



County of Fresno

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Legislation Text

File #: 16-1060, **Version:** 1

DATE: August 9, 2016

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer/
Emergency Services Director

David Pomaville, Director
Department of Public Health

Steven E. White, Director
Department of Public Works and Planning

Robert W. Bash, Director/Chief Information Officer
Internal Services Department

SUBJECT: Continuation of Tree Mortality Local Emergency Status in Fresno County

RECOMMENDED ACTION:

- 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 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 dying and dead trees in Fresno County for an amount not to exceed \$2,000,000.**
- 3. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning - Grants, Tree Mortality 2016 Org 55125200 in the amount of \$1,650,000 (4/5 vote).**
- 4. Approve and authorize Clerk to the Board to Execute Budget Transfer No. 3 transferring FY 2016-17 appropriations within the General Fund, Interest and Miscellaneous Expenditures Org 2540 from account 7295, Professional & Specialized Services (\$500,000) to General Fund, Tree Mortality 2016 Org 55125200, account 7295 in the amount of \$500,000.**

Approval of the first recommended action will ensure the local emergency status remains in effect and permit the potential recovery of eligible costs. Due to the proclamation of local emergency status, California Government Code Section 25502.7 authorizes your Board to direct the Purchasing Manager to engage independent contractors to perform services related to the local emergency. Approval of the second recommended action will provide authority to the Purchasing Manager to procure the necessary services in a timely manner for the identification, removal, and disposal of dead and dying trees in Fresno County and allow him to contract for services related to this project above the \$100,000 aggregate threshold provision contained

in the Purchasing Manual up to an amount not to exceed \$2,000,000. Approval of the third recommended action will provide appropriations in Public Works and Planning, Tree Mortality 2016 Org 55125200 in the amount of \$1,650,000 for the funds received from the State. Approval of the fourth recommended action will provide appropriations in Public Works and Planning Tree Mortality 2016 Org 55125200 in the amount of \$500,000 with a transfer of funds from Interest and Miscellaneous Expenditures Org 2540.

ALTERNATIVE ACTION(S):

No viable options are available. If your Board does not approve the recommended actions, staff would be unable to appropriately respond to the tree mortality in Fresno County, which could potentially impact County right-of-ways and public infrastructure.

FISCAL IMPACT:

There is no increase in Net County Cost associated with this item. Fresno County has identified \$2,000,000 of tree mortality removal projects and submitted an application to California Office of Emergency Services (CalOES) for California Disaster Assistance Act (CDAA) funding. The CDAA will fund 75% of the project costs, which amounts to \$1,500,000. The disaster assistance funding will also provide a 10% administrative allowance applied as a percentage of the total approved state share (\$150,000). This brings the total grant funding to \$1,650,000 and the total project cost to \$2,150,000. The County's share of \$500,000 is included in the Interest and Miscellaneous Expenditures Org 2540 FY 2016-17 Adopted Budget. Approval of the third recommended action will increase the FY 2016-17 adopted appropriations and estimated revenues by \$1,650,000 in the Tree Mortality 2016 Org 55125200. Approval of the fourth recommended action will transfer existing FY 2016-17 appropriations from the Interest and Miscellaneous Expenditures Org 2540 to the Tree Mortality 2016 Org 55125200 to fund the County's share of the project costs..

DISCUSSION:

The recommended actions before your Board today will ensure the local emergency status remains in effect and permit the potential recovery of eligible costs. They also ensure that the recommended actions provide authority to the Purchasing Manager to procure the necessary services in a timely manner for the identification, removal, and disposal of dying and dead trees in Fresno County and allows the Purchasing Manager to contract for services related to this project above the \$100,000 aggregate threshold provision contained in the Purchasing Manual up to an amount not to exceed \$2,000,000. Lastly, it ensures that the Department of Public Works and Planning has sufficient appropriations to carry out the identified projects.

The Purchasing Manager, with the assistance and concurrence of knowledgeable stakeholders, will establish qualification criteria for service providers and will develop master service agreements for use in contracting with the multiple service providers in various specialties necessary for the projects. Staff is identifying and prioritizing project areas, or zones, within 200' of the right of way of roadways and other infrastructure.

On September 22, 2015, your Board approved a resolution requesting a state of emergency be proclaimed in Fresno 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 the potential of falling trees and wildfires.

