



Legislation Text

File #: 24-0227, **Version:** 1

Chief Administrative Office, Office of Wildfire Preparedness and Resilience, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign Agreement 8460 with the El Dorado County Fire Safe Council for the disbursement of \$140,141.29 in funds for federal fiscal year 2022 authorized through Title III of the Secure Rural Schools and Community Self Determination Act for the purpose of funding fire prevention and planning projects, with a term of upon execution through August 31, 2026;
- 2) Authorize the Contract Administrator to issue a letter to the El Dorado County Fire Safe Council for the purpose of determining the funding amounts for federal fiscal years 2023, 2024, and 2025, contingent upon County's receipt of allocated Title III funds and consistent with the Board's direction regarding the allocation of Title III funds; and
- 3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 8460, including amendments which do not increase the not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Title III Secure Rural Schools and Community Self Determination Act funds.

DISCUSSION / BACKGROUND

The Secure Rural Schools and Community Self Determination Act (Act) was first enacted by Congress to stabilize funding to counties for road maintenance and public schools in recognition of the decline in revenue from timber sales on federal lands. This Act has been reauthorized by Public Law 115-141 to expand the authorized uses of these funds, which includes the following purposes:

- Carrying out activities under the Firewise Communities Program
- Reimbursing the participating county for search and rescue and other emergency services, including firefighting and law enforcement patrols
- Covering training costs and equipment purchases directly related to the emergency services described above
- Developing and carrying out community wildfire protection plans

On June 21, 2022 (File No. 22-1022, Item No. 6), the Board directed that all funding received from the Act (or otherwise referred to as Title III funds) for Fiscal Year 2021-22 be directed to the El Dorado County Fire Safe Council (EDCFSC) for the purpose of funding fire prevention and planning projects. The disbursement of the full allocation of Title III funds for Fiscal Year 2021-22 (federal fiscal year 2021) in the amount of \$120,641 was completed under the County's existing Agreement 4758 with the EDCFSC.

On June 13, 2023 (File No. 23-1120, Item No. 4), as part of the Fiscal Year 2023-24 recommended budget, the Board directed that County's full Title III funding allocation be directed to the EDCFSC for federal fiscal year 2022 as a result of funding the Sheriff's search and rescue activities and costs through Transient Occupancy Tax in lieu of using Title III funds.

On August 29, 2023 (File No. 23-1249, Item No. 3), the Board approved Agreement 7598 with the EDCFSC to continue the disbursement of Title III funds for federal fiscal years 2022, 2023, 2024, and 2025. Agreement 7598 specified that the EDCFSC's allocation of Title III funds for federal fiscal year 2022 was in the amount of \$140,141.29 and would be disbursed upon execution of the Agreement and that contributions for the remaining federal fiscal years (2023, 2024, and 2025) shall be determined by the County and issued via a letter to the EDCFSC.

Following the Board's execution of Agreement 7598 and through the process to disburse the \$140,141.29 in funding to the EDCFSC, OWPR was notified that the 45-day public comment period in accordance with the Act was not completed prior to the execution of the Agreement. Upon consultation with County Counsel, it was determined that Agreement 7598 would need to be terminated, the 45-day public comment period would need to be initiated, and a new agreement would need to be executed in place of Agreement 7598. On December 4, 2023, the County issued a Notice of Termination to the EDCFSC. On January 10, 2024, a public notice was published in the Mountain Democrat initiating the 45-day comment period. The public comment period closed on February 26, 2024 and the County did not receive any written comments.

As such, staff are recommending the Board approve Agreement 8460 and authorize the disbursement of \$140,141.29, the full allocation amount for federal fiscal year 2022. As indicated in the previous agreement, Agreement 8460 also specifies that contributions for the remaining federal fiscal years (2023, 2024, and 2025) shall be determined by the County's Assistant Chief Administrative Officer, or designee, and issued via a letter to the EDCFSC.

ALTERNATIVES

The Board may choose not to approve the proposed Agreement or provide staff with direction for alternative allocation and/or allocation amounts of the Title III funding.

PRIOR BOARD ACTION

The Board has previously taken the following actions related to the authorized allocation and disbursements of Title III funds:

- July 15, 2014 (File No. 13-1542) - The Board directed that Title III funds shall be split evenly between the Sheriff's Office and the EDCFSC
- January 12, 2016 (File No. 13-1542) - The Board approved Amendment V to Agreement 228-F1111, extending the term to June 30, 2017
- October 8, 2019 (File No. 19-1359) - The Board reaffirmed its previous direction of splitting Title III funds and directed staff to draft an agreement with the EDCFSC
- September 1, 2020 (File No. 20-1100) - The Board approved Agreement 4758 with the EDCFSC with a term of three (3) years and in the amount of \$156,469 for federal fiscal year 2020
- June 21, 2022 (File No. 22-1022) - The Board directed that the full Title III funding allocation for federal fiscal year 2021 be directed to the EDCFSC
- June 21, 2022 (File No. 23-1120) - The Board directed that the full Title III funding allocation for federal fiscal year 2022 be directed to the EDCFSC
- August 29, 2023 (File No. 23-1249) - The Board approved Agreement 7598 to disburse the Title III funding in the amount of \$140,141.29 to the EDCFSC

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has approved the proposed Agreement 8460.

FINANCIAL IMPACT

There is no change to Net County Cost Associated with this item. As noted above, the Title III allocation to the EDCFSC originally authorized under Agreement 7598 and included in the Fiscal Year 2023-24 Budget has not been disbursed to the EDCFSC. Upon the Board's approval of Agreement 8460, staff will initiate the request for disbursement of the federal fiscal year 2022 Title III funds. Future disbursements for the remaining term of this Agreement utilizing the Title III funding will be made consistent with the Board's direction and adoption of the subsequent years' recommended budgets.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on two (2) original copies of Agreement 8460;
- 2) Clerk of the Board to forward one (1) fully-executed original Agreement to the Chief Administrative Office, Procurement and Contracts Division, for further processing; and
- 3) Clerk of the Board to forward one (1) copy of the fully-executed Agreement to the Chief Administrative Office, Central Fiscal Division, attention Kelley Lawrie, for further processing.

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

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Office of Wildfire Preparedness and Resilience