

**AGENDA
BOARD OF SUPERVISORS
SONOMA COUNTY
575 ADMINISTRATION DRIVE, ROOM 102A
SANTA ROSA, CA 95403**

TUESDAY

OCTOBER 31, 2017

8:30 A.M.

Susan Gorin	First District	Sheryl Bratton	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
James Gore	Fourth District		
Lynda Hopkins	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

AGENDAS AND MATERIALS: Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

SUPPLEMENTAL MATERIALS: Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241 or bos@sonoma-county.org as soon as possible to ensure arrangements for accommodation.

Public Transit Access to the County Administration Center:

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

APPROVAL OF THE CONSENT CALENDAR

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members request specific items be discussed and/or removed from the Consent Calendar. There will an opportunity for the public to comment on the consent calendar prior to it being voted upon.

PUBLIC COMMENT

Any member of the public may address the Board on a matter listed on the agenda. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to the agenda item under discussion. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers.

8:30 A.M. CALL TO ORDER

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA

(Items may be added or withdrawn from the agenda consistent with State law)

II. CONSENT CALENDAR

**AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR/ HUMAN
RESOURCES**

AND

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT
/SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

AND

COMMUNITY DEVELOPMENT COMMISSION

(Commissioners: Gorin, Rabbitt, Zane, Gore, Hopkins)

1. Overtime Payment to Sonoma County Prosecutors' Association, Sonoma County Deputy Public Defender Attorneys' Association, Deputy Sheriffs Law Enforcement Management, Sonoma County Law Enforcement Managers Association Employees, Department Heads and Unrepresented Employees During the Sonoma Complex Fire Emergency:
 - A) Adopt Resolution authorizing the Payroll Manager to pay straight-time overtime to Sonoma County Prosecutors' Association (S.C.P.A.) and Sonoma County Deputy Public Defender Attorneys' Association (S.C.D.P.D.A.A.) Employees During the Sonoma Complex Fire Emergency who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.
 - B) Adopt Resolution approving side letter agreements amending Deputy Sheriffs Law Enforcement Management (D.S.L.E.M.), and Sonoma County Law Enforcement Managers Association (S.C.L.E.M.A.) MOUs to include Section 7.4, Overtime in a Board-Designated Emergency, and authorizing the Payroll Manager to pay straight-time overtime during the Sonoma Complex Fire Emergency for employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.
 - C) Adopt concurrent resolution amending the Salary Resolution to include Department Heads (excluding Elected Officials), and Unrepresented employees not otherwise eligible for overtime, in Section 20.14 Overtime In a Board-Designated Emergency, and authorizing the Payroll Manager to pay straight-time overtime during the Sonoma Complex Fire Emergency for employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.

COUNTY ADMINISTRATOR

2. Ratification of the County Administrator’s Acceptance or Rejection of Various In-Kind Donations and Delegation of Authority to the County Administrator to Accept or Reject Any Donation, Gift, Bequest, or Devise Made to the County in Response to the Wildfires for the Duration of the Existence of the Local Emergency:
Adopt a Resolution to: (i) Ratify the County Administrator’s Acceptance or Rejection of Various Donations Received by the County in Response to the Complex Fire and (ii) Authorize the County Administrator to Accept or Reject Any Future Donation, Gift, Bequest, or Devise Made to the County in Response to the Complex Fire for the Duration of the Existence of the Local Emergency.

ECONOMIC DEVELOPMENT BOARD

3. Sonoma Coast Visitor Center Agreement for Services with Bodega Bay Chamber of Commerce:
A) Request that the Board Authorize the CAO to approve an agreement in the amount of \$55,566 to the Bodega Bay Chamber of Commerce to operate the Sonoma Coast Visitor Center.
B) Approve a budget resolution approving the additional \$5,000 in funding to support this agreement. (4/5th Vote Required)

III. REGULAR CALENDAR

COUNTY ADMINISTRATOR

4. Fire Recovery Update:
Receive Update on Fire Recovery Efforts and Consider Next Steps.

COUNTY ADMINISTRATOR/AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

5. Disaster Response and Recovery Costs:
Adopt a Resolution Adjusting the FY 2017-18 Budget transferring \$3 million from available General Fund Contingencies and General Fund Reserves to establish Appropriations in a separate General Fund in order track Disaster Response and Recovery Costs.
(4/5th Vote Required)

COUNTY ADMINISTRATOR/HEALTH SERVICES/COUNTY COUNSEL

6. Debris Clean Up Program – Opt-out Standards and Resolution Extending the Joint Proclamation of Local Health Emergency:
A) Receive Update on Debris Clean-up Efforts in the wake of the Complex Fire;
B) Adopt a Resolution Extending the Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer to Ensure Safe Removal of Debris Caused by the Complex Fire; and
C) Adopt an Ordinance Establishing Standards for Individuals Who Choose to Opt-out of the Federal Debris Removal Clean-up Program.

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

7. Emergency and Immediate Housing Needs Created by the Sonoma Complex Fire; Temporary Rental of Dwellings Under Land Conservation Act Contracts:
- A) Adopt a Resolution Modifying the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Williamson Act) to Allow Rental of Existing Residences for Temporary Disaster Housing.
 - B) Adopt an Urgency Ordinance to Similarly Revise Chapter 40 of the Sonoma Code to Allow Rental of Existing Residences for Temporary Disaster Housing.
- (4/5th Vote Required)

TRANSPORTATION AND PUBLIC WORKS

8. Resolution Making Findings to Extend and Expand the Suspension of Competitive Bidding to Stabilize Dangerous Conditions in or Adjacent to County Rights-of-Way:
Adopt a Resolution Doing the Following:
- A) Making finds that there is an emergency need to stabilize dangerous conditions in and adjacent to County Rights of Way resulting from the Complex Fire; and
 - B) Suspending Competitive Bidding Requirements and
 - C) Authorizing the Director of Transportation and Public Works to execute contracts necessary to stabilize dangerous conditions resulting from the Complex Fire; and
 - D) Making an exemption determination under the California Environmental Quality Act; and
 - E) Ratifying any emergency contracts entered into by the Director of Transportation and Public Works relating to these issues.
- (4/5th Vote Required)

IV. BOARD MEMBER REPORTS ON ASSIGNED BOARDS, COUNCILS, COMMISSIONS OR OTHER ATTENDED MEETINGS

9. **10:30 A.M. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD AND ON BOARD MEMBER REPORTS**

(Any member of the public may address the Board on a matter not listed on the agenda as long as the subject matter is within the jurisdiction of the Board. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to matters within the Board's jurisdiction. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. When this item is scheduled, the Board generally will hear public comments for up to twenty minutes. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. Any additional non-agendized item speakers will be heard following consideration of the agendized matters. While members of the public are welcome to address the Board, under the Brown Act open meeting laws, Board members may not deliberate or take action on items not on the agenda.)

10. Permit and Resource Management Department: Review and possible action on the following:
Acts and Determinations of Planning Commission/Board of Zoning Adjustments
Acts and Determinations of Project Review and Advisory Committee
Acts and Determinations of Design Review Committee
Acts and Determinations of Landmarks Commission
Administrative Determinations of the Director of Permit and Resource Management
- (All materials related to these actions and determinations can be reviewed at:

11. **ADJOURNMENT**

NOTE: The next Regular Board Meeting will be held on November 7, 2017 at 8:30 a.m.

Upcoming Hearings (All dates are tentative until each agenda is finalized)



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 1
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors
Sonoma County Water Agency Board of Directors
Sonoma County Agricultural Preservation and Open Space District, Board of Directors
Community Development Commission

Board Agenda Date: October 31, 2017

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller-Treasurer-Tax Collector; Human Resources

Staff Name and Phone Number:

Christina Cramer 707-565-2988

Supervisorial District(s):

All

Title: Overtime Payment to Sonoma County Prosecutors' Association, Sonoma County Deputy Public Defender Attorneys' Association, Deputy Sheriffs Law Enforcement Management, Sonoma County Law Enforcement Managers Association Employees, Department Heads and Unrepresented Employees During the Sonoma Complex Fire Emergency.

Recommended Actions:

1. Adopt Resolution authorizing the Payroll Manager to pay straight-time overtime to Sonoma County Prosecutors' Association (S.C.P.A.) and Sonoma County Deputy Public Defender Attorneys' Association (S.C.D.P.D.A.A.) Employees During the Sonoma Complex Fire Emergency who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.
2. Adopt Resolution approving side letter agreements amending Deputy Sheriffs Law Enforcement Management (D.S.L.E.M.), and Sonoma County Law Enforcement Managers Association (S.C.L.E.M.A.) MOUs to include Section 7.4, Overtime in a Board-Designated Emergency, and authorizing the Payroll Manager to pay straight-time overtime during the Sonoma Complex Fire Emergency for employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.
3. Adopt concurrent resolution amending the Salary Resolution to include Department Heads (excluding Elected Officials), and Unrepresented employees not otherwise eligible for overtime, in Section 20.14 Overtime In a Board-Designated Emergency, and authorizing the Payroll Manager to pay straight-time overtime during the Sonoma Complex Fire Emergency for employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay

periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.

Executive Summary:

This item requests the Board of Supervisors to approve several actions that will authorize management employees to be paid straight-time overtime during the Sonoma Complex Fire Emergency for working beyond forty (40) hours in a week for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017. The management employees included in these actions are members of the Sonoma County Prosecutors' Association (S.C.P.A.), the Sonoma County Deputy Public Defender Attorneys' Association (S.C.D.P.D.A.A.) the Deputy Sheriffs Law Enforcement Management (D.S.L.E.M.), the Sonoma County Law Enforcement Managers Association (S.C.L.E.M.A.), Department Heads who are not elected officials, and Unrepresented employees who are not otherwise eligible for overtime.

While management employees are normally exempt from receiving payment for overtime, and many regularly work more than 40 hours in a work week, the disaster response required some management employees to work a significant number of hours beyond what is normally expected.

