



Resource Management Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: May 21, 2024 – REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	N/A

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Reaffirm the Local Emergency Related to March 2023 Storm Event Damages

REQUEST(S):

That the Board of Supervisors:

1. Reaffirm the Local Emergency within the meaning of Public Contract Code §1102 and Public Resources Code §21060.3 due to the damage to various County roads, bridges, and related infrastructure from the March 2023 storm events, as declared by the Board of Supervisors Resolution No. 2023-0424 on May 16, 2023 (4/5ths vote required).
2. Find that the emergency road repair work identified as a result of March 2023 Storm Events are exempt from review under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines as specific actions necessary to prevent or mitigate an emergency pursuant to 14 CCR § 15269 (a) and (c) and PRC § 21080 (b)(4).
3. Authorize the Environmental Assessment Officer or designee to sign and file a Notice of Exemption with the Clerk-Recorder and the State Office of Planning and Research.

SUMMARY:

The County of Tulare (County) experienced a series of severe rainstorms (atmospheric rivers) beginning in January of 2023, causing significant and widespread flooding and damage to critical transportation infrastructure. While January and February storm damage has been remediated, Resource Management Agency (RMA) staff has identified over 225 locations in need of critical emergency repairs resulting from the March 2023 storm events.

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On March 14, 2023, your Board reviewed and ratified the Proclamation of a Local Emergency due to Winter Storms and Flooding proclaimed by the Emergency Services Director on March 9, 2023 (Resolution No. 2023-0181). This is in addition to emergency proclamations by the State and the Federal governments, including a Presidential Major Disaster Declaration.

Responses to Date:

On May 16, 2023, your Board declared the existence of an emergency within the meaning of Public Contract Code §1102 and Public Resources Code §21060.3 due to the damage to various County roads, bridges, and related infrastructure from the March 2023 storm events (Resolution No. 2023-0424).

RMA subsequently presented an agenda item to the Board reaffirming the Local Emergency relating to the damages caused by the March 2023 Storm Event on June 6, 2023, June 27, 2023, July 11, 2023, July 18, 2023, August 1, 2023, August 15, 2023, August 29, 2023, September 12, 2023, September 26, 2023, October 17, 2023, October 31, 2023, November 7, 2023, November 28, 2023, December 12, 2023, January 9, 2024, January 23, 2024, February 6, 2024, February 27, 2024, March 12, 2024, March 26, 2024, April 9, 2024, April 23, 2024 and May 7, 2024 (Resolution Nos. 2023-0477, 2023-0602, 2023-0651, 2023-0680, 2023-0727, 2023-0758, 2023-0813, 2023-0850, 2023-0908, 2023-0969, 2023-1008, 2023-1039, 2023-1080, 2023-1156, 2024-0037, 2024-0069, 2024-0117, 2024-0158, 2024-0203, 2024-0251, 2024-0301, 2024-0330 and 2024-0377).

In response to the extensive damages, RMA, coordinating with the Federal Emergency Management Agency (FEMA), the California Governor's Office of Emergency Services (Cal OES), Caltrans Local Assistance, and the Federal Highway Administration (FHWA), is diligently at work expediting emergency repair projects with the primary goal of restoring access for communities and affected property owners. Given that the approximately 225 March Storm Event damage locations include roads that have been completely inaccessible to emergency services and residents, RMA's priority has been focused on addressing those roads and bridges that pose a safety risk to the area or community.

Attachment B provides a complete list and status of emergency repair projects/contracts to date; the projects listed represent high-priority locations and upcoming or in-progress projects. Note the following key updates:

The M46 West Oakwood Drive over Capinero Creek Bridge Project

The former single span timber bridge on Mountain Road 46 (M46) West Oakwood Drive over Capinero Creek, located approximately 25 miles southeast of Porterville, requires replacement. A contract for the construction of the Project in the amount of \$2,858,840 was awarded to American Paving Co. of Fresno, California. Work on this Project is currently under way, with most of the structure work completed. It is anticipated that this project will be completed in June 2024.

To keep the public informed of the status of contracted emergency repair projects, RMA

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has published a webpage to provide periodic updates on the progress of repair work, including milestones achieved and estimated timelines for completion. These updates are also being posted on RMA's social media accounts.

RMA has been using every available resource, including private consultant Witt O'Brien's to guide RMA through the cost-recovery process (Resolution No. 2023-0389), as well as construction contracts, time & material contracts, and our own County Forces to perform emergency work to assist in recovery efforts. Attachment C provides some of the projects/locations of emergency repair work completed by Force Account to date.

On May 16, 2023 (Resolution No. 2023-0424) and on October 31, 2023 (Resolution No. 2023-1008), the Board found that several emergency repair projects previously identified were statutorily exempt from the California Environmental Quality Act (CEQA). The Board directed the County's Chief Environmental Planner to file appropriate Notices of Exemption.

All emergency projects, with the exception of the M46 West Oakwood Drive over Capinero Creek Bridge Project, have been completed. Staff recommends that the Board determine that the additional projects listed in Attachment D are also exempt from CEQA under California Code of Regulations Title 14, Chapter 3, Article 18, §15269 (a) and (c) of CEQA, and in Title 14, Division 6, Chapter 3, Articles 1-20, §15359 — Emergency. The projects listed (Attachment D) and the previous Notice of Exemption, dated October 31, 2023, provide a comprehensive list of locations where emergency work has been carried out.

Recommendation:

Staff recommend that the Board of Supervisors reaffirm the Local Emergency as required by Public Contract Code §22050(c) so that the local emergency remains in effect. This will allow staff to continue to expedite time-sensitive work required to restore access to the severely affected areas that either suffered significant damage or lack alternate access routes.

FISCAL IMPACT/FINANCING:

No net County cost to the General Fund.

Damage assessment for the County's Road infrastructure is currently estimated at \$136.6 million. Staff projects expenditures to date for the contract work and support services at \$29.8 million.

At present, County Road funds are being used to fund the emergency repair work. RMA staff are currently working to secure federal funding through the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration (FHWA) Emergency Relief Program (for locations with damage on federal-aid roads). County Road funds may be reimbursed if FEMA and FHWA funding is secured.

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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Safety and Security – The County’s five-year strategic plan includes the Safety and Security initiative, with a directive to plan and provide coordinated emergency preparedness, response, recovery, and mitigation capabilities for both natural and man-made disasters. This action ensures that the County maximizes its ability to respond to and recover from the current disaster.

ADMINISTRATIVE SIGN-OFF:

/s/ Reed Schenke

Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment A – Map of Damage Locations
Attachment B – List of Emergency Repair Projects/Contracts
Attachment C – Emergency Work by Force Account
Attachment D – Notice of Exemption