

**AGENDA  
BOARD OF SUPERVISORS  
SONOMA COUNTY  
575 ADMINISTRATION DRIVE, ROOM 102A  
SANTA ROSA, CA 95403**

**TUESDAY**

**OCTOBER 17, 2017**

**8:30 A.M.**

---

Susan Gorin	First District	Sheryl Bratton	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
James Gore	Fourth District		
Lynda Hopkins	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241 or [bos@sonoma-county.org](mailto:bos@sonoma-county.org) as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members request specific items be discussed and/or removed from the Consent Calendar. There will an opportunity for the public to comment on the consent calendar prior to it being voted upon.

***PUBLIC COMMENT***

Any member of the public may address the Board on a matter listed on the agenda. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to the agenda item under discussion. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers.

**8:30 A.M. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**I. APPROVAL OF THE AGENDA**

(Items may be added or withdrawn from the agenda consistent with State law)

**II. REGULAR CALENDAR**

**COUNTY ADMINISTRATOR/COUNTY COUNSEL**

1. Receive an Update on Firefighting and Disaster Relief Efforts Related to Declaration of Emergency for the Complex Fire and take appropriate actions, including:  
Adopt a Resolution to provide for debris removal assistance by ratifying (1) Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer and (2) County Administrator's Request that the State Provide Direct Assistance to Remove Debris Caused by the Complex Fire.

**TRANSPORTATION AND PUBLIC WORKS**

2. Resolution Making Findings and Declaring an Emergency Need to Remove Dangerous Vegetation From County Right-of-Way and Stabilizing County Right-of-Way and Ratification of Actions:  
Receive this Engineer's Report on the Sonoma Complex Fire and Adopt a Resolution:
  - A) Finding and declaring an emergency need to remove dangerous vegetation from county right-of-way and stabilizing county right-of-way;
  - B) Suspending the requirements for competitive bidding based on the urgent need for action;
  - C) Authorizing the Director of the Department of Transportation and Public Works to execute contracts for removal of dangerous vegetation from county right-of-ways and stabilizing county right-of-ways;
  - D) Making an exemption determination under the California Environmental Quality Act;
  - E) Ratifying any emergency contracts entered into by the County Administrator relating to these issues.(4/5<sup>th</sup> Vote Required)

**III. BOARD MEMBER REPORTS ON ASSIGNED BOARDS, COUNCILS, COMMISSIONS OR OTHER ATTENDED MEETINGS**

3. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD AND ON BOARD MEMBER REPORTS**

(Any member of the public may address the Board on a matter not listed on the agenda as long as the subject matter is within the jurisdiction of the Board. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to matters within the Board's jurisdiction. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. When this item is scheduled, the Board generally will hear public comments for up to twenty minutes. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. Any additional non-agendized item speakers will be heard following consideration of the agendized matters. While members of the public are welcome to address the Board, under the Brown Act open meeting laws, Board members may not deliberate or take action on items not on the agenda.)

4. **ADJOURNMENT**

**NOTE: The next Board meeting will be a Regular Board Meeting held on October 24, 2017 at 8:30 a.m.**

**Upcoming Hearings** (All dates are tentative until each agenda is finalized)

October 24, 2017 - Permit and Resource Management – 2:20 P.M. - Lot Line Adjustment of contracted land at 26380 and 27000 Ramel Road, Sonoma, by Jackson Family Wines, Inc; PRMD File No. LLA16-0025.



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 1**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** October 17, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator  
County Counsel

**Staff Name and Phone Number:**

Sheryl Bratton, 565-2241  
Bruce Goldstein, 565-2421

**Supervisory District(s):**

All

**Title:** Receive an Update on Firefighting and Disaster Relief Efforts Related to Declaration of Emergency for the Complex Fire and take appropriate actions

### **Recommended Actions:**

Receive an Update on Firefighting and Disaster Relief Efforts Related to Declaration of Emergency for the Complex Fire and take appropriate actions, including:  
Adopt a Resolution to provide for debris removal assistance by ratifying (1) Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer and (2) County Administrator's Request that the State Provide Direct Assistance to Remove Debris Caused by the Complex Fire.