Discussion:

Multiple devastating wild fires began on or about midnight, October 8, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, and has been staffed on a 24-hour basis. County employees including members of the S.C.P.A., S.C.D.P.D.A.A., D.S.L.E.M, S.C.L.E.M.A. Department Heads, and Unrepresented employees have devoted (and will continue to devote) significant time and energy to assist with managing the impacts. On October 10, 2017, the Board of Supervisors approved Resolution No. 17-389 ratifying the Proclamation of Existence of a Local Emergency. Additionally, on October 24, 2017 the Board of Supervisors approved Resolution No. 17-0417 authorizing straight time overtime pay for Unrepresented Administrative Management employees pursuant to section 20.14 of the Salary Resolution. The proposed Resolutions will authorize overtime for all of the remaining Unrepresented groups, including Department Heads but excluding elected officials.

The current Memorandum of Understanding for both the Sonoma County Prosecutors' Association (S.C.P.A.) and the Sonoma County Deputy Public Defender Attorneys' Association (S.C.D.P.D.A.A.) at Section 7.4 states employees in these units shall be eligible for straight time overtime when working beyond 40 hours in a week due to a Board of Supervisors' declared emergency, and that straight time overtime may be paid in cash upon authorization of the Board of Supervisors. Employees in these groups include Deputy District Attorneys, Child Support Attorneys, and Deputy Public Defenders. These individuals have worked or may work beyond forty hours in a week in response to the Board's declared emergency.

Additionally, employees represented by the Deputy Sheriff's Law Enforcement Management (D.S.L.E.M.) and the Sonoma County Law Enforcement Management Association (S.C.L.E.M.A.), Department Heads, and Unrepresented employees have worked and continue to work an extraordinary number of hours during the disaster. The current Memorandums of Understanding and Salary Resolution do not allow overtime to be paid to these employees. The County has signed side

letter agreements with D.S.L.E.M. and S.C.L.E.M.A., and has amended County Salary Resolution No. 95-0926, Section 20.14 to include language that allows employees to be eligible for straight-time overtime when working beyond 40 hours in a week due to a Board of Supervisors' declared emergency, upon authorization of the Board of Supervisors. Allowing these employees to be eligible for overtime due to the Board of Supervisors' proclaimed existence of a local emergency will provide consistency for overtime eligibility with other County management employees. Employees in these groups include Assistant Sheriff, Sheriff's Captain, Sheriff's Lieutenant, Communications Dispatch Manager, Probation Division Director, Deputy Chief Probation Officer, Sheriff's Captain Corrections, Correctional Lieutenant, Chief Criminal Investigator, and Chief Welfare Fraud Investigator.

Lastly, the Salary Resolution covers Department Heads including the Directors of County Departments as well as Unrepresented management employees in a variety of classifications that may be exempt from overtime. Staff recommends approving the recommended actions for consistency of eligibility for overtime across all management classifications.

Prior Board Actions:

10/24/17 Resolution No. 17-0417 Approving Payment to Employees and Overtime to Unrepresented Administrative Management Employees During the Sonoma Complex Fire Emergency.
10/10/17 Resolution No. 17-389 Proclamation of Existence of Local Emergency.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Adopting resolutions authorizing overtime for unrepresented management employees due to the local emergency helps to ensure the safety of the community by compensating employees for their valuable work responding to the Complex Fire.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
<ol style="list-style-type: none"> 1. Resolution I 2. Resolution 2 Attachment A and Attachment B: 3. Resolution 3 Attachment A 			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing The Payroll Manager To Pay Straight-time Overtime To Sonoma County Prosecutors' Association (S.C.P.A) and Sonoma County Deputy Public Defender Attorneys' Association (S.C.D.P.D.A.A.) Employees Who Work Beyond Forty (40) Hours In A Week Due To The Board of Supervisor's Proclaimed Existence Of A Local Emergency For Two Pay Periods, October 10, 2017 Through October 23, 2017, And October 24, 2017 Through November 6, 2017.

WHEREAS, conditions of extreme peril to the safety of persons and property arose within Sonoma County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8th day of October, 2017; and

WHEREAS, on October 10, 2017, this Board ratified a Proclamation of the existence of a local emergency, Resolution No. 17-389, and requested from the State and Federal government to make available to the County/Operational Area California Disaster Act assistance seeking all available forms of state, federal form of disaster assistance and relief programs including aid emergency funding; and

Whereas, there was an extended period of time in which the main County Center campus was in a mandatory evacuation zone, multiple fires were uncontained and there were a series of evacuation orders throughout the area, other County facilities were threatened, and travel routes to County worksites were unsafe or closed; and

WHEREAS, the County and County employees immediately began performing first responder duties, opened the Emergency Operations Center, and employees were assigned, and will continue to be assigned, a wide variety of duties related to the disaster in support of the communities safety and well-being, and;

WHEREAS, the Memorandum of Understanding between the County of Sonoma and the S.C.PA. and the Memorandum of Understanding between the County of Sonoma and the

S.C.D.P.D.A.A. state at section 7.4 that employees shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency, and that straight-time overtime may be paid in cash upon authorization of the Board of Supervisors;

WHEREAS, S.C.P.A. and S.C.D.P.D.A.A. employees have devoted and will continue to devote extraordinary work time to assist with managing the impacts and community support programs of the Sonoma Complex Fire Emergency; and

WHEREAS, the Board of supervisors finds, based upon substantial evidence, that it is in the best interest of the County to authorize the Auditor-Controller, Treasurer-Tax Collector's Payroll Manger to pay straight-time overtime to S.C.P.A. and S.C.D.P.D.A.A. employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

The Auditor-Controller, Treasurer-Tax Collector's Payroll Manager is hereby authorized to pay straight-time overtime to S.C.P.A. and S.C.D.P.D.A.A. employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.

Supervisors:

Gorin:	Rabbitt:	Gore:	Hopkins:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.



County of Sonoma
State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting Side Letter Agreements with the Deputy Sheriff's Law Enforcement Management (D.S.L.E.M.) and the Sonoma County Law Enforcement Management Association (S.C.L.E.M.A.) Bargaining Units and Authorizing The Payroll Manager To Pay Straight-time Overtime To Employees Of Those Two Units Who Work Beyond Forty (40) Hours In A Week Due To The Board of Supervisor's Proclaimed Existence Of A Local Emergency For Two Pay Periods, October 10, 2017 Through October 23, 2017, And October 24, 2017 Through November 6, 2017.

WHEREAS, conditions of extreme peril to the safety of persons and property arose within Sonoma County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8th day of October, 2017; and

WHEREAS, on October 10, 2017, this Board ratified a Proclamation of the existence of a local emergency, Resolution No. 17-389, and requested from the State and Federal government to make available to the County/Operational Area California Disaster Act assistance seeking all available forms of state, federal form of disaster assistance and relief programs including aid emergency funding; and

Whereas, there was an extended period of time in which the main County Center campus was in a mandatory evacuation zone, multiple fires were uncontained and there were a series of evacuation orders throughout the area, other County facilities were threatened, and travel routes to County worksites were unsafe or closed; and

WHEREAS, the County and County employees immediately began performing first responder duties, opened the Emergency Operations Center, and employees were assigned, and will continue to be assigned, a wide variety of duties related to the disaster in support of the communities safety and well-being, and;

WHEREAS, the County of Sonoma and D.S.L.E.M. as the recognized employee organization representing bargaining unit 43, met and conferred on the issue of providing straight-time overtime to employees in the event of a Board Declared Emergency resulting in a signed Side Letter Agreement which is attached and incorporated herein (Attachment A).

WHEREAS, the County of Sonoma and S.C.L.E.M.A. as the recognized employee organization representing bargaining unit 44, met and conferred on the issue of providing straight-time overtime to employees in the event of a Board Declared Emergency resulting in a signed Side Letter Agreement which is attached and incorporated herein (Attachment B).

WHEREAS, the Memorandum of Understanding between the County of Sonoma and D.S.L.E.M. and the Memorandum of Understanding between the County of Sonoma and S.C.L.E.M.A., as modified by side letter, state at section 7.4 that employees shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency, and that straight-time overtime may be paid in cash upon authorization of the Board of Supervisors;

WHEREAS, D.S.L.E.M. and S.C.L.E.M.A. employees have devoted and will continue to devote extraordinary work time to assist with managing the impacts and community support programs of the Sonoma Complex Fire Emergency; and

WHEREAS, the Board of supervisors finds, based upon substantial evidence, that it is in the best interest of the County to authorize the Auditor-Controller, Treasurer-Tax Collector's Payroll Manger to pay straight-time overtime to D.S.L.E.M. and S.C.L.E.M.A. employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

The Auditor-Controller, Treasurer-Tax Collector's Payroll Manager is hereby authorized to pay straight-time overtime to D.S.L.E.M. and S.C.L.E.M.A. employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.

Supervisors:

Resolution #1
Date: October 31, 2017
Page 3

Gorin:

Rabbitt:

Gore:

Hopkins:

Zane:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

COUNTY of SONOMA
AND
DEPUTY SHERIFF LAW ENFORCEMENT MANAGEMENT (DSLEM)

The County of Sonoma (County) and DSLEM (Union) have agreed to the following changes to the Memorandum of Understanding section 7.2 and the addition of section 7.4 allowing employees to be eligible for straight-time overtime in the event of a Board-Designated Emergency. This change will be effective for the pay period beginning October 10, 2017.

1.) The Union and the County agree to the following language:

~~7.2 Under no circumstances will employees in this bargaining unit receive compensation for overtime worked.~~ Employees in this bargaining unit shall not be eligible to receive compensation for overtime worked, nor shall employees be eligible to receive or accumulate compensatory time except as may be directly provided for in this Memorandum of Understanding.