On October 30, 2015, Governor Brown proclaimed a State of Emergency and included provisions to expedite the removal and disposal of dead and dying hazardous trees. As a result, costs related to identification,

removal, and disposal of dead and dying trees that constitute a threat of falling on public right-of-way and public infrastructure are eligible for CDAA reimbursement, in accordance with California Code of Regulations, section 2970.

On January 29, 2016, California Department of Forestry and the Fire Prevention Fund awarded grant funding as follows:

- \$199,594 to Fresno County Public Works to remove trees along the right-of-way of highway 168 and 180 corridors. This grant funded project has been completed;
- \$100,000 to the Oak to Timberline Fire Safe Council to reduce hazardous fuels in the Pinehurst and Miramonte foothill communities; and,
- \$100,000 to the HWY 168 Fire Safe Council to remove dead trees and fuels in the Meadow Lakes community.

On February 5, 2016, the formation of a Core Planning Team comprised of County of Fresno -Office of Emergency Services, Cal-Fire, Sierra and Sequoia National Forests, County of Fresno - Public Works, Caltrans, PG&E, Southern California Edison and other stakeholders examined the immediate exposure to the tree mortality and outlined objectives in response to the local emergency. The development of a County plan to address the immediate impacts of the hazard was initiated. Monthly tree mortality task force meetings are being conducted to provide a platform to ensure on-going communication and coordination between agencies and local government.

On March 14, 2016, a meeting between Fresno County Staff and leaders of the Governors' Tree Mortality Task Force outlined the need to seek assistance intended for private landowners for tree removal. Also discussed were the issues that hindered implementation of their tree removal efforts. While the County's efforts will focus on areas that may impact public infrastructure, rights of entry will be necessary to perform work on private lands. The reiteration for the Governor to request a Presidential Declaration of Emergency for impacted counties was also sought. At the state level, an Incident Action Plan outlined the following objectives:

- Provide for public health and safety of persons and property in identified high hazard zones.
- Ensure efforts associated with the implementation of the directives contained in the Governor's State of Emergency Proclamation remain coordinated.
- Ensure continuous communication among State, Federal, Tribal and local governments, as well as with other non-governmental organizations assigned to the task force.
- Provide consistent and coordinated messaging between task force member agencies and the public.
- Manage projects and programs in a financially responsible and efficient manner.

The County Office of Emergency Services has coordinated an emergency response planning meeting with all organized camps operating in the County. Additionally, the Office is working with Cal-Fire and the Sheriff to conduct pre-fire evacuation planning meetings for communities in high hazard areas.

On April 12, 2016, the Director of the Department of Public Health presented an update to your Board regarding the drought and bark beetle infestation impact on the forest trees. At that same hearing, the Department of Public Works and Planning received direction from your Board to initiate an amendment to the zoning ordinance to develop temporary use provisions for methods associated with timber harvesting, processing, and storage as a result of the current tree mortality emergency. Public Works and Planning anticipates returning to the Board with the ordinance amendment on August 23, 2016.

On May 19, 2016, the U.S. Forest Service, Region 5 hosted a tour in the Shaver Lake and Pineridge areas to provide information to legislators and local officials about the current conditions and the efforts that are currently underway to mitigate the hazards caused by tree mortality.

On May 24, 2016, your Board approved the submittal of an application to the State for financial assistance under CDAA to mitigate tree mortality in Fresno County. The County's application is currently under review by the State. When the State approves the County tree removal plan, the County will begin to submit for specifically identified tree removal projects.

REFERENCE MATERIAL:

BAI #8, February 4, 2014
BAI #21, September 22, 2015
BAI #21.1, October 13, 2015
BAI #23, November 3, 2015
BAI #43, November 17, 2015
BAI #31, December 15, 2015
BAI #28, January 12, 2016
BAI #25, February 9, 2016
BAI #25, March 1, 2016
BAI #34, March 15, 2016
BAI #7.1, April 12, 2016
BAI #42, May 10, 2016
BAI #13, May 24, 2016
BAI #27, June 7, 2016
BAI #25, June 21, 2016
BAI #34, July 12, 2016

ATTACHMENTS INCLUDED AND ON FILE:

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

CAO ANALYST:

John Hays