



Legislation Text

File #: 22-1341, **Version:** 1

Department of Transportation recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **116-2022**, finding an emergency exists due to the Caldor Fire debris removal efforts resulting in damage to County maintained roads in the Grizzly Flats area and authorize the Director of Transportation, acting as the Road Commissioner, to take all necessary actions to approve the design and specifications and to authorize to advertise bids for the emergency repair projects (4/5 vote); and
- 2) Direct staff to return to the Board on August 16, 2022 with a cost estimate for emergency repair in the Grizzly Flats area.

FUNDING: N/A

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 for the design, plans, and specifications and granting permission to advertise 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 award 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 the design, specifications, and plans of documents related to the repair work and to authorize the advertisement of bids for public projects to address the emergency. The Road Commissioner will refer to the Board on the status of this emergency repair work at every regular meeting following the adoption of this Resolution until the emergency has terminated.

Staff also recommends the Board find this emergency repair work is exempt from the California

Environmental Quality Act under Public Resources Code Sections 21060.3(4) and 21080, and CEQA Guidelines Sections 15269, 15301.

Transportation staff will conclude the roadway repair analysis and return to the Board in mid August to provide an estimated project cost while requesting authorization for the Director of Transportation to award the 2022 Caldor Fire Road Repair Project.

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

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There are no costs, outside of staff time, by approving this recommendation. Transportation will present total estimated costs for the road repairs at the August 16, 2022 Board meeting. Staff are hopeful 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%). Total reimbursement amounts and the timing of reimbursements have not yet been determined and any costs FEMA determines as ineligible will need to be covered by the County.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

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Department of Transportation