7.4 Overtime In a Board-Designated Emergency
Employees in this bargaining unit shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency. Such straight-time overtime may be paid in cash upon authorization of the Board of Supervisors. Under no circumstances shall an employee in this bargaining unit be paid or be compensated in any manner for overtime except under such conditions as may be set forth by the Board of Supervisors.

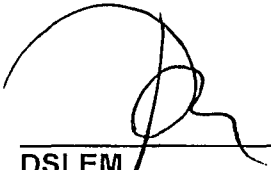
2.) This Letter of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein. Any other prior or existing understanding or agreements by the parties whether formal or informal regarding any such matters are hereby superseded or terminated in their entirety.

3.) The Union agrees that the County has met its obligation to meet and confer on the contents of this Letter of Understanding.

4.) No agreement, understanding, variation, waiver or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by the parties hereto and, if required, approved and implemented by the County's Board of Supervisors.

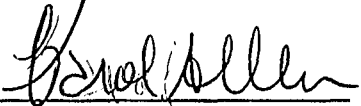
5.) Nothing in this Letter of Understanding shall be construed to limit, remove, expand or in any way alter the existing or future jurisdiction or authority of the Civil Service Commission as provided in Sonoma County Ordinance No. 305-A as amended or as provided in the rules adopted in accordance with said ordinance.

6.) The waiver of any breach, term or condition of this Letter of Understanding by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.



DSLEM

10-25-2017
Date



County of Sonoma

10-25-2017
Date

(Signed Document on File with Human Resources)

SIDE LETTER

COUNTY of SONOMA
AND

SONOMA COUNTY LAW ENFORCEMENT MANAGEMENT ASSOCIATION (SCLEMA)

The County of Sonoma (County) and SCLEMA (Union) have agreed to the following changes to the Memorandum of Understanding section 7.2 and the addition of section 7.4 allowing employees to be eligible for straight-time overtime in the event of a Board-Designated Emergency. This change will be effective for the pay period beginning October 10, 2017.

1.) The Union and the County agree to the following language:

~~7.2 Under no circumstances will employees in this bargaining unit receive compensation for overtime worked. Employees in this bargaining unit shall not be eligible to receive compensation for overtime worked.~~ Employees in this bargaining unit shall not be eligible to receive compensation for overtime worked. Nor shall employees be eligible to receive or accumulate compensatory time except as may be directly provided for in this Memorandum of Understanding.

7.4 Overtime In a Board-Designated Emergency
Employees in this bargaining unit shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency. Such straight-time overtime may be paid in cash upon authorization of the Board of Supervisors. Under no circumstances shall an employee in this bargaining unit be paid or be compensated in any manner for overtime except under such conditions as may be set forth by the Board of Supervisors.

2.) This Letter of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein. Any other prior or existing understanding or agreements by the parties whether formal or informal regarding any such matters are hereby superseded or terminated in their entirety.

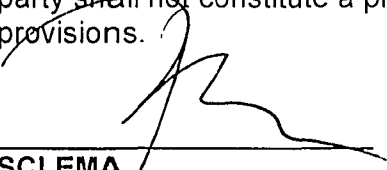
3.) The Union agrees that the County has met its obligation to meet and confer on the contents of this Letter of Understanding.

4.) No agreement, understanding, variation, waiver or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by the parties hereto and, if required, approved and implemented by the County's Board of Supervisors.

5.) Nothing in this Letter of Understanding shall be construed to limit, remove, expand or in any way alter the existing or future jurisdiction or authority of the Civil Service Commission as provided in Sonoma County Ordinance No. 305-A as amended or as provided in the rules adopted in accordance with said ordinance.

6.) The waiver of any breach, term or condition of this Letter of Understanding by either

party shall not constitute a precedent in the future enforcement of all its terms and provisions.



SCLEMA

10-25-2017

Date



County of Sonoma

10-25-2017

Date

(Signed Document on File with Human Resources)



County of Sonoma
State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, The Board Of Directors Of The Sonoma County Water Agency, The Board Of Commissioners Of The Community Development Commission, And The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, Adopting a Resolution Adopting Changes To Section 20.14 Of The Salary Resolution No. 95-0926 and Authorizing The Payroll Manager To Pay Straight-time Overtime To Unrepresented (00) and Department Head (52) Employees Who Work Beyond Forty (40) Hours In A Week Due To The Board of Supervisor's Proclaimed Existence Of A Local Emergency For Two Pay Periods, October 10, 2017 Through October 23, 2017, And October 24, 2017 Through November 6, 2017.

WHEREAS, conditions of extreme peril to the safety of persons and property arose within Sonoma County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8th day of October, 2017; and

WHEREAS, on October 10, 2017, this Board ratified a Proclamation of the existence of a local emergency, Resolution No. 17-389, and requested from the State and Federal government to make available to the County/Operational Area California Disaster Act assistance seeking all available forms of state, federal form of disaster assistance and relief programs including aid emergency funding; and

Whereas, there was an extended period of time in which the main County Center campus was in a mandatory evacuation zone, multiple fires were uncontained and there were a series of evacuation orders throughout the area, other County facilities were threatened, and travel routes to County worksites were unsafe or closed; and

WHEREAS, the County and County employees immediately began performing first responder duties, opened the Emergency Operations Center, and employees were assigned, and will continue to be assigned, a wide variety of duties related to the disaster in support of the communities safety and well-being, and;

WHEREAS, the Board wants to provide equitable compensation to all employees covered by the provisions of the Salary Resolution by providing straight-time overtime to otherwise exempt employees in the event of a Board Declared Emergency;

WHEREAS, the Salary Resolution has been amended and is attached and incorporated herein, to state at section 20.14 that Unrepresented (00) and Department Head (excluding Elected Officials) (52) employees shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency, and that straight-time overtime may be paid in cash upon authorization of the Board of Supervisors (Attachment A);

WHEREAS, Unrepresented and Department Head employees have devoted and will continue to devote extraordinary work time to assist with managing the impacts and community support programs of the Sonoma Complex Fire Emergency; and

WHEREAS, the Board of supervisors finds, based upon substantial evidence, that it is in the best interest of the County to authorize the Auditor-Controller, Treasurer-Tax Collector's Payroll Manger to pay straight-time overtime to Unrepresented (00) and Department Head (excluding Elected Officials) (52) employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

The Auditor-Controller, Treasurer-Tax Collector's Payroll Manager is hereby authorized to pay straight-time overtime to Unrepresented (00) and Department Head (excluding Elected Officials) (52) employees who work beyond forty (40) hours in a week due to the Board of Supervisors' proclaimed existence of a local emergency for two pay periods, October 10, 2017 through October 23, 2017, and October 24, 2017 through November 6, 2017.

Supervisors:

Gorin: Rabbitt: Gore: Hopkins: Zane:

Ayes: Noes: Absent: Abstain:

So Ordered.

AMENDMENT TO COUNTY OF SONOMA
SALARY RESOLUTION NO. 95-0926

The County of Sonoma authorizes the following changes to the Salary Resolution No. 95-0926, Section 20.14 allowing Department Heads and Unrepresented employees not otherwise eligible for overtime, to be eligible for straight-time overtime in the event of a Board-Designated Emergency.

20.14 Overtime In a Board-Designated Emergency

Unrepresented Administrative Management ~~(50)-employees~~, Unrepresented (00), and Department Heads (excluding Elected Officials) (52) and any other unrepresented groups other than elected officials who are not otherwise eligible for overtime, shall be eligible for straight-time overtime when working beyond forty (40) hours in a week due to a Board of Supervisors' declared emergency. Such straight-time overtime may be paid in cash upon authorization of the Board of Supervisors. Under no circumstances, except for Emergency Services as detailed in Section 20.15, shall an employee designated as Unrepresented Administrative Management, Unrepresented, or a Department Head, be paid or be compensated in any manner for overtime except under such conditions as may be set forth by the Board of Supervisors.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 2
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Sheryl Bratton, 565-2241

Supervisorial District(s):

All

Title: Ratification of the County Administrator's Acceptance or Rejection of In-Kind Donations and Delegation of Authority to the County Administrator to Accept or Reject Any Future Donation, Gift, Bequest, or Devise Made in Response to the Wildfires

Recommended Actions:

Adopt a Resolution to:

- 1) Ratify the County Administrator's Acceptance or Rejection of Various Donations Received in Response to the Complex Fire; and
- 2) Authorize the County Administrator to Accept, Reject, or Dispose of Any Future Donation, Gift, Bequest, or Devise Made in Response to the Complex Fire During the Existence of the Local Emergency.

Executive Summary:

This item requests the Board of Supervisors adopt a resolution (i) ratifying the County Administrator's acceptance or rejection of donations received to date in response to the Complex Fire and (ii) delegating authority to the County Administrator to accept or reject any future donation, gift, bequest, or devise made in response to the Complex Fire during the Existence of the Local Emergency. The Complex Fire began on Sunday, October 9, 2017, causing extreme property damage and health and safety concerns. The County Administrator proclaimed the Existence of a Local Emergency on October 9, 2017, and the Board of Supervisors adopted Resolution No. 17-0389 ratifying that proclamation on October 10, 2017. In response to the wildfires, the County has received an outpouring of in-kind donations ranging from food and clothing to various equipment. The in-kind donations far exceed the need and actually place a strain on the County's resources available to respond to the emergency. Accordingly, the County Administrator has rejected several in-kind donations under the authority conferred upon her by Resolution No. 17-0389 and directed staff to redirect these donations to our nonprofit partners, where possible. It is likely that in-kind donations will continue to pour in as the County continues to recover from the wildfires, further draining County resources.

Discussion:

The Complex Fire began on Sunday, October 9, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. In the early morning hours on Monday, the County issued advisory evacuation notices to various impacted areas of Sonoma County. Shelter was made available at various locations throughout the County, and first responders have been actively engaged in multiple areas throughout the County since the complex fires' advance into the County.

The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the County Administrator's Proclamation of the Existence of a Local Emergency on October 10, 2017.