### **Executive Summary:**

This item requests the Board of Supervisors to adopt a resolution ratifying the joint proclamation of local health emergency issued by the County Health Officer and County Environmental Health & Safety Officer in the Sonoma County Operational Area and the County Administrator's request that the State provide direct assistance to remove the fire-related debris from multiple complex fires that began on Sunday, October 9, 2017, causing extreme property damage and health and safety concerns. The County Administrator proclaimed the Existence of a Local Emergency on October 9, 2017, and the Board of Supervisors adopted Resolution No. 17-0389 ratifying that proclamation on October 10, 2017. The Complex Fire has continued to ravage Sonoma County leaving a large debris field in its wake. The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. On October 12, 2017, at approximately 3:00 p.m., the County Health Officer and County Environmental Health & Safety Officer proclaimed the existence of a local health emergency. Later that same day, the County Administrator requested that the State Office of Emergency Services (Cal OES) provide direct assistance to the County to remove the debris caused by the multiple complex fires. The proclamation and the request for assistance, are now being presented for ratification and approval.

**Discussion:**

The complex fires began on Sunday, October 9, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. In the early morning hours on Monday, the County issued advisory evacuation notices to various impacted areas of Sonoma County. Shelter was made available at various locations throughout the County, and first responders have been actively engaged in multiple areas throughout the County since the complex fires' advance into the County.

The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. Ratifying the Proclamation will continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available.

The Board of Supervisors ratified the County Administrator's Proclamation of the Existence of a Local Emergency on October 10, 2017. The scope of the disaster caused by the fast-moving and widespread destruction of the fire, including loss of hundreds of homes and the evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs. Further, the President of the United States declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Complex Fire in Sonoma County.

The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. Debris from large-scale incidents such as the Complex Fire include building materials, sediment (sand/gravel), vegetative or organic matter (trees, plants, etc.), vehicles, electronics, clothing, and other personal property. Some of this debris may contain potentially hazardous substances that require special handling for disposal to properly protect environmental health. Debris from a catastrophic incident like the Complex Fire should be cleaned up, transported, and disposed of in a manner that protects the public health and conforms to local, state, and federal requirements. The County lacks sufficient resources and manpower to properly handle the challenge of conducting a cleanup of this magnitude.

Staff recommends that the Board ratify the County Health Officer's/County Environmental Health & Safety Officer's proclamation of local health emergency in order to meet the seven-day period a proclamation can remain in force without Board ratification. The Board must review and renew this emergency proclamation every 14 days. When conditions improve, staff will request the Board formally terminate the emergency. Staff also recommends that the Board approve the County Administrator's request the Cal OES provide direct assistance to the County to expedite the removal of the fire-related debris from the Complex Fire.

**Prior Board Actions:**

October 10, 2017: Board adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area.

<b>Strategic Plan Alignment</b> Goal 1: Safe, Healthy, and Caring Community			
Issuing a proclamation of local health emergency helps to ensure the safety of the community by alerting residents to the current emergency, helping to advise that residents heed warnings and notifications, and facilitating additional aid. Resolving to waive permit fees and to consider other regulatory waivers will facilitate recovery. Invoking Disaster Leave provisions will ensure that impacted employees are able to dedicate time and effort to personal and community disaster recovery.			
<b>Fiscal Summary</b>			
<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Attachment A: Resolution Ratifying Proclamation of Local Health Emergency			

Attachment B: Proclamation of Existence of a Local Health Emergency By County Health Officer and County Environmental Health & Safety Officer

Attachment C: Letter from County Administrator Requesting Direct Assistance from the State with Debris Removal

**Related Items “On File” with the Clerk of the Board:**



session, subject to ratification by the Board of Supervisors within seven days, and subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and

---

**WHEREAS**, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma hereby find that:

(a) The Sonoma Fire Complex has created certain hazardous waste conditions in the County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures; and

(b) The hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

---

(c) There is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agents due to animal carcasses, accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity and also due to potential contamination or destruction of residential and commercial water supply in the burned areas; and

(d) The Board of Supervisors of the County of Sonoma is not in session and cannot immediately be called into session; and

---

(e) ~~These threats to public health necessitate the proclamation of the existence of a local health emergency.~~

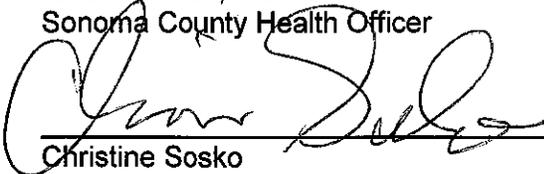
**NOW, THEREFORE, IT IS PROCLAIMED** that a local health emergency now exists in the burned areas of the County, including those areas within the incorporated limits of several of the County's cities, due to hazardous waste in the form of contaminated debris from hazardous waste/materials and structural debris from the ongoing Sonoma Fire Complex and due to contamination of residential food and water supply; and

