



## Legislation Details (With Text)

**File #:** 18-0262

**On agenda:** 4/17/2018

**Final action:** 4/17/2018

**Enactment date:**

**Enactment #:** Agreement No. 18-182, Resolution No. 18-130

**Title:** Approve and authorize the Chairman to execute a revenue Agreement with the California Department of Forestry and Fire Protection, for Local Assistance for Tree Mortality Grant Program funds, effective July 1, 2017 through January 31, 2020 (\$880,133); approve and authorize the Chairman to execute the Governing Body Resolution; and 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 \$12,120,532

**Attachments:** 1. Agenda Item, 2. Agreement A-18-182 with CAL Fire, 3. Resolution No. 18-130

Date	Ver.	Action By	Action	Result
4/17/2018	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** April 17, 2018

**TO:** Board of Supervisors

**SUBMITTED BY:** David Pomaville, Director, Department of Public Health  
Steven E. White, Director, Department of Public Works and Planning

**SUBJECT:** Retroactive Revenue Agreement with the California Department of Forestry and Fire Protection

### RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a revenue Agreement with the California Department of Forestry and Fire Protection, for Local Assistance for Tree Mortality Grant Program funds, effective July 1, 2017 through January 31, 2020 (\$880,133).**
- 2. Approve and authorize the Chairman to execute the Governing Body Resolution.**
- 3. 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 \$12,120,532.**

Approval of the first and second recommended actions would allow the County to receive Local Assistance for Tree Mortality Grant Program (LATM) funds for the removal of dead and dying trees that pose a threat to public roadways and public infrastructure. In addition, LATM funds will count towards the County's 25% cost share requirement under the California Disaster Assistance Act Program (CDAA), with no Net County Cost. Approval of the third recommended action will increase the Purchasing Manager's previous Board authorization to contract for services related to tree mortality from \$6,600,000 to \$12,120,532. This item pertains to locations in District 5.

### ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the County would decline funding that is eligible to be leveraged for additional funding through CDAA, as LATM funds would serve as the required 25% cost share.

#### RETROACTIVE AGREEMENT:

The recommended revenue agreement is retroactive to July 1, 2017. The California Department of Forestry and Fire Protection (Cal FIRE) required submittal of the non-competitive program application by February 28, 2018 and the agreement was received on March 1, 2018.

#### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The California Office of Emergency Services will allow LATM funds to be a part of the CDAA cost share requirement. The recommended revenue agreement (\$880,133) will allow the County to cover the 25% CDAA cost share requirement and draw down an additional \$2,640,399 in CDAA funding.

The available funds for tree mortality projects will include this allocation (\$880,133+\$2,640,399 = \$3,520,532) plus \$4,500,000 in CDAA, \$1,500,000 in County General Fund match, and \$2,600,000 in State Responsibility Area (SRA) grants, requiring the requested increase to the Purchasing Manager's aggregate threshold to procure tree removal services from \$6,600,000 to \$12,120,532.

The grant allocation is non-competitive and does not require matching funds. Sufficient appropriations and estimated revenues will be included in the Department of Public Works and Planning FY 2018-19 budget request.

#### DISCUSSION:

On September 22, 2015, the 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. 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 potential falling trees and wildfires.

On February 6, 2018, your Board authorized the submittal of a non-competitive LATM application to Cal FIRE at the maximum amount of \$880,133. Fresno County is one of ten high priority counties dealing with tree mortality and eligible for LATM grant funding. The objective of the program is to increase the pace and scale of tree mortality projects by providing supplemental funds to help meet the CDAA 25% cost share of projects, thereby allowing the drawdown of additional CDAA funding. Fresno County is eligible for \$880,133 in LATM funds, which will allow the County to drawdown an additional \$2,640,399 in CDAA funding.

The County has utilized General Fund, SRA grants, and CDAA funding for the removal of dead and dying trees since April 2016. Approximately 10,800 trees have been removed along County and private roads, near homes, and infrastructure. The Departments of Public Health and Public Works and Planning propose to continue contracting with Registered Professional Foresters (RPF) and Licensed Timber Operators (LTO) for the assessment, identification, and removal of dead and dying trees.

On August 9, 2016, the 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, the 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. The current budgets for tree mortality projects consist of \$4,500,000 CDAA funding with a General Fund cost

share of \$1,500,000, and \$2,600,000 in SRA grants. Should your Board approve the recommended actions, the County's budget for the removal of dead and dying trees would increase to \$12,120,532. The third recommended action would authorize the Purchasing Manager to continue contracting for tree removal services up to an amount not to exceed \$12,120,532. Master Service Agreements (MSA) have been established for 17 RFPs and 21 LTOs. Bids are solicited from all of the RPFs and LTOs on the MSAs to secure the lowest price.

The recommended revenue agreement is retroactive to July 1, 2017. Additionally, the recommended agreement contains language whereby the County indemnifies the Cal FIRE for any claims arising from the agreement. The County, however, is waiving its right to seek indemnity from Cal Fire for claims arising from the agreement. The recommended revenue agreement may be suspended or terminated by Cal FIRE if the County fails to comply with the terms of the agreement and the County may terminate the agreement upon providing a 30-day written notice.

REFERENCE MATERIAL:

BAI #28, March 6, 2018  
BAI #27, February 6, 2018  
BAI #37, January 31, 2017  
BAI #31, August 9, 2016  
BAI #13, May 24, 2016  
BAI #21, September 22, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Cal FIRE - 8GA17111  
On file with Clerk - Cal FIRE Governing Body Resolution

CAO ANALYST:

Sonia M. De La Rosa