The public response to the wildfires has been simultaneously heartwarming and overwhelming. The County has received an outpouring of in-kind donations, ranging from food and clothing to various equipment. These in-kind donations far exceed the need and actually place a strain on the County's resources available to respond to the emergency. The County lacks the physical space to store the items and must lease storage space if it retains the donations. Storing these items for future use would drain resources otherwise available to respond to the Complex Fire.

Generally, the Government Code requires that the Board accept or reject donations, gifts, bequests, or devises. Specifically, Section 25355 provides:

The board may accept or reject any gift, bequest, or devise made to or in favor of the county, or to or in favor of the board in trust for any public purpose. The board may delegate to any county officer or employee the power to accept any gift, bequest, or devise made to or in favor of the county. The officer or employee shall file with the board each quarter a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board. The board may hold and dispose of the property and the income and increase thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise. In accounting for or inventorying gifts, bequests, or devises, the officer or employee shall follow the appropriate procedures contained in the State Controller's manual entitled "Accounting Standards and Procedures for Counties

While the Board may delegate this power to any county officer or employee, it has not made such a blanket delegation. Resolution No. 17-0389, which ratified the County Administrator's proclamation of the existence of a local emergency, broadly authorized the County Administrator to take necessary actions to response to the Complex Fire. Under this authority, the County Administrator has rejected several in-kind donations and directed staff to dispose of these donations by diverting them to our nonprofit partners, where possible.

It is likely that in-kind donations will continue to pour in as the County continues to recover from the wildfires, further draining County resources. Following the statutory process proscribed by Section 25355 would be inefficient and time consuming.

Staff recommend that the Board adopt the Resolution to ratify the County Administrator’s acceptance or rejection of donations received to date in response to the Complex Fire and to authorize the County Administrator to accept, reject, or dispose of any future donation, gift, bequest, or devise made in response to the Complex Fire as long as the Local Emergency continues.

Prior Board Actions:

October 10, 2017: Board adopted Resolution No. 17-0389 ratifying the County Administrator’s proclamation of the existence of a local emergency with the Sonoma County Operation Area.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary

Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: Resolution Ratifying CAO's Prior Action			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Resolution No.

575 Administration Drive
Santa Rosa, California

Date: 10/31/2017

RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RATIFYING THE PRIOR ACTIONS OF THE COUNTY ADMINISTRATOR TO ACCEPT, REJECT, AND DISPOSE OF VARIOUS DONATIONS RECEIVED IN RESPONSE TO THE COMPLEX FIRE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT, REJECT, OR DISPOSE OF ANY FUTURE DONATIONS, GIFT, BEQUEST, OR DEMISE MADE IN RESPONSE TO THE COMPLEX FIRE DURING THE EXISTENCE OF THE LOCAL EMERGENCY DECLARED ON OCTOBER 9, 2017

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 9th day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

WHEREAS, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, on October 10, 2017, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency within the Sonoma County Operation Area and requested that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs; and

WHEREAS, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing; and

WHEREAS, the County has received an outpouring of in-kind donations, ranging from food and clothing to various equipment, in response to the Complex Fire; and

WHEREAS, these in-kind donations far exceed the need and actually place a strain on the County's resources available to respond to the emergency; and

WHEREAS, the County lacks the physical space to store the items and must lease storage space if it retains the donations; and

WHEREAS, storing these items for future use would drain resources otherwise available to respond to the Complex Fire; and

WHEREAS, Government Code section 25355 allows the Board of Supervisors to delegate to any County officer or employee the power to accept any gift, bequest, or devise made to or in favor of the County; and

WHEREAS, the Board has not previously made such a blanket delegation under Section 25355; and

WHEREAS, Resolution No. 17-0389 broadly authorized the County Administrator to take necessary actions to respond to the Complex Fire; and

WHEREAS, under this authority, the County Administrator has rejected several in-kind donations and directed staff to dispose of these donations by diverting them to our nonprofit partners, where possible, in order to conserve County resources available to respond to the emergency while still maximizing the benefit of these donations to the community; and

WHEREAS, it is likely that in-kind donations will continue to pour in as the County continues to recover from the wildfires, further draining County resources; and

WHEREAS, the Board of Supervisors desires that all available County resources go toward disaster response and recovery, not the storage of excess in-kind donations and finds that following the statutory process proscribed by Section 25355 would be inefficient and time consuming.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, ORDERED, AND RESOLVED that during the existence of the local emergency declared on October 9, 2017, the Board of Supervisors delegates to the County Administrator or her designee the power to accept, reject, or dispose of any monetary or in-kind donation, gift, bequest or devise made to or in favor of the County in response to the Complex Fire as allowed under Government Code section 25355; and

IT IS FURTHER PROCLAIMED, ORDERED, AND RESOLVED that any prior actions taken by the County Administrator pursuant to the authority delegated to her by Resolution No. 17-0389 to accept, reject, or dispose of various donations received in response to the Complex Fire are hereby ratified and affirmed.

PASSED AND ADOPTED by the Board this 31 day of October, 2017.

SUPERVISORS:

Gorin Rabbitt Gore Hopkins Zane

Ayes_____ Noes_____ Absent_____ Abstain_____

SO ORDERED

Resolution No. _____



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 3
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: 4/5

Department or Agency Name(s): Economic Development

Staff Name and Phone Number:

Ben Stone, EDB (707) 565-7170 / Hannah Euser,
CAO, 565-3783

Supervisorial District(s):

Title: Sonoma Coast Visitor Center Agreement for Services with Bodega Bay Chamber of Commerce

Recommended Actions:

Request that the Board Authorize the CAO to approve an agreement in the amount of \$55,566 to the Bodega Bay Chamber of Commerce to operate the Sonoma Coast Visitor Center and to approve a resolution approving the additional \$5,000 in funding to support this agreement.

Executive Summary:

In June 2017 the Inn of The Tides, a long time operator of the Sonoma Coast Visitor Center, notified the Economic Development Board of their decision to discontinue operating the center. As a transition plan the Inn of the Tides agreed to an extension of their current agreement through Nov. 1, 2017 until such time the EDB identified a new operator through an application process. The Bodega Bay Chamber of Commerce applied for and is being recommended by staff to operate the Sonoma Coast Visitor Center for the balance of the fiscal year and hopefully into the near future.

Discussion:

On June 20, 2017 the Board approved Category A2 funding for the Sonoma Coast Visitor Center in the amount of \$77,900 to the Inn of The Tides. After notifying the EDB of their decision not to continue operating the center, The Inn of The Tides agreed to an extension through Nov. 1, 2017 allowing for the EDB to conduct an application process to select a new operator. The Bodega Bay Chamber of Commerce applied for and is being recommended by staff to operate the Sonoma Coast Visitor Center for the balance of the current fiscal year and hopefully into the future.

The Bodega Bay Chamber of Commerce represents small business owners along the Sonoma Coast and has been providing visitor center informational services for many years.

The staff is recommending the Board approve a contract in the amount of \$55,566 for the Bodega Bay Chamber of Commerce to operate a new Sonoma Coast Visitor Center to be located at 913 Sonoma Coast Highway, subject to securing a lease for that location. This amount includes the remaining fund balance of \$50,566 from the previous operator plus an additional \$5,000 from advertising fund balance to support the purchase of furniture, card racks, and other equipment items needed to operate the visitor center.

Prior Board Actions:

June 20, 2017 – The Board of Supervisor approved an agreement for the Sonoma Coast Visitor Center to the Inn of The Tides operator included in the FY17-18 Advertising Funds Category A2 Recommendations.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Sonoma County Economic Development Board strives to enhance the value of local, domestic, and international demand for Sonoma County produced goods and to promote tourism and growth in Sonoma County.

Fiscal Summary

Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses	50,566		
Additional Appropriation Requested	5,000		
Total Expenditures	55,566		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	55,566		
Contingencies			
Total Sources	55,566		

Narrative Explanation of Fiscal Impacts:

The funding for the Sonoma Coast Visitor Center was previously approved by the BOS in the FY17-18 budget. The current operator opted not to continue so a contract extension was done while we selected a new operator. The remaining balance of that contract is \$50,566 so we are requesting an additional \$5,000 to ensure a continuity of service and that they have sufficient funding to operate the visitor center through the end of the fiscal year. Attached is a separate budget resolution requesting the additional \$5,000 for the Bodega Bay Chamber of Commerce who was selected as the new operator.

We are increasing appropriations by that amount for the Economic Development Board, department account code 11015-19010100-53502. The funding source for the increase would be from the Advertising Fund, account code 11015-16030100-53501.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
n/a			
Attachments:			
Resolution requesting an additional \$5,000 from advertising fund balance for Bodega Bay Chamber of Commerce Sonoma Coast Visitor Center agreement.			
Related Items “On File” with the Clerk of the Board:			
Copy of Agreement with Bodega Bay Chamber of Commerce			



County of Sonoma
State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Amending The Economic Development Department's Budget Funding Allocation In The Amount of \$5,000 for the Bodega Bay Chamber of Commerce Sonoma Coast Visitor Center Agreement Effective October 31, 2017.

Whereas, on June 20, 2017 the Board of Supervisors approved the Advertising Fund recommendations for Category A2 including funding for the Sonoma Coast Visitor Center operated by the Inn of the Tides for FY17-18; administered by the Economic Development Board; and

Whereas, the Inn of the Tides opted not to continue operating the visitor center after June 30th and agreed to an extension of their agreement through Nov. 1, 2017, allowing time for the County to identify a new operator through an application process; and

Whereas, the EDB conducted an application process and selected the Bodega Bay Chamber of Commerce to operate the Sonoma Coast Visitor Center through the remainder of the FY17-18.