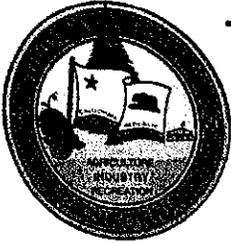
**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local emergency the powers, functions, and duties of the County Health Officer and the Director of Environmental Health and Safety shall be those prescribed by State law, including the provisions of Sections 101040 and 101085 of the Health and Safety Code, and by ordinances, resolutions, and approved plans of the County of Sonoma in order to mitigate the effects of the local emergency.

THIS ORDER MAY BE SIGNED IN COUNTERPARTS.

**SIGNED AND SUBSCRIBED** at \_\_\_\_\_ p.m. this 14<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Karen Milman, MD  
Sonoma County Health Officer

  
\_\_\_\_\_  
Christine Sosko  
Sonoma County Environmental Health & Safety  
Director



# OFFICE OF THE COUNTY ADMINISTRATOR

**COUNTY OF SONOMA**  
575 ADMINISTRATION DRIVE – ROOM 104A  
SANTA ROSA, CALIFORNIA 95403-2888  
TELEPHONE (707) 565-2431  
FAX (707) 565-3778

**SHERYL BRATTON**  
COUNTY ADMINISTRATOR  
**CHRISTINA RIVERA**  
ASSISTANT COUNTY ADMINISTRATOR  
**PETER RUMBLE**  
DEPUTY COUNTY ADMINISTRATOR  
**REBECCA WACHSBERG**  
DEPUTY COUNTY ADMINISTRATOR

October 12, 2017

Mark Ghilarducci, Director  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Dear Mr. Ghilarducci:

On Thursday, October 12, 2017, the Sonoma County Health Officer and the Sonoma County Director of Environmental Health and Safety jointly declared a local health emergency due to the potential health threats posed by the existence of multiple wildfires burning throughout the County (referred to hereafter as the "Sonoma Complex Fire"). A copy of the proclamation declaring the local health emergency is attached to this letter. The County lacks adequate resources to respond to the health threat posed by the Sonoma Fire Complex and requests that the State of California provide direct assistance to remove hazardous wastes and debris from property sites within the Sonoma Fire Complex burn areas that are toxic, flammable, corrosive, or reactive because of the imminent threat such waste poses to public health and safety.

Please accept this letter as Sonoma County's formal request for direct assistance from the State of California to remove hazardous wastes and debris from the property sites within the Sonoma Complex Fire areas.

Sincerely,

Sheryl Bratton  
County Administrator

cc: Sean Smith, Cal OES  
Caroline Judy, Director of General Services  
Christine Sosko, Director of Environmental Health & Safety



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 2**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** October 17, 2017

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:**

Johannes Hoevertsz, 565-3585

**Supervisorial District(s):**

All

**Title:** Resolution Making Findings and Declaring an Emergency Need to Remove Dangerous Vegetation From County Right-of-Way and Stabilizing County Right-of-Way and Ratification of Actions

### **Recommended Actions:**

Receive this Engineer's Report on the Sonoma Complex Fire and Adopt a Resolution:

- A) Finding and declaring an emergency need to remove dangerous vegetation from county right-of-way and stabilizing county right-of-way;
- B) Suspending the requirements for competitive bidding based on the urgent need for action;
- C) Authorizing the Director of the Department of Transportation and Public Works to execute contracts for removal of dangerous vegetation from county right-of-ways and stabilizing county right-of-ways;
- D) Making an exemption determination under the California Environmental Quality Act;
- E) Ratifying any emergency contracts entered into by the County Administrator relating to these issues.

### **Executive Summary:**

This item requests the Board of Supervisors receive this Engineer's Report and adopt a Resolution finding and declaring an emergency need to remove dangerous vegetation from county right-of-way and stabilizing county right-of-way; suspending the requirements for competitive bidding because the emergency will not permit a delay; authorizing the Director of the Department of Transportation and Public Works to execute contracts for removal of dangerous vegetation from county right-of-ways and stabilizing county right-of-ways; making an exemption determination under the California Environmental Quality Act ("CEQA") due to damages arising from multiple complex fires that began on or around midnight on Sunday, October 8, 2017, causing extreme property damage and health and safety concerns and ratifying emergency contracts entered into by the County Administrator.

