



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/10/2020

Agenda Placement: 10C

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Steven Lederer, Director, Public Works - 259-8228

SUBJECT: Review of Report of Emergency Public Work Actions in Response to the Glass Fire and Possible Determination of the Need to Continue the Emergency Public Work Actions. (Standing Item)

RECOMMENDATION

Director of Public Works requests the following actions regarding the Glass Fire which may be ordered by the County Executive Officer or Director of Public Works:

1. Receive and review report of emergency public work actions in response to the event, accomplished without competitive bidding as authorized by Resolution No. 2015-37; and
2. Determine that based on the report from Public Works, that the emergency does not permit the delay associated with competitive bidding procedures, and that the emergency actions are necessary to respond to emergency pursuant to Public Contract Code section 22050. (4/5 Vote Required)

EXECUTIVE SUMMARY

On October 20, 2020, the Board of Supervisors confirmed the continuation of a local emergency within Napa County in response to the Glass Fire. The Board of Supervisors must initially review an emergency repair project ordered by the County Executive Officer or Director of Public Works within 7 days of the emergency action, or at the next regular meeting scheduled. If the action is approved, the Board of Supervisors must review the emergency action at every regularly scheduled meeting thereafter (but no more often than every two weeks) until the Board determines the emergency situation no longer exists (unless the action is terminated earlier by the County Executive Officer or Director of Public Works).

Staff requests that the Board of Supervisors takes the following actions:

1. Receive and review report of emergency public work actions in response to the Glass Fire, accomplished without competitive bidding as authorized by Resolution No. 2015-37; and

2. Determine that based on the report from Public Works, that the emergency does not permit the delay associated with competitive bidding procedures, and that the emergency actions are necessary to respond to the emergency pursuant to Public Contract Code section 22050. (4/5 Vote Required).

PROCEDURAL REQUIREMENTS

1. Staff report.
2. Public comments.
3. Motion, second, discussion and vote on the item. (This item requires a 4/5 vote to pass.)

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	If and when there is a declaration of local emergency, the County may be eligible and seek disaster relief funding to mitigate the emergency repair activities. The Board has also previously authorized the Auditor-Controller to increase individual budget units as necessary from \$5,000,000 budgeted for the Glass Fire in Board Resolution No. 2020-123.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	The emergency repair projects are assumed to be one-time activities whose fiscal impact is not expected to extend past the current fiscal year.
Consequences if not approved:	If the Board does not make determinations that each emergency repair action(s) ordered by the County Executive Officer of Director of Public Works must be continued to respond to the emergency, the remainder of each emergency project(s) may be deemed subject to competitive bidding. This would result in delays in completing projects that need to be completed before significant rain.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit Vibrant and Sustainable Environment Effective and Open Government
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is statutorily exempt from CEQA as authorizing repairs to facilities damaged by a disaster during a state of emergency declared by the Governor, pursuant to CEQA Guidelines section 15269, and categorically exempt as authorizing repairs to existing facilities pursuant to CEQA Guidelines section 15301.

BACKGROUND AND DISCUSSION

On October 1, 2020 (and then reconfirmed on October 20th), the Board of Supervisors ("Board") adopted Board Resolution No. 2020-123, ratifying and confirming the continuation of a local emergency within Napa County in response to the Glass Fire. On October 1, 2020 County staff discovered a burning timber lagging retaining wall that supports a portion of Deer Park Road about 1/2 mile north of Silverado Trail and on October 6, 2020 staff discovered that a similar wall located at Diamond Mountain Road, mile marker 1.1 had also burned. Both of these sites have been reviewed by an outside geotechnical consultant and County staff and both are in agreement that the unsupported vertical cuts of soil need to be supported as soon as possible and there is a danger of failing that becomes greater as the rainy season approaches.

After the recent LNU fires the County let an emergency repair project out to an expedited bid for another burnt lagging wall that was found on August 26, 2020 at Steele Canyon Road. On September 24, 2020 the County received 8 bids for the very similar Steele Canyon repair which has a scheduled completion date of November 6, 2020. Unfortunately bidding repairs for the two walls damaged from the Glass Fire would push completion dangerously into winter, putting the roads at risk of failure. Using costing information from the competitively bid Steele Canyon project as a basis, Public Works negotiated contracts with the Steele Canyon repair low bidder and working with the Auditor-Controller completed budget transfers for these repairs. The estimated total project cost is \$250,000 for the Deer Park repair and \$250,000 for the Diamond Mountain 1.1 repair. The Board has also previously authorized the Auditor-Controller to increase individual budget units as necessary from \$5,000,000 budgeted for the Glass Fire in Board Resolution No. 2020-123.

In Resolution No. 2015-37, the Board delegated contracting authority to the County Executive Officer ("CEO") and Director of Public Works ("Director") to let emergency repair contracts without competitive bidding as allowed under Public Contract Code 22050 in order to reduce delay in emergency public work repairs. The Board initially reviewed these projects at their October 20th meeting and are required to review the projects at each subsequent meeting (but no more often than every two weeks) until completion of the projects or until the Board determines the emergency situation no longer exists. The Board must terminate the emergency action at the earliest possible date that conditions warrant so that the remainder of the emergency projects may be completed through an advertised competitive bidding process.

Today the Board will receive a report of pending emergency repair projects ordered by the CEO/Director, including the reasons justifying each emergency project, why the action is necessary, or continues to be necessary, to respond to the emergency and why the emergency project must proceed, without delay resulting from competitive bidding.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Susan Kuss