioner, be delegated the authority to take all necessary actions to approve and award the 2022 Caldor Fire Road Repair Project to the lowest, responsive bidder for the repair work to address the emergency.

Similarly, Transportation made a request to the Board on July 26, 2022, and it was approved, authorizing the Director of Transportation, acting as the Road Commissioner, to take all necessary actions to approve the design and specifications and to advertise bids for the 2022 Caldor Fire Road Repair Project. Transportation also provided an update on August 16, 2022, regarding the status of the road repairs.

Transportation staff will return to the Board in September 2022, with an update on the status of the 2022 Caldor Fire Road Repair Project, total bid cost, and present a timeline for the repairs.

ALTERNATIVES

The Board may choose not to delegate authority to the Director of Transportation; however, it would lengthen the bid process by an additional three weeks. The repairs need to be completed in a timely manner to ensure they are completed prior to Winter 2022.

PRIOR BOARD ACTION

#22-1341, 7/26/22 - Resolution to Delegate Authority to Advertise to Transportation Director

#22-1419, 8/16/22 - Status Update

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Counsel Counsel

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item and direct staff to move forward with the road repair work. It is recommended that the work be funded by the amount set aside in the Caldor Designation for the County match amount (\$400,000), with the remainder of the cost paid initially with FY 2022-23 General Fund contingency. It is expected that approximately \$2.2 million in FEMA reimbursement funds will be received by the County for costs due to the Sheriff's Office emergency response efforts (\$1.7 million) and the Health and Human Services Agency emergency animal sheltering efforts (\$0.5 million). As these funds are received, they will replenish General Fund contingency. The remaining \$1.6 million in estimated costs will be paid by the General Fund, using contingency funds that have been set aside in excess of Board policy.

FINANCIAL IMPACT

Current estimates for the repair work total \$4,200,000. Costs for this work are not currently included in the FY 2022-23 Budget. Staff 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 (90%) and California Governor's Office of Emergency Services (CalOES) funding (7.5%), however, due to the conditions of the roads prior to the fire, this reimbursement is not guaranteed. In addition, the timing of reimbursements have not yet been determined. Any costs FEMA determines as ineligible will need to be covered by the County.

Transportation will present the contract total for the road repairs to the Board in September 2022.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk will obtain the Chair's signature on one (1) original of the Resolution.
- 2) The Clerk will forward one (1) copy of the Resolution to Transportation, Maintenance and Operations Division, attention Ashley Johnson.

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

Rafael Martinez, Director

Department of Transportation