Whereas, the Bodega Bay Chamber of Commerce has provided visitor services for many years and in order to maintain a continuity of services for tourists visiting the Sonoma Coast area, is requesting additional funds to go towards the startup costs needed to operate the new visitor center;

Now, Therefore, Be It Resolved that the EDB Department, account code 11015-19010100-5352, budget allocation and appropriation be increased in the amount of \$5,000 to go to the Bodega Bay Chamber of Commerce Sonoma Coast Visitor Center, with the funding source coming from the Advertising Fund, account code 11015-16030100-53501.

Supervisors:

Gorin: Rabbit: Gore: Hopkins: Zane:

Ayes: Noes: Absent: Abstain:

So Ordered

AGREEMENT

THIS AGREEMENT made and entered into this 31th day of October, 2017, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and BODEGA BAY CHAMBER OF COMMERCE, (hereinafter GRANTEE).

WITNESSETH:

WHEREAS, the Board of Supervisors has determined that it is in the best public interest to increase the trade and commerce of the County, and

WHEREAS, GRANTEE is in the business of promoting the resources, trade and commerce of the County, and

WHEREAS, GRANTEE has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by GRANTEE will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, GRANTEE is receiving grant funds under **Category A2** of the "Advertising and Promotions Policy" (hereinafter Policy) and understands the provisions and requirements of the Policy and this Category, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants contained herein, the parties agree as follows:

1. GRANTEE shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Services"), and within the times or by the dates provided for in Exhibit A. In the event of a conflict between the body of this Agreement and Exhibit A, the provisions in the body of this Agreement shall control.
2. In consideration whereof, GRANTEE promises and agrees to render services to COUNTY between November 1, 2017 and June 30, 2018, as set forth in the most recently submitted application, attached hereto as Exhibit B.
3. During the eight months from November 1, 2017 to June 30, 2018 COUNTY shall pay to GRANTEE up to the total sum of \$55,560, payable upon presentation of an invoice in a form approved by County's Auditor and the Head of the County Department receiving the services. The bill[s] shall identify the services completed and the amount charged and will adhere to the payment schedule provided for in Exhibit A. At the End of the 2017-18 fiscal year,

GRANTEE shall provide to Sonoma County Economic Development Board (EDB) all required receivables and services for the year pursuant to Exhibit A and B.

4. GRANTEE agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of GRANTEE'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. GRANTEE agrees to submit copies of all published materials to the County Administrator's Office.
6. Indemnification:
 - a. GRANTEE agrees to accept all responsibility for loss or damage to any person or entity, including COUNTY, and to indemnify, hold harmless, and release COUNTY, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including GRANTEE, that arise out of, pertain to, or related to GRANTEE's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.
 - b. GRANTEE shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with GRANTEE's performance hereunder.
7. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference
8. Non-Discrimination: GRANTEE shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
9. Assignment/Delegation: GRANTEE shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
10. Merger: This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement

of the terms of the Agreement, pursuant to C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

11. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to GRANTEE. In the event of such termination, COUNTY shall pay GRANTEE for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by GRANTEE bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by GRANTEE.
12. Repayment: If GRANTEE fails to comply with the Scope of Services or the specific Category requirements under which the GRANTEE received funds, as specified in the grant application, Exhibit B, then GRANTEE shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow GRANTEE to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that GRANTEE has taken action to ensure that the failure will not reoccur.
13. Conflict of Interest: GRANTEE covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. GRANTEE further covenants that in the performance of this contract no person having any such interest shall be employed.
14. Statutory Compliance: GRANTEE agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, GRANTEE expressly acknowledges that this Agreement may be subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.
15. AIDS Discrimination: GRANTEE agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.
16. Method and Place of Giving Notice, Submitting Bills and Making Payments: All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY: Albert Lerma, Program Manager
Sonoma County Economic Development Board
141 Stony Circle, Suite 110
Santa Rosa, CA 95401
(707) 565-6428
Albert.Lerma@somona-county.org

TO: GRANTEE: Lira Filippini, President
Bodge Bay Chamber of Commerce
PO Box 146
Bodega Bay, CA 94923
(707) 347-9645
chamber@bodegabayca.org

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

17. No Third Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
18. Extra or Changed Work: Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. GRANTEE expressly recognizes that, pursuant to Sonoma County Code Section 1-11, COUNTY personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of GRANTEE to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter GRANTEE shall be entitled to no compensation whatsoever for the performance of such work. GRANTEE further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the COUNTY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

DATE: _____

Grantee's Legal and Common Name

By _____
Signature

Print Name

Title

EXHIBIT A – SCOPE OF SERVICES

Sonoma County Visitor Center Advertising Grants

This Scope of Services sets forth the services to be provided by Bodega Bay Chamber of Commerce, hereinafter referred to as “Visitor Center”. This Scope of Services also sets forth payment terms for the services to be performed by Visitor Center. The total amount payable to Visitor Center under this Scope of Work shall not exceed Fifty Thousand Five Hundred Sixty-Six dollars (\$50,566) per year.

SERVICES:

1. Visitor Center shall provide a range of visitor services in accordance with County requirements and plans, to effectively promote the attractions of the entire County. Visitor Center shall implement County programs as they become available, including, but not limited to, use of standardized signage, participation in countywide computer hookups, training of staff, and distribution of generic Sonoma County literature.
2. Visitor Center shall cooperate with local chamber of commerce and also special countywide tourism promotions sponsored by the Sonoma County Tourism Bureau. Visitor Center shall provide on its web site a hyper-link to the Sonoma County Tourism Bureau web site, and shall include general contact information about the Sonoma County Tourism Bureau in its local visitor brochures. Visitor Center shall refer visitors to the Sonoma County Tourism Bureau when appropriate or necessary to fulfill the visitors’ requests for information. All staff employed by Visitor Center shall attend County-sponsored training programs when offered. As much as possible, Visitor Center volunteers should also participate in County-sponsored training.
3. Visitor Center shall distribute the Sonoma County Tourism Bureau’s Visitors Guide in response to in-person, telephone, mail or electronic requests for visitor information. The distribution may be made directly or biweekly by forwarding inquiry request addresses to the Sonoma County Tourism Bureau electronically or in label format.
4. Visitor Center shall offer other area chambers’ and visitor centers’ guides or promotional materials representing Sonoma County communities. Permanent brochure racks with promotional literature must be accessible to the public and in a primary location that is visible upon entering Visitor Center. NOTE: Visitor Center shall not be required to offer commercial literature from other communities (privately owned attractions, lodging, restaurants, etc.), unless Visitor Center so desires. Visitor Center may charge a fee for the distribution of commercial literature.
5. This Agreement does not prohibit Visitor Center from providing a range of visitor services for its specific community according to the desires of Visitor Center’s own governing body. Visitor Center may offer any local literature it desires, including commercial literature, and may provide other visitor assistance programs separate from the countywide promotion services required under this Agreement.

FACILITIES & OPERATIONS:

1. Visitor Center shall provide all office equipment and furnishings necessary to carry out operations. Visitor Center shall provide all heating and air conditioning, electricity, water, sewer, building repairs, and utilities as necessary, including telecommunication lines. Restroom facilities, including those for the disabled, must comply with state and federal American Disabilities Act requirements. The building grounds and restrooms must be kept neat and free of refuse at all times.
2. Visitor Center shall be open year round, but may close for the winter holidays: Thanksgiving, Christmas, New Year's Day, and Easter Day.

Hours of operation:

M-Su 9am-5pm, closed Wednesdays from November to March

Requests for changes in days and hours of service should be submitted in advance to the Economic Development Board for approval. Nothing shall prevent Visitor Center from operating for additional hours.

RECEIVABLES AND REQUIREMENTS:

1. Visitor Center shall maintain an accurate and up-to-date guest book to provide the County with a monthly count of visitors to the Center, and an annual tally of the number of visitors by origin if possible.
2. Visitor Center shall provide monthly reports to the County in a format acceptable to the Economic Development Board (statistics form to be provided by County) within fifteen (15) days of month's end containing the following information:
 - a. Visitor profiles and counts (statistics)
 - b. Profit and Loss Statement
 - c. Additional monitoring information as may be requested by the County
3. Visitor Center shall provide all relevant information as requested by the County, if necessary to evaluate the operation of Visitor Center system. Visitor Center shall allow the County to inspect its site a minimum of two times per year.
4. Visitor Center shall make available to the County copies of all existing or proposed operating manuals, including:
 - Job Descriptions of Staff
 - Anticipated additional revenue sources
5. Visitor Center agrees to submit to the Sonoma County Economic Development Board for review, drafts of all generic tourism promotional materials to be distributed at the site prior to the final production and printing of such materials.

6. Visitor Center shall forward to the County monthly in writing all complaints (written or oral) concerning Visitor Center and its operation, along with a record of responses to the complaint.
7. All expenditures shall conform to Visitor Center budget. Changes in the budget require prior approval from the Economic Development Board.

NOTE: It is understood by the County that any additional County requirements over and above this scope of work may require an amendment of this agreement and additional funding from County.

8. Visitor Center shall exercise fiscal oversight and account for all operations utilizing generally accepted accounting principles (GAAP). This shall include establishing adequate internal controls to safeguard county funding and maintaining sufficient record keeping to document and support all financial transactions. In particular, all Visitor Center's employee timesheets must have been signed by the employees and their supervisors in order to properly support Visitor Center claims for funds provided under this Agreement.

PAYMENT SCHEDULE AND REQUIREMENTS:

Payments will be made based on reimbursement of actual costs of operating Visitor Center on a monthly basis, and may only include the following: Employee wages, Insurance, Utilities, Facility cleaning and Supplies.

All invoices for reimbursement must be accompanied by statements of costs and expenses incurred by GRANTEE that are sufficient, in County's judgment, to prove that the costs and expenses were actually incurred by Consultant to operate Visitor Center and are properly payable under this Agreement.

Upon receipt of an invoice mailed to the Economic Development Board with all required backup documentation, payments will be issued.

