



County of Fresno

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Fresno, California
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Legislation Text

File #: 16-1535, **Version:** 1

DATE: January 31, 2017

TO: Board of Supervisors

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

SUBJECT: Revenue Agreements with the California Department of Forestry and Fire Protection

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute 13 separate Revenue Agreements with the California Department of Forestry and Fire Protection for Fiscal Year 2016-2017 State Responsibility Area Fire Prevention and Tree Mortality Grant Program funds, effective upon execution through June 30, 2018 (\$2,600,000).**
- 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 \$6,600,000.**
- 4. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning - Grants Org 5512 in the amount of \$1,000,000 (4/5 vote).**
- 5. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, Fresno County Water Works District 37 Org 9357 in the amount of \$200,000 (4/5 vote).**
- 6. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, County Service Area 23 Org 9163 in the amount of \$200,000 (4/5 vote).**
- 7. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, Fresno County Water Works District 40 Org 9360 in the amount of \$200,000 (4/5 vote).**
- 8. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, County Service Area 31B Org 9166 in the amount of \$400,000 (4/5 vote).**
- 9. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, County Service Area 31C Org 9149 in the amount of \$200,000 (4/5 vote).**

10. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, County Service Area 31E Org 9256 in the amount of \$200,000 (4/5 vote).

11. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for the Department of Public Works and Planning, County Service Area 50 Org 9248 in the amount of \$200,000 (4/5 vote).

Approval of the first and second recommended actions would allow the County to receive State Responsibility Area Fire Prevention Fund (SRAFPF) 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, with no increase in 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 \$2,000,000 to \$6,600,000. Approval of the remaining recommended actions will provide appropriations in various Orgs within the Department of Public Works and Planning in the total amount of \$2,600,000 to contract for tree removal and accept funding from the State.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the County would not be eligible to draw down funding to contract for the removal of dead and dying trees. However, the SRAFPF and Tree Mortality Grant Program are the only available grant funding sources at this time that allow for removal of dead and dying trees on private property and County operated special districts.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended revenue agreements represent 13 separate grant awards in the amount of \$200,000 each totaling \$2,600,000. The grant allocation is competitive and does not require matching funds; however, the Department of Public Health proposes to utilize \$16,900 in Health Realignment to offset a portion of staff costs associated with grant administration. Approval of the fourth recommended action will increase the FY 2016-17 appropriations and estimated revenues in the Department of Public Works and Planning - Grant Org 5512 in the amount of \$1,000,000 for the five revenue agreements associated with the communities of Pine Ridge, Miramonte, Pinehurst, Upper Millwood, and Lower Meadow Lakes using funding from the California Department of Forestry and Fire Protection Tree Mortality Grant Program. Approval of recommended actions five through eleven will increase the FY 2016-17 appropriations and estimated revenues in the amount \$1,600,000 in various County Service Area Orgs along with two Waterworks district Orgs within the Department of Public Works and Planning for eight revenue agreements associated with Mile High, Exchequer, Shaver Springs, Shaver Lake Village, Wildflower Village, Timber Ridge, and Auberry Volunteer Fire Department using funding from the California Department of Forestry and Fire Protection Tree Mortality Grant Program. The Department of Public Health has sufficient appropriations in FY 2016-17 to cover the proposed staff costs and indirect costs associated with grant administration. The grant allows for full reimbursement of direct costs but limits indirect cost recovery to 12%. The Department of Public Health's current indirect cost recovery rate is 15.873%; the difference (\$100,698) will be covered with Health Realignment.

DISCUSSION:

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 allow for the procurement of necessary dead and dying tree identification, removal, and disposal services. Master Service Agreements have been established for Registered Professional Foresters, and Licensed Timber Operators. The current budgets for tree mortality projects consist of \$3,000,000 disaster assistance funding with a cost share of \$1,000,000. Should your

Board approve the recommended actions, the County's budget for the removal of dead and dying trees would increase to \$6,600,000. The third recommended action would authorize the Purchasing Manager to continue contracting for tree removal services up to an amount not to exceed \$6,600,000.

On October 11, 2016, your Board approved the retroactive submittal of 16 separate Tree Mortality Grant Program applications to the California Department of Forestry and Fire Protection (Cal FIRE) at the maximum amount of \$200,000 each totaling \$3,200,000. On December 15, 2016, the County was notified that 13 applications were selected for funding totaling \$2,600,000.

The Departments propose to contract for tree removal services in the County Service Areas and other high hazard communities listed on Attachment A. The County has Master Service Agreements in place for Registered Professional Foresters and Licensed Timber Operators to expedite the removal of dead and dying trees. Registered Professional Foresters will assess, identify, count, and mark dead and dying trees that are within 300 feet of habitable structures and non-county maintained roads. Licensed Timber Operators will fall trees that have been identified for removal by the Registered Professional Foresters and will dispose of them in the most economical manner. The Departments also propose to utilize grant funds to partially offset staff costs associated with the coordination of contracted tree removal services up to the 12% limit for indirect costs.

On November 18, 2016, the U.S. Department of Agriculture announced that the U.S. Forest Service had identified an additional 36 million dead trees State-wide since its last aerial survey in May, 2016. This latest increase brings the total number of dead trees since 2010 to over 102 million on 7.7 million acres of California's drought stricken forests. Fresno County currently has 16,769,000 dead trees that pose an increased hazard to roads, critical infrastructure, communities, and watersheds. Approximately 32,446 dead and dying trees have been identified for removal on the high hazard zones adjacent to structures in and around communities in Fresno County. However; available funds will only help address a portion of trees in need of removal.

The recommended revenue agreements are effective upon execution through June 30, 2018. The budgets within the recommended agreements may be modified up to 10%. Additionally, the agreements contain language whereby the County indemnifies the State for any claims arising from the agreements. The County, however, is waiving its right to seek indemnity from the State for claims arising from the agreements. The recommended revenue agreements may be suspended or terminated by the State if the County fails to comply with the terms of the agreement. The County may terminate the revenue agreements upon providing a 30-day written notice.

REFERENCE MATERIAL:

BAI #39, September 13, 2016
BAI #37, October 11, 2016
BAI #31, August 9, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Approved Tree Mortality Grant Program Applications
On file with Clerk - CalFire Governing Body Resolution
On file with Clerk - Agreement with CalFire Zone 2 - 5GS16111
On file with Clerk - Agreement with CalFire Zone 5 - 5GS16109
On file with Clerk - Agreement with CalFire Zone 7 - 5GS16110
On file with Clerk - Agreement with CalFire Zone 8 - 5GA16109
On file with Clerk - Agreement with CalFire Zone 9 - 5GA16110
On file with Clerk - Agreement with CalFire Zone 3 - 5GA16111

On file with Clerk - Agreement with CalFire Zone 13 - 5GA16105
On file with Clerk - Agreement with CalFire Zone 4 - 5GA16104
On file with Clerk - Agreement with CalFire Zone 14 - 5GA16106
On file with Clerk - Agreement with CalFire Zone 15 - 5GA16107
On file with Clerk - Agreement with CalFire Zone 11 - 5GS16107
On file with Clerk - Agreement with CalFire Zone 16 - 5GA16108
On file with Clerk - Agreement with CalFire Zone 1 - 5GS16108
On file with Clerk - Resolutions (8)

CAO ANALYST:

Sonia De La Rosa