



Legislation Text

File #: 22-1902, Version: 1

Sheriff's Office of Emergency Services, Chief Administrative Office, and the Environmental Management Department, recommending the Board:

- 1) Adopt and authorize the Chair to sign Urgency Ordinance **5169** entitled "Mosquito Fire Consolidated Debris Removal Program," adding Chapter 8.11 to Title 8 of the El Dorado County Ordinance Code to establish requirements for the Mosquito Fire Consolidated Debris Removal Program;
- 2) Find the urgency ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to statutory exemption Public Resource Code Section 21080(b)(3) (projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster); Section 21080(b)(4) (actions necessary to mitigate an emergency); and CEQA Guidelines Section 15269(a) (maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster) (4/5 vote required);
- 3) Authorize the CAO to execute a financial cooperative agreement between the County of El Dorado and the County of Placer, subject to Risk Management and County Counsel concurrence, for a multi-jurisdictional debris removal program that preserves the ability to seek reimbursement under state and federal assistance requirements, in an amount not to exceed \$5 million and a term not to exceed one year;
- 4) Find in accordance with Procurement Policy C-17 Section 3.4(1) the cooperative agreement with Placer County is exempt from the competitive bidding process because the agreement is necessary to acquire services to address a local emergency and Placer County will provide services through contracts that are awarded through a competitive bidding process and find in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(E) that it is appropriate to contract with Placer County for this program as the cooperative agreement is with or among governmental agencies; and
- 5) Approve a budget transfer appropriating \$5 million from excess General Fund Contingency to the General Revenues and Other Operations Budget to cover the costs for debris removal (4/5 vote required).

FUNDING: General Fund.

DISCUSSION / BACKGROUND

The Mosquito Fire started on September 6, 2022, near Oxbow reservoir, southeast of Foresthill, California. The Mosquito Fire threatened multiple communities in Placer and El Dorado Counties resulting in the evacuation of thousands of residents, economic losses by several local businesses, disruption to local school operations, and significant impacts to regional air quality. Additionally, CalFIRE inspection teams documented the loss of 39 structures in El Dorado County and another 39 structures in Placer County.

El Dorado County proclaimed a Local Emergency on September 9, 2022, which was then ratified by the Board of Supervisors on September 13, 2022, with the adoption of Resolution 142-2022 ratifying the proclamation of a local emergency resulting from the impacts of the Mosquito Fire.

The Public Health Office declared a Local Health Emergency on September 9, 2022. The Local

Health Emergency declaration was subsequently ratified by your Board on September 20, 2022, with the adoption of resolution 143-2022. Following the declaration of a Local Health Emergency by the Public Health Officer, staff formally requested state assistance from the California Governor's Office of Emergency Services (CalOES) in recovering from the impacts of the Mosquito Fire. This request resulted in the State initiating a household hazardous waste removal mission by experts from the California State of Toxic Substances Control (DTSC). Often referred to as Phase 1, this work included inspections of properties with burned structures and removal of household hazardous waste that may pose a threat to human health, animals, and the environment such as batteries, asbestos siding, and paints, as well as the construction of emergency mitigation measures to minimize the migration of debris and ash during a recent rainstorm. Phase 1 work was completed for El Dorado County parcels on October 10, 2022.

As of October 22, 2022, the United States Forest Service reported that the Mosquito Fire was fully (100%) contained at 76,788 acres, making it the largest wildfire in California for 2022. Even before containment, responders had already begun the arduous work of fire suppression repair, road stabilization, and hazard tree removal. Repair work will continue for several months in the more remote areas of the Tahoe and El Dorado National Forests.

URGENCY ORDINANCE (ACTIONS 1 & 2)

It is recommended the Board adopt an Urgency Ordinance establishing standards for removing debris generated as a result of the Mosquito Fire. This urgency ordinance would set standards for the safe removal of ash, fire debris, building materials, sediments such as sands and gravel, hazardous trees, burned vehicles, the remains of chemicals like pesticides and paints, electronics, and asbestos. The ordinance would also ensure that properties affected by the Mosquito Fire are made safe and ready for reconstruction and provides for the orderly administration of the county-led program in coordination with the alternative program option.

Pursuant to Article XI, section 7 of the California Constitution and Government Code section 25845, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents. Government Code section 25123(d) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health, or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by a four-fifths vote of the Board.

California Environmental Quality Act Compliance

Adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to California Public Resources Code Section 21080, subdivisions (b)(3) and (b)(4) and State CEQA Guidelines Section 15269, subdivisions (a) and (c). The Mosquito Fire and aftermath constitute a sudden unexpected occurrence, involving clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services under California Public Resources Code Section 21060.3 and State CEQA Guidelines Section 15359.

COLLABORATION WITH PLACER COUNTY (ACTION 3 & 4)

It is a common practice for agencies to collaborate during disaster response using a Unified Command model that allows for aligning common interests and creates efficiency. A Unified Command model was successfully used during the Mosquito Fire response. Staff from El Dorado and Placer Counties are examining a combined debris cleanup program as an opportunity for

collaboration during recovery efforts. To maximize opportunities for this collaboration and maintain an aggressive project schedule, the Placer County Project Team has developed the necessary procurement and budget instruments to accommodate a joint debris removal effort by Placer and El Dorado Counties subject to an agreement that specifies cost allocation and multi-jurisdictional project coordination.

It is recommended the Board authorize the County to participate in a joint debris removal effort through a cooperative agreement with Placer County. Placer County's Board approved collaboration with El Dorado County on November 8, 2022, and to execute a monitoring and assessment agreement for the full combined cost of \$2.8 million and recommend soliciting debris removal proposals for the full cost of \$6 million.