**SONOMA COUNTY ADVERTISING & PROMOTIONS PROGRAM
REQUEST FOR FUNDING APPLICATION FOR
ECONOMIC DEVELOPMENT AND PROMOTIONAL ORGANIZATIONS
FY 2017-2020**

The County of Sonoma, through the Advertising and Promotions Program, provides funding for projects and initiatives that stimulate the county's economic vitality by providing tourism information. The Economic Development Board (EDB) oversees three different categories of grants as identified in the [Advertising & Promotions Policy](#):

Category A(2) Visitors Centers: Visitors centers in the unincorporated areas may apply for a grant. Visitor centers that receive funding are expected to provide a uniform, wide range of information for county attractions, accommodations and activities, as well as provide a consistent level of customer service throughout the county. Some of the items required of the participating visitor centers include using standardized signage such as the "i" information sign, participating in County-sponsored staff trainings, distributing Sonoma County literature, and providing general customer service. The centers must observe standard hours of operation based on the history of visitor patterns and peak seasons. Each center will provide the EDB with monthly reports of visitor counts, inquiries, and activities as well as financial reports.

How to Apply:

Please review the [Advertising & Promotions Policy](#) prior to completing this application. The Policy details qualifications and requirements of applicants and specific categories under which funding can be requested.

The funding for this application process will cover the time period of October 1, 2017 through June 30, 2018. Funding awards will be based upon an evaluation of all application materials

Applications are due by **5:00 p.m. on Friday, August 11, 2017.**

Applications can be emailed or delivered to:

County of Sonoma, Economic Development Board
Attn: Al Lerma
141 Stony Circle, Suite 110
Santa Rosa, CA 95401

APPLICATION

X **A(2) Visitors Centers** (*complete Part I, II, III and IV*)

PART I

Name of Organization: _____

Address: _____

City, State, Zip: _____

Contact Person: _____

Phone Number: _____

Email Address: _____

Website Address: http://www.visitbodegabayca.com/

Part II

1. Please describe your background and experience in operating visitor centers and providing visitor center services.

2. What are your hours of operation?

3. How many visitors have you served in the last year, and how many do you anticipate to help in the upcoming year? (Please attach a detailed monthly breakdown of visitor counts for the past 12 months)

4. How quickly are you able to respond to written inquiries from the public?

5. As part of the contract with the County of Sonoma, you are required to have brochure racks with promotional literature that are accessible to the public. Do you currently have a place to display brochures and if not, how will you acquire one? (Please attach a current or proposed floor plan)

6. Is the Visitor Center located in the unincorporated area of the county? If no, please describe how the Center serves the unincorporated area of the county.

Part III

7. Amount of funds requested:

-
8. Describe how the funds would be utilized, if awarded. **Keep in mind that County funds will only be applied to these expenses.**

9. Indicate your total program budget related to the funding requested (separately, all that apply).

10. Will you receive any matching funds in connection with this funding? Please describe.

Part IV

The following must be included with any application in order to be considered for funding:

Operating Budget – an annual estimate of all revenues you expect to receive and/or raise, the source of the anticipated funds, and how these funds will be spent.

Financial Statements – please provide a copy of your organization’s most recent Income Statement/Statement of Activities for the prior year.

Current roster of Board of Directors, Officers, and employees.

Please list all revenues that you anticipate to raise or receive, and the source of the revenue.


Revenue/Source	Amount
Total:	

Please list all anticipated expenses related to the above revenues.

Expenses	Amount
Total:	

SUBMISSION

The undersigned, declares that he/she has carefully examined the Sonoma County Advertising & Promotions Policy and, if Advertising funds are awarded, that proposer will contract with the County to furnish the services as specified, in accordance with this grant application.



 Signature of Applicant

 Date

Exhibit C

GRANTEE shall maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. The insurance shall be maintained for the entire term of this AGREEMENT.

COUNTY reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. COUNTY's failure to demand evidence of full compliance with the insurance requirements set forth in this AGREEMENT or COUNTY's failure to identify any insurance deficiency shall not relieve GRANTEE from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this AGREEMENT.

1. Workers Compensation and Employers Liability Insurance

- a. Required if GRANTEE has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If GRANTEE currently has no employees as defined by the Labor Code of the State of California, GRANTEE agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this AGREEMENT or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance. If GRANTEE maintains higher limits than the specified minimum limits, COUNTY requires and shall be entitled to coverage for the higher limits maintained by GRANTEE.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by COUNTY. GRANTEE is responsible for any deductible or self-insured retention and shall fund it upon COUNTY's written request, regardless of whether GRANTEE has a claim against the insurance or is named as a party in any action involving the COUNTY.
- d. County of Sonoma, its Officers, Agents and Employees shall be endorsed as additional insureds for liability arising out of GRANTEE'S ongoing operations. (ISO endorsement CG 20 26 or equivalent).
- e. The insurance provided to the additional insureds shall be primary to, and non-

contributory with, any insurance or self-insurance program maintained by them.

- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between COUNTY and GRANTEE and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be satisfied by a combination of Automobile Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned vehicles if GRANTEE owns vehicles.
- c. Insurance shall cover hired and non-owned vehicles.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

5. Documentation

- a. The Certificate of Insurance must include the following reference: Visitor Center Grant.
- b. GRANTEE shall submit required Evidence of Insurance prior to the execution of this AGREEMENT. GRANTEE agrees to maintain current Evidence of Insurance on file with COUNTY for the required period of insurance.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: County of Sonoma, its Officers, Agents and Employees, 141 Stony Circle, Ste. 110, Santa Rosa, CA 95401.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. GRANTEE shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

6. Policy Obligations

GRANTEE's indemnity and other obligations shall not be limited by the foregoing insurance requirements.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 4
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: Informational Only

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Sheryl Bratton, 565-2431

Supervisorial District(s):

Title: Fire Recovery Update

Recommended Actions:

Receive update on fire recovery efforts and consider next steps

Executive Summary:

In the early morning hours of October 9, 2017, the Emergency Operations Center was activated in response to several fires that became known as the Sonoma Complex Fires. As is part of the responsibility of the Emergency Operations Center, planning for recovery efforts were initiated and continue every day to help Sonoma County residents begin the process of returning to their homes or rebuilding those that were lost. Staff will be providing an oral update to the Board which will include the following: (1) CalOES/FEMA report; (2) Emergency Operations Center Transition to Recovery Operations Center; (3) Local Assistance Center update; (4) Debris Removal; (5) Housing; (6) Watershed Protection; (7) Economic/Business; and (8) Community Services/Safety Net.

Discussion:

The recovery efforts associated with the Sonoma Complex Fires are multi-pronged, and impact almost all of the departments within the County. The oral update will include information from the following individuals and agencies:

CalOES/FEMA Update: Eric Lamoureux, CalOES; Robert Pesapane, FEMA

Emergency Operations Center Transition to Recovery Operations Center: Peter Rumble, Deputy Cao/Recovery Manager

Local Assistance Center Update: Susan Klassen, LAC Manager

Debris Removal Update: Christine Sosko, Environmental Health Director; Bruce Goldstein, County Counsel

Housing Update: Tennis Wick, Permit Sonoma Director; Margaret Van Vliet, CDC Executive Director; Caroline Judy, General Services Director

Watershed Update: Bill Keene, SCA&OSD General Manager; Mike Thompson, SCWA General Manager; Bert Whitaker, Regional Parks Director; Stephanie Larson, UCCE Director

Economic/Business: Ben Stone, EDB Director

Community Services/Safety Net: Karen Fies, Human Services Director; Barbie Robinson, Health Director, Margaret Van Vliet, CDC Executive Director

Prior Board Actions:

October 24, 2017-various actions supporting recovery efforts, including urgency ordinances related to housing availability and the prevention of price gouging, waiving impact fees for new accessory dwelling units, and implementation of Safe Parking.

October 17, 2017-authorize the State to provide direct assistance for debris removal

October 10, 2017-Ratify the Proclamation of a Local Emergency and Request for State and Federal Assistance

Strategic Plan Alignment Goal 3: Invest in the Future

By developing a comprehensive recovery effort, the Board ensures the long-term stability of our community and our residents.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 5
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: 4/5

Department or Agency Name(s): County Administrator's Office
Auditor Controller Treasurer Tax Collector

Staff Name and Phone Number:

Christina Rivera, 565-2431
Amanda Thompson 565-3274

Supervisorial District(s):

All

Title: FY 2017-18 Budget Adjustment Resolution Establishing a General Fund for Disaster Response and Recovery

Recommended Actions:

Adopt Resolution Adjusting the FY 2017-18 Budget transferring \$3.0 million from available General Fund Contingencies and General Fund Reserve to establish Appropriations in a separate General Fund in order to track Disaster Response and Recovery Costs.

Executive Summary:

On October 9th, 2017 the County of Sonoma declared a state of emergency due to several life threatening wild fires throughout the County. As the County navigates through recovery it is vital to monitor the county's fiscal health as the full extent of impacts from the disaster are unknown at this time. In order to maximize reimbursements from federal and state grants related to the October 2017 wildfires, based on known best practices, the County will establish a separate fund for disaster response and recovery to track expenses and receive new funding and reimbursements.

Discussion:

A historical proportion wildfire event that started during the week of October 9th, 2017, as of this writing, claimed 23 lives, burned more than 110,000 acres (including Napa county), and damaged approximately 7,000 structures displacing almost one quarter of our residents.

Other major fire events in California include the Oakland Hills Fire of 1991 that claimed 25 lives, burned 1,520 acres, 3,280 structures with an economic impact of \$3.4 billion when adjusted for inflation. Another major fire was the 2003 Cedar Fire in San Diego County claiming 15 lives, approximately 280,000 acres, 2,820 structures with a \$1.24 billion impact. More recently, the Valley Fire in Lake

County claimed 4 lives, approximately 76,000 acres, 1,955 structures, with an estimated impact of \$1.5 billion.

