



Legislation Details (With Text)

File #: 18-1471

On agenda: 1/8/2019

Final action: 1/8/2019

Enactment date:

Enactment #: Resolution No. 19-001, Resolution No. 19-002

**Title:** Adopt Resolution proclaiming continuation of the local emergency status relating to the extremely high levels of tree mortality and hazardous conditions created by the drought and request that the Governor continue to provide resources and support to mitigate risk of falling trees and increased fire hazard; authorize the Purchasing Manager to execute professional service agreements and other documents, subject to review and approval by County Counsel and the Auditor-Controller/ Treasurer-Tax Collector, necessary for the identification, removal, and disposal of dead and dying trees in Fresno County for an amount not to exceed \$13,510,564; and, adopt Budget Resolution increasing the FY 2018-19 appropriations and estimated revenues for Public Works and Planning - Grants Org 5512 in the amount of \$1,390,032 for the identification, removal, and disposal of dead and dying trees in the County (4/5 vote)

**Attachments:** 1. Agenda Item, 2. Resolution No. 19-001, 3. Map of Affected Area, 4. Proclamation of State Emergency, 5. Resolution No. 19-002

Date	Ver.	Action By	Action	Result
1/8/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: January 8, 2019

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer / Emergency Services Director  
Steven E. White, Director, Department of Public Works and Planning

SUBJECT: Purchasing Manager's Authorization, Budget Resolution, and Continuation of Tree Mortality Local Emergency Status in Fresno County

RECOMMENDED ACTION(S):

- 1. Adopt Resolution proclaiming continuation of the local emergency status relating to the extremely high levels of tree mortality and hazardous conditions created by the drought and request that the Governor continue to provide resources and support to mitigate risk of falling trees and increased fire hazard.**
- 2. Authorize the Purchasing Manager to execute professional service agreements and other documents, subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector, necessary for the identification, removal, and disposal of dead and dying trees in Fresno County for an amount not to exceed \$13,510,564.**
- 3. Adopt Budget Resolution increasing the FY 2018-19 appropriations and estimated revenues for Public Works and Planning - Grants Org 5512 in the amount of \$1,390,032 for the identification, removal, and disposal of dead and dying trees in the County (4/5 vote).**

Approval of the first recommended action will ensure the local emergency status remains in effect and permit the potential recovery of eligible costs. Approval of the second recommended action will increase the

Purchasing Manager's previous Board authorization to contract for services related to tree mortality from \$12,120,532 to \$13,510,564. Approval of the third recommended action will increase appropriations and estimated revenues, allowing the continued contracting for the removal of dead and dying trees in high hazard areas that are within 300 feet of permanent private structures, roadways, and public or private infrastructure on either the State Route 168 or 180 corridors, with no increase in Net County Cost. This item pertains to locations in District 5.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the County would not be able to utilize eligible funding from the California Department of Forestry and Fire Protection (CAL FIRE) to continue contracting for the removal and disposal of dead and dying trees in high hazard areas.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The first recommended action is necessary to ensure specific liability protection, emergency powers of the Emergency Services Director, and potential recovery of eligible costs, if any, from State and Federal emergency funds. On November 6, 2018, your Board approved two revenue Agreements totaling \$1,390,032 with CAL FIRE to continue removing dead and dying trees, which do not require a local match. The second recommended action would increase the Purchasing Manager's aggregate threshold provision for tree removal services by \$1,390,032, from \$12,120,532 to \$13,510,564. Approval of the third recommended action will increase the FY 2018-19 appropriations and estimated revenues in the amount of \$1,390,032 in the Department's Grant Org 5512.

DISCUSSION:

On September 22, 2015, your Board approved a resolution requesting a state of emergency be proclaimed in the County due to the degraded forest conditions and imminent threat from catastrophic fires and extreme drought.

On May 24, 2016, your Board approved the Emergency Services Director's submittal of an Application for State financial assistance under the California Disaster Assistance Act (CDAA) to the California Office of Emergency Service (OES) to mitigate tree mortality.

On January 31, 2017, your Board approved 13 revenue agreements with CAL FIRE to receive FY 2016-17 State Responsibility Area (SRA) Fire Prevention and Tree Mortality Grant Program funds for the removal of dead and dying trees that are within 300 feet of permanent private structures, roadways, and public or private infrastructure.

On April 17, 2018, your Board approved a revenue agreement with CAL FIRE for \$880,133 in Local Assistance for Tree Mortality Grant Program (LATM) funding that allows the County to cover the 25% CDAA cost share requirement and draw down an additional \$2,640,399 in CDAA funding. Additionally, your Board increased the Purchasing Manager's aggregate threshold to procure tree removal services from \$6,600,000 to \$12,120,532.

On November 6, 2018, your Board approved two revenue agreements with CAL FIRE for \$1,390,032 in Fire Prevention Program Grant (FPP) funding to continue contracting for the removal of dead and dying trees that are within 300 feet of permanent habitable structures, roadways, and public or private infrastructure.

On August 9, 2016, your Board authorized an increase to the Purchasing Manager's aggregate threshold provision from \$100,000 to \$2,000,000 to procure services for the identification, removal and disposal of dead and dying trees. On January 31, 2017, your Board authorized an increase to the Purchasing Manager's aggregate threshold provision from \$2,000,000 to \$6,600,000 to continue to contract for tree removal services.

On April 17, 2018, your Board authorized an increase to the Purchasing Manager's aggregate threshold provision from \$6,600,000 to \$12,120,532. As of November 30, 2018, the County has expended \$8,500,000 of the \$12,120,532 on tree removal services.

As of November 6, 2018, the tree mortality budget includes funding from the following sources:

- CDA: \$7,140,399 plus the County General Fund match in the amount of \$1,500,000
- SRA: \$2,600,000
- LATM: \$880,133
- FPP: \$1,390,032

TOTAL \$13,510,564

The second recommended action would increase the Purchasing Manager's aggregate threshold provision from \$12,120,532 to \$13,510,564 for tree removal services. Master Service Agreements (MSA) were established for 17 Registered Professional Foresters (RPFs) and 21 Licensed Timber Operators (LTOs). Bids are solicited from all of the RPFs and LTOs on the MSAs to secure the lowest price.

The County's OES has coordinated an emergency response-planning meeting with all organized camps programs operating in the County. Additionally, the County's OES worked with CAL FIRE and the Sheriff's Office to conduct pre-fire evacuation planning meetings for communities in high hazard areas.

Forest degradation conditions have not improved as the tree mortality disaster has continued and escalated in eastern Fresno County. Mountain communities continue to be threatened by the potential of falling trees and wildfires.

Fresno County Ordinance Code, Chapter 2.44.060 requires your Board to review the need to continue the local emergency at least once every 30 days until terminated; State law requires the same. The local emergency must be terminated at the earliest possible date when conditions warranting proclamation have ended.

#### REFERENCE MATERIAL:

BAI #26, December 11, 2018  
BAI #48, November 6, 2018  
BAI #39, April 17, 2018  
BAI #37, January 31, 2017  
BAI #31, August 9, 2016  
BAI #13, May 24, 2016  
BAI #21, September 22, 2015  
BAI #25, December 16, 2014

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution  
On file with Clerk - Map of Affected Area  
On file with Clerk - Proclamation of State Emergency  
On file with Clerk - Budget Resolution

#### CAO ANALYST:

Sonia M. De La Rosa