**Discussion:**

Multiple Fires began on or about midnight, October 8, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the Proclamation on October 10, 2017, to continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available.

As a result of the fires, dangerous vegetation, including burned trees, has accumulated along numerous county right-of-ways that was sudden and unexpected, and poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public service.

Transportation & Public Works has an immediate need for tree removal services including, the removal of compromised trees from the County Right-of-Way. The purpose is to protect first responders, agency staff and the public from falling limbs and collapsing trunks. Additionally, critical access will be maintained to areas still affected by fires ensuring that first responders have as many access points to attack fires and protect property as possible. This operation exceeds the capacity of County forces and would pull road maintenance staff away from setting up and maintaining road closures and assisting firefighters by delivering water resupplies for firefighting equipment.

Additionally, fire damaged hillsides and slopes are unstable due to a loss of brush and tree cover which would normally prevent erosion and slides. There is an urgent need for action to hydroseed those areas before the winter rains to stabilize the slopes. The hydroseeding process can cover a large area rapidly and is a process that allows plants to germinate quickly, providing some relief from this danger.

The scope of this work would extend to all fire affected areas of the unincorporated county and would emphasize areas where upslope fire damage makes slides a particular risk to people, structures, and infrastructure such as roads and utilities. Transportation & Public Works does not have the capacity and/or expertise to deliver this safety measure and would normally issue a request for proposals to hire a contractor.

The normal contracting process takes two to three months from a minimum advertising period through assessing proposals and awarding and executing contracts. This delay would mean that it would not be possible to perform necessary tree removal or hydroseed critical areas and give seed the chance to germinate, prior to the onset of wet, winter weather.

Public Contract Code section 22050 authorizes the County to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications.

Staff recommends adopting the resolution and proceeding to complete this work without competitive bidding because competitive bidding would delay the removal of the dangerous vegetation and stabilization of county right-of-ways substantially. First, bid documents would be required, which could take weeks to prepare, and then a bid process would require a minimum of thirty days of advertisement before opening. If approved, this item will be brought back to the Board every 14 days thereafter to determine [by 4/5 vote] if there is a need to continue the action without competitive bidding. The Board is obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

Staff also recommends making a finding in the resolution that the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a “sudden and unexpected manner” and poses an “imminent danger, demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in sections 210801(b)(2) and (b)(4) of the Public Resources Code; however the Director of Transportation and Public works shall, to the extent he deems feasible in his sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein.

Lastly, the County Administrator has emergency contracting authority pursuant to Sonoma County Code section 2-351(b) and pursuant to the proclamation of local emergency for the complex fires. Staff recommends ratifying any contracts for emergency tree removal and/or hydroseeding or related emergency issues entered into by the County Administrator subsequent to the drafting this report to the date of this Board action.

**Prior Board Actions:**

None.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

Adopting a resolution waiving competitive bidding due to the local emergency helps to ensure the safety of the community by removing dangerous vegetation that poses a safety threat to the public, and by stabilizing county right-of-ways.

<b>Fiscal Summary</b>			
<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency			
<b>Related Items "On File" with the Clerk of the Board:</b>			



County of Sonoma  
State of California

Resolution No.

575 Administration Drive  
Santa Rosa, California

Date: 10/17/2017

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING AND DECLARING AN EMERGENCY NEED TO REMOVE DANGEROUS VEGETATION FROM COUNTY RIGHT-OF-WAYS AND FOR STABILIZATION OF HILLSIDES, EMBANKMENTS AND FIRE BURNED AREAS, SUSPENDING THE REQUIREMENT OF COMPETITIVE BIDDING, AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO EXECUTE CONTRACTS FOR THE WORK AND RATIFYING ANY CONTRACTS MADE BY THE COUNTY ADMINISTRATOR PURSUANT TO SONOMA COUNTY CODE SECTION 2-351(b) AND LOCAL EMERGENCY PROCLAMATIONS AND MAKING AN EXEMPTION DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (4/5THS VOTE REQUIRED)**

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8<sup>th</sup> day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

**WHEREAS**, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9<sup>th</sup> day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**WHEREAS**, on October 10, 2017, this Board ratified the Proclamation, to continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available; and

**WHEREAS**, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, has caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs;