Although, city and county staff have not yet completed all damage assessments calculations and the Assessor has yet to develop an assessed roll value for FY 2018-19, based on the Assessor's 2017-18 certified roll property values, the October 13, 2017 Emergency Operations Center Plans section preliminary secured property value estimated loss is \$3 billion, which would result in about \$30 million in tax revenue loss collectively for all county taxing agencies, and approximately \$6.3 million directly to the General Fund. In addition, as of October 26, 2017, Emergency Operations Center staff preliminary public infrastructure damage assessment is estimated at between \$30 and \$50 million. The value of repair and replacement have not been developed and engineering work is pending. The Auditor Controller Treasurer Tax Collector is clarifying impacts and will have an update to Board in the coming month.

The current balance of the General Fund contingency is \$4.25 million out of the FY 2017-18 adopted balance of \$5 million, the undesignated General Fund reserve is \$3.5 million, and the assigned county reserve is \$53 million. Staff recommends transferring \$1.9 million from contingencies and allocation of \$1.1 million from undesignated General Fund reserve to the new General Fund Disaster Response and Recovery fund to finance costs for unanticipated labor, contract services, and supplies. This action will result in the following balances of one-time funds to address upcoming fire response and recovery costs:

- General Fund Contingency of \$2.35 million
- Undesignated General Fund Reserve at \$2.4 million
- County's Designated Reserve at \$53 million

In addition, as of this writing, the preliminary damage estimates for the County owned public infrastructure is about \$30 million, based on the following entities that have reported:

- Transportation and Public Works, \$25 million
- General Services, \$3.4 million
- Regional Parks, \$1.0 million

The Board has adopted the following policy for use of the General Fund Contingency:

Use of General Fund Contingencies

The County will commit a portion of the General Fund general purpose revenues as a Contingency Reserve to provide the Board of Supervisors: (1) for unforeseen events causing increased County costs during the fiscal year; (2) funding to invest one-time funds into potential opportunities that support the Board's Strategic Priorities; and (3) fee waivers. The Contingency Reserve should not be used to support recurring operating expenditures outside of the current fiscal year. Unless there is a justified unavoidable timing need, any decision to use Contingencies should only occur at the Board's annual budget hearing, and during mid-year budget updates.

The creation of a new General Fund for disaster response and recovery utilizing a portion of the General Fund Contingency meets the Board’s policy above and assists the organization in developing reimbursement claims to address the economic effects of this fire event.

The County’s current Standards & Poor (S&P) ratings are based on maintaining very strong reserves and what the rating agency deems as adequate budgetary performance given year over year available year-end balances. Per Standards & Poor October 13th, 2017 wildfire event rating report, the agency does not anticipate changing the ratings during the two-year outlook period; however, could lower the ratings if the County's financial performance and flexibility deteriorate.

The County is working closely with regional agencies to ensure a consolidated and streamlined approach to all aspects of recovery including federal and state funding requests, as well as regional mutual aid. It is incumbent upon the County to appropriately document expenses in a timely manner and adhere to FEMA and CalOES documentation and procurement guidelines to ensure any reimbursements approved are not later de-obligated. The creation of a specific Fund for Disaster Response and Recovery will assist the County in its ability to collect and track expense incurred in a central budget unit.

Prior Board Actions:

June 15, 2017 Board Resolution Adopting the FY 2017-18

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Establishing mechanisms to completely document disaster response and recovery costs incurred by the county will improve the county’s ability to claim financial assistance reimbursements from state and federal agencies.

Fiscal Summary			
Expenditures	FY 16-17 Adopted	FY 17-18 Projected	FY 18-19 Projected
Budgeted Expenses	0		
Additional Appropriation Requested	3,000,000		
Total Expenditures	3,000,000		
Funding Sources			
General Fund/WA GF	1,100,000		
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies	1,900,000		
Total Sources	3,000,000		
Narrative Explanation of Fiscal Impacts:			
If approved the General Fund Contingencies balance will be \$2.35 million and General Fund Undesignated Reserves will be \$2.4 million for the remainder of the fiscal year.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: 2017 October Fires Budget Resolution			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State Of California, authorizing budgetary adjustments to the 2017-2018 Final Budget to create a new Disaster Response and Recovery Fund in the amount of \$3,000,000 financed by the Appropriation for General Fund Contingencies in the amount of (\$1,900,000), and Undesignated General Fund Reserve in the amount of \$1,100,000.

Whereas, the Board of Supervisors has adopted a Final Budget for the Appropriations for General Fund Contingencies and Undesignated General Fund Reserve, and

Whereas, the Government Code allows for adjustments to the Final Budget during the 2017-2018 Fiscal Year.

Now, Therefore, Be It Resolved, that the County Auditor-Controller is hereby authorized and directed to make all necessary operating transfers, fund balance transactions, and the following budgetary adjustments:

Financing Uses:

DR – OCTOBER FIRES 17-18 (10135): DR – October Fires 17-18 (16021500), Special Departmental Expense (51507)	\$3,000,000
GENERAL FUND (10005): Appropriation for Contingencies (16021300), Appropriation for Contingencies (55011)	(\$1,900,000)

Financing Sources:

GENERAL FUND (10005): Use of Unassigned General Fund	\$1,100,000
--	-------------

Supervisors:

Gorin:	Rabbitt:	Gore:	Hopkins:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 6
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: 4/5

Department or Agency Name(s): County Administrator
County Counsel
Department of Health Services

Staff Name and Phone Number:

Sheryl Bratton, 565-2241
Bruce Goldstein, 565-2421
Christine Sosko, 565-6565
Dr. Karen Milman, 565-8695

Supervisorial District(s):

All

Title: Debris Clean-Up Program—Ordinance Establishing Opt-Out Standards and Resolution Extending the Joint Proclamation of Local Health Emergency

Recommended Actions:

- 1) Receive Update on Debris Clean-up Efforts in the Wake of the Complex Fire; and
- 2) Adopt a Resolution Extending the Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer to Ensure Safe Removal of Debris Caused by the Complex Fire; and
- 3) Adopt an Ordinance Establishing Standards for Individuals Who Choose to Opt-Out of the Federal Debris Removal Clean-Up Program.

Executive Summary:

This item requests the Board of Supervisors: (1) adopt a resolution extending the joint proclamation of local health emergency issued by the County Health Officer and County Director of Environmental Health in the Sonoma County Operational Area to ensure safe removal of the fire-related debris from multiple complex fires that began on Sunday, October 9, 2017, causing extreme property damage and health and safety concerns, and (2) adopt an urgency ordinance establishing standards for individuals who choose to opt-out of the federal debris removal clean-up program.

The County Administrator proclaimed the Existence of a Local Emergency on October 9, 2017, and the Board of Supervisors adopted Resolution No. 17-0389 ratifying that proclamation on October 10, 2017. The Complex Fire has continued to ravage Sonoma County leaving a large debris field in its wake. The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. On October 12, 2017, the County Health Officer

and County Director of Environmental Health jointly proclaimed the existence of a local health emergency. The Board adopted Resolution No. 17-0391 ratifying the joint proclamation of local health emergency on October 17, 2017. As required by Health and Safety Code section 101080, the Board must review the proclamation of local health emergency every 14 days and determine if there is a need for continuing the local health emergency.

Additionally, a large number of residential and commercial structures have burned in the Sonoma Complex Fire. Debris and ash from residential structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire of this type are well-documented. Standards and procedures are needed immediately to protect the environment and public health, and to facilitate coordinated and effective mitigation of the risks to the environment and public health from the hazards generated by the fire. The proposed ordinance establishes procedures and standards for the clean-up process from this disaster and requires that private contractors meet the same health standards as the public clean up.

Discussion:

The complex fires began on Sunday, October 9, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. In the early morning hours on Monday, the County issued advisory evacuation notices to various impacted areas of Sonoma County. Shelter was made available at various locations throughout the County, and first responders have been actively engaged in multiple areas throughout the County since the complex fires' advance into the County.

The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the County Administrator's Proclamation of the Existence of a Local Emergency on October 10, 2017.

The scope of the disaster caused by the fast-moving and widespread destruction of the fire, including loss of thousands of homes and the evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs. Further, the President of the United States declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Complex Fire in Sonoma County.

Joint Proclamation of Local Health Emergency

The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. Debris from large-scale incidents such as the Complex Fire include building materials, sediment (sand/gravel), vegetative or organic matter (trees, plants, etc.), vehicles, the remains of chemicals like pesticides and paints, electronics, clothing, and other personal property. Some of this debris may contain potentially hazardous substances that require special handling for disposal to properly protect environmental health. Debris from a catastrophic incident like the Complex Fire

should be cleaned up, transported, and disposed of in a manner that protects the public health and conforms to local, state, and federal requirements.

Based on the risk to public health posed by the fire debris, the Health Officer and the Director of Environmental Health for the County of Sonoma jointly proclaimed the existence of a local health emergency pursuant to the authority conferred on them by Health & Safety Code section 101080. The Board of Supervisors ratified the County Health Officer's and the Director of Environmental Health's Joint Proclamation of the Existence of a Local Health Emergency ("Joint Proclamation") on October 17, 2017. The Health & Safety Code requires the Board of Supervisors review the Joint Proclamation every 14 days and determine if there is a need to continue the local health emergency. The Board is obligated to terminate the local health emergency at the earliest possible date that conditions warrant the termination.

The volume of fire debris that must be removed poses extensive public health and environmental risks. Because of its hazardous nature, ash and fire debris cannot be taken to County landfills at this time, if it is permitted at all, and it is illegal to dispose of ash and debris along road sides or on public or private lands. Debris from a wildfire disaster also creates serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals. Subsequent to the Board's action ratifying the Joint Proclamation, the County Health Officer issued an emergency order prohibiting the endangerment of the public health and safety through the unsafe removal, transport, and disposal of fire debris. The Sonoma County Health Officer's order provides that no ash or debris may be removed prior to an inspection and it requires County authorization for ash removal. The fire debris continues to pose an immediate risk to public health, safety, and the environment.