Procurement of Monitoring and Assessment Services

Following the Master Service Agreement (MSA) user process as set forth by CalOES, Placer County has solicited a Request for Services from Tetra Tech, the top-ranked firm for region 1 with a project of fewer than 150 parcels. Placer County has reviewed Tetra Tech's response and found it adequately meets the needs of the County-led debris program. The initial scope of work focuses on debris removal to minimize the time that fire ash is exposed to wet weather. Staff plan to return to the Board with a future action for addressing hazard trees along county roadways.

Procurement of Debris Removal Services

Placer County would select a debris removal contractor using the expedited public works bidding process as allowed by Federal, State, and local procurement requirements using the CalOES model documents. Specifically, this work would include the removal of debris, ash, compromised concrete foundations, destroyed vehicles, and contaminated soils, along with installing soil erosion controls on all enrolled parcels. Placer County estimates their bid package would be released on November 14, 2022, and would be open to accepting bids for one week, closing on November 21, 2022. The award of the contract would be made the week of November 28, 2022.

FUNDING (ACTION 5)

The funding model for this project was developed with the understanding that CalOES can provide financial assistance for a County-led debris removal program through the California Disaster Assistance Act (CDAA). CDAA authorizes the State to provide financial assistance for costs resulting from a declared disaster that exceeds available local government resources. El Dorado County has a request for CDAA currently awaiting approval, which is delayed pending a decision on the Governor's request for a Major Disaster Declaration by the President.

Reimbursement under CDAA is typically set at 75% of eligible costs. When a jurisdiction has an approved Local Hazard Mitigation Plan (LHMP) that meets the necessary criteria (which is the case for El Dorado's LHMP) the Director of CalOES has the authority to reduce the cost share further. Staff included a request to waive the County's cost share. Initial funding is included to cover the entire project if CDAA is not awarded.

Actual costs will be determined by the location of the work performed for properties that voluntarily enroll in the County-led debris removal program. Each respective county will pay its associated costs based on the assessment and monitoring rate schedule or the debris removal bid schedule.

Schedule

The start of the rainy season is upon us and offers little time to mitigate further environmental contamination resulting from the Mosquito Fire; therefore, time is of the essence in removing debris from affected properties. Additionally, pursuant to California Disaster Assistance Act (CDAA) requirements, the County has six months from the date of the proclaimed Local Emergency to complete the disaster debris cleanup effort. Therefore, staff is requesting Board approval to delegate authority to the Chief Administrative Officer, as specified in the action requested above, for the execution of a cooperative agreement between Placer and El Dorado Counties to expedite the ability to complete the work promptly and meet the deadline for eligibility for CDAA reimbursement.

Staff recommends moving forward with the full amount of the estimated cleanup cost regardless of receiving CDAA reimbursement.

ALTERNATIVES

Due to the Local Health Emergency, the affected parcels must be cleaned of hazardous fire debris. The Board could not approve the financial cooperative agreement with the County of Placer and have the Mosquito Fire survivors bear the full responsibility of cleanup, which, in turn, could result in the need for the County to abate properties that are not cleaned.

PRIOR BOARD ACTION

09/13/2022 Legistar Item 22-1675 - Local Emergency Mosquito Fire

09/13/2022 Legistar Item 22-1683 - Local Health Emergency Mosquito Fire

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The passage of the Urgency Ordinance will have no fiscal impact. It is estimated the Phase 2 program will not exceed \$5 million, using data from previous CalOES contracts factored to account for the scope and scale as currently understood. Additional data that will allow for refinement of the program costs including the number of property owners that will opt in for a County-led debris removal program, the full scope of the destroyed vehicles that will need to be abated, and the number of qualifying hazard trees will be presented at a future Board meeting. This project is anticipated to be eligible for 75% reimbursement under the California Disaster Assistance Act.

The project's total estimated cost in Placer and El Dorado counties is \$8.8 million and includes debris removal of all the structures in both counties identified by CalFire during their inspections. Of that total cost, approximately \$2.8 million is associated with assessment and monitoring. Approximately \$6 million is for debris removal. Staff anticipates that costs would be split 50/50 with the County of Placer based on the current information regarding the quantity of contaminated properties in each county.

Actual costs will be determined by the location of the work performed for properties that voluntarily enroll in the County-led debris removal program. Each respective county will pay their associated

costs based on the assessment and monitoring rate schedule or the debris removal bid schedule.

Property owners that choose to participate in the County-led option would be responsible for remitting any insurance proceeds that are designated for fire debris removal and post-fire site cleanup to the County.

In the FY 2022-23 Adopted Budget the Board approved \$16.75 million in General Fund Contingency. Of the \$16.75 million, \$6.75 million is to meet the Board Budget Policy B-16 which directs that General Fund contingency “shall be set, at the time of budget adoption, at an amount not less than 3% of total adjusted General Fund appropriations.” The remaining \$10 million in Contingency was put aside to address possible economic impacts that could affect the County over the coming years. The recommended budget transfer will lower the amount of excess contingency by \$5 million and increase Contribution to Non-County Government appropriations in the General Revenues and Other Operations budget. The appropriations will reside in the organizational code established for Caldor Fire Relief Designation, and accounting for the agreement can be isolated from expenses related to the Caldor Fire.

Should El Dorado County be awarded CDAA reimbursement (75%), El Dorado Counties’ share could result in a total net cost of \$1.25 million.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Obtain the Chair’s signature on the Budget Transfer Form and forward it to the Chief Administrative Office for processing.

Obtain the Chair and County Counsel’s signature on the Urgency Ordinance.

STRATEGIC PLAN COMPONENT

Good Governance, Healthy Communities and Public Safety

CONTACT

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