**WHEREAS**, the multiple fires have also resulted in a Presidential Declaration of Major Disaster and eligibility for Federal Emergency Management Agency (FEMA) relief;

**WHEREAS**, the Director of Transportation and Public works has submitted an agenda report to this Board that demonstrates that dangerous vegetation has accumulated along numerous county rights-of-way that pose an immediate threat to public health and safety due to the Sonoma Complex Fires and the impending rainy season;

**WHEREAS**, the purpose of removal of trees from the County Right-of-Way and fire damaged trees is to keep roads open, protect first responders, agency staff and the public from falling limbs and collapsing trunks and to maintain critical access for first responders in all fire affected areas in the unincorporated territory of the County of Sonoma;

**WHEREAS**, there is also an urgent need in advance of winter rains for hydroseeding which is a process of planting seeds that germinate quickly in fire damaged areas that are unstable due to a loss of brush and tree cover which would normally prevent erosion and slides;

**WHEREAS**, tree removal and hydroseeding operations exceed the capacity and/or expertise of County forces and would pull road maintenance staff away from other priorities relating to road closures and first responder assistance;

**WHEREAS**, the normal contracting process requiring two to three months to advertise, assess proposals and award contracts would mean these critical services would not be available when needed most;

**WHEREAS**, there is an immediate need to keep roads open and protect public safety personnel and the public and hydro seeding must begin before the start of winter rains which could begin in the next several weeks;

**WHEREAS**, the County Administrator also has the authority to enter into emergency contracts pursuant to Sonoma County Code section 2-351(b) and pursuant to the Proclamation of Local Emergency for the Complex Fires; and

**WHEREAS**, the Board of supervisors finds, based upon substantial evidence, that due to safety concerns the emergency actions cannot be delayed for a formal competitive solicitation for bids and this action is necessary to respond to an emergency;

**NOW, THEREFORE, BE IT RESOLVED** that this Board of Supervisors hereby finds, declares, determines and orders as follows:

1. *Correctness of Recitations.* That the foregoing recitations are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Complex Fires will not permit a delay resulting from competitive solicitation of binds. This action is necessary to respond to the emergency.
2. *Delegation of Authority.* The Director of the Department of Transportation and Public Works, with the assistance of County Counsel, is authorized to enter into contracts with contractors and to take such other action as he deems reasonable and necessary to immediately remove dangerous vegetation along or near county right-of-ways and to stabilize county right-of-ways, to protect the public health and safety, and to protect county property; provided that the authority hereby delegated is limited to the incurring of County obligation in an amount not to exceed \$100,000 per contract;
3. *Suspension of Competitive Bidding.* That the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the urgent need for action due to the existence of the dangerous vegetation along or near numerous county right-of-ways which could constitute a great public calamity and the immediate need to undertake work to remove the dangerous vegetation and stabilize county right-of-ways, and for hydroseeding to stabilize hillsides, embankments and fire burned areas but that this suspension shall be limited to work deemed reasonable and necessary by the Director of the Department of Transportation and Public Works to protect property and to provide continuity of county services;
4. *Director's duty to Coordinate and Report.* That the Director of the Department of Transportation and Public Works is directed, while carrying out the authority delegated by this resolution, to:

- a. Coordinate his activities as he deems necessary with the staff of the County of Sonoma and other affected and interested public regulatory agencies and public utilities; and
  - b. Report to this Board on actions taken pursuant to this resolution and other matters related to this emergency every 14 days; and
  - c. To inspect, observe and prepare a post work report;
5. *Determination of CEQA Exemption.* That the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a “sudden and unexpected manner” and poses an “imminent danger, demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in sections 210801(b)(2) and (b)(4) of the Public Resources Code; however the Director of Transportation and Public works shall, to the extent he deems feasible in his sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein;
6. *Notice of CEQA Exemption.* This resolution shall constitute a notice of exemption from the requirements of the California Environmental Quality Act.
7. *Ratification of Director’s Actions.* All acts by the Director of Transportation and Public works, with respect to the foregoing emergency, and accurately reported to this Board, are hereby ratified.
8. *Ratification of County Administrator’s Actions.* All acts by the County Administrator with respect to emergency contracting pursuant to Sonoma County Code 2-351(b) and pursuant to the Proclamation of Local Emergency for the Complex Fires are also hereby ratified.

**PASSED AND ADOPTED** by the Board this 17 day of October, 2017, by the following vote:

**SUPERVISORS:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_