Urgency Ordinance

The proposed Sonoma Complex Fire Cleanup Emergency Ordinance would ensure that properties affected by the Sonoma Complex Fire are made safe and ready for reconstruction or repair, and provides for the orderly administration of the Office of Emergency Services (OES) public cleanup program in coordination with an alternative program for property owners that opt out of that program or are ineligible. Staff has been working around the clock with local, state, and federal partners on the OES public program and the alternative program.

If affected property owners are eligible for and opt into the OES public cleanup program the sole requirement is that they execute a Right of Entry agreement allowing OES and U.S. Army Corps of Engineers to begin work. All cleanup services will be provided free of cost to the property owner as quickly as possible and in a way that is protective of public health. If property owners have homeowners insurance that specifically calls out a line item for debris removal, this amount will be collected to offset costs and to comply with federal law prohibiting the duplication of benefits. If property owners have no such line item in their coverage, the County would only seek to recover any remaining coverage after the property owner rebuilds. OES has issued a Fact Sheet on these issues that addresses frequently asked questions, and it has also established an email address specifically to answer the public's questions: debrisquestions@caloes.ca.gov. (Attachment E) The City and County have jointly issued a Frequently Asked Questions document which is available on the Sonoma County Recovers website: <https://www.sonomacountyrecovers.org/debris-removal/>. (Attachment E1)

Property owners participating in the OES program would not require permits or approvals for debris cleanup other than the Right of Entry agreement. The ordinance provides that your Board may set deadlines for the submission of the agreement by resolution. Staff intends to propose a resolution setting the deadline in the near future to address the health emergency. Napa County, for example, has already set a deadline of November 9, 2017, but staff believes the victim property owners need more time to consider options given local circumstances. The deadline will need to be soon to not interfere with efficiency of removal work that will be starting soon and to ensure the public and environmental hazards are being addressed.

The proposed ordinance creates an alternative program. If property owners opt out of the OES program or are not eligible, and if they propose to use private contractors, they would be required to meet the same standards for removal, transport and disposal of hazardous materials that will apply in the OES debris removal program to ensure the safety of the public and protect the environment. OES and CalRecycle have issued Debris Removal Guidelines on the recommended contents of an alternative program to ensure that it meets the same standards as the public program. (Attachment F) The proposed ordinance and proposed standards would implement this guidance. (Attachment G) The City and County have coordinated and are implementing very similar requirements through an almost identical process. The alternative program will require an application with a work plan that identifies the appropriate contractors. After the plan is approved and the work is completed, the property owner will submit a certification to the County. The requirements and process are described in the Management of Sonoma County Wildfire Debris guidance document. (Attachment G) Upon completion the property will be safe and ready for rebuilding.

One common question is whether the County will allow property owners to keep their foundations because the OES debris removal program will remove all foundations. Consistent with OES and CalRecycle guidance and Permit Sonoma's requirements, under the proposed approach contractors must either completely remove and dispose of the foundation or submit a letter from a Licensed Civil or Structural Engineer certifying the foundation is acceptable for rebuild, and the letter must explain its reasoning.

Staff's goal is to protect public health, to make the requirements clear and consistent in Sonoma County, and to facilitate rebuilding as quickly as possible. If property owners have unique circumstances, they may submit a work plan that addresses those unique circumstances. To facilitate planning for rebuilding, Permit Sonoma may process and issue building permits, but they may not be acted upon until completion of the alternative program.

Based on experience in neighboring jurisdictions, a typically small number of property owners will fail to either utilize the public program or pursue the alternative program. Staff will return to your Board with proposed deadlines. If properties are not cleaned, then abatement will likely be required at the property owner's expense to protect neighborhoods, the community, and the environment.

The Sonoma County Administrator's Office is the lead Department responsible for the overall management of the debris removal process in response to the Sonoma Complex Fires. In this role, the County Administrator will rely on the support of, and delegate responsibility to, other County departments in support of the debris removal process. Other County departments include, but are not limited to, the Department of Health Services on matters related to the health and safety of the public and environment, Permit Sonoma on matters related to engineering review and well and septic matters; County Counsel on legal issues; and other County departments as required.

Recommendation

Staff recommend that the Board extend the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of local health emergency in order to ensure that the debris is removed and disposed of in a manner that protects the public health and safety. The Board must review and renew this emergency proclamation again in 14 days and every 14 days thereafter until the Board determines that conditions warrant the termination. When conditions improve, staff will request the Board formally terminate the emergency. Staff further recommend that the Board adopt the attached Ordinance establishing standards for individuals who choose to opt-out of the federal debris removal clean-up program.

Prior Board Actions:

October 17, 2017: Board adopted Resolution No. 17-0391 ratifying the County Health Officer's/County Director of Environmental Health Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area

October 10, 2017: Board adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Issuing a proclamation of local health emergency helps to ensure the safety of the community by alerting residents to the current emergency, helping to advise that residents heed warnings and notifications, and facilitating additional aid. Resolving to waive permit fees and to consider other regulatory waivers will facilitate recovery. Invoking Disaster Leave provisions will ensure that impacted employees are able to dedicate time and effort to personal and community disaster recovery.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: Resolution Extending Proclamation of Local Health Emergency Attachment B: Proclamation of Existence of a Local Health Emergency by County Health Officer and County Environmental Health & Safety Officer Attachment C: Emergency Order of the Sonoma County Health Officer Prohibiting The Unsafe Removal, Transport, and Disposal of Fire Debris Attachment D: Proposed Sonoma Complex Fire Cleanup Emergency Ordinance Attachment E: OES Fact Sheet Attachment E1: Joint City and County FAQ			

Attachment F: OES and CalRecycle Debris Removal Guidelines
Attachment G: Management of Sonoma County Wildfire Debris

Related Items “On File” with the Clerk of the Board:



County of Sonoma
State of California

Resolution No.

575 Administration Drive
Santa Rosa, California

Date: 10/31/2017

RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, EXTENDING JOINT PROCLAMATION OF A LOCAL HEALTH EMERGENCY BY COUNTY OF SONOMA ENVIRONMENTAL HEALTH & SAFETY OFFICER AND COUNTY OF SONOMA HEALTH OFFICER TO ENSURE REMOVE DEBRIS CAUSED BY THE MULTIPLE FIRES IN THE COUNTY OF SONOMA IS REMOVED IN A MANNER THAT PROTECTS PUBLIC HEALTH AND CONFORMS TO LOCAL, STATE, AND FEDERAL REQUIREMENTS

WHEREAS, California Government Code section 8630 and Section 10.5, Chapter 10 of the Sonoma County Code, empowers the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity is subject to ratification by the Board of Supervisors at the earliest practicable time; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 9th day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

WHEREAS, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, on October 10, 2017, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency within the Sonoma County Operation Area and requested that the Governor of the

State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs; and

WHEREAS, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing; and

WHEREAS, Health and Safety Code section 101075 confers upon the local Health Officer or the local Director of Environmental Health of political subdivisions of the state emergency powers necessary to protect public health and safety; and

WHEREAS, pursuant to Health and Safety Code section 101080, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma are authorized to proclaim the existence of a local health emergency when this County or any area of the county is affected or likely to be affected such a public health threat while the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days, and subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and

WHEREAS, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma hereby found that:

- (a) The Sonoma Fire Complex has created certain hazardous waste conditions in the County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures; and
- (b) The hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

- (c) There is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agents due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity and also due to potential contamination or destruction of residential and commercial water supply in the burned areas; and
- (d) The Board of Supervisors of the County of Sonoma is not in session and cannot immediately be called into session; and
- (e) These threats to public health necessitate the proclamation of the existence of a local health emergency; and

WHEREAS, on October 17, 2017, the Board of Supervisors adopted Resolution No. 17-0391 ratifying the County Health Officer's and the Director of Environmental Safety's joint proclamation of the existence of a local health emergency within the Sonoma County Operation Area; and

WHEREAS, the conditions leading to the issuance of the joint proclamation of the existence of a local health emergency continue to pose an immediate threat to public health, safety, and the environment; and

WHEREAS, on October 23, 2017, the County Health Officer issued an emergency order prohibiting the endangerment of the public health and safety through the unsafe removal, transport, and disposal of fire debris and mandating that no ash or debris may be removed prior to an inspection and requiring County authorization for ash removal; and

WHEREAS, the volume of fire debris that must be removed poses extensive public health and environmental risks, including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that during the existence of the Local Health Emergency, the powers, functions, and duties of the County Health Officer and the County Director of Environmental Health and Safety shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Sonoma in order to mitigate the effects of the Local Health Emergency, and the County Director of Environmental Health and Safety is the person designated to receive, process and coordinate aid; and

IT IS FURTHER PROCLAIMED AND ORDERED that the Joint Proclamation of the existence of a Local Health Emergency, as issued by the County Health Officer and the County Director of Environmental Health & Safety, is hereby extended by the Board of Supervisors of the County of Sonoma for an additional 14 days; and

IT IS FURTHER PROCLAIMED AND ORDERED that this proclamation of local health emergency shall continue to be reviewed by the Board of Supervisors for the need to continue this local emergency at least once every fourteen (14) days until it is proclaimed terminated by the Board of Supervisors; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the State Director of Emergency Services, the Governor, and all State and Federal legislators representing the County of Sonoma.

PASSED AND ADOPTED by the Board this 31 day of October, 2017.

SUPERVISORS:

Gorin Rabbitt Gore Hopkins Zane

Ayes_____ Noes_____ Absent_____ Abstain_____

SO ORDERED

Resolution No. _____

**JOINT PROCLAMATION OF A LOCAL HEALTH EMERGENCY
BY COUNTY OF SONOMA ENVIRONMENTAL HEALTH & SAFETY
OFFICER AND COUNTY OF SONOMA HEALTH OFFICER**

In the Matter of)
Proclaiming the Existence of)
"A Local Health Emergency")

WHEREAS, California Government Code section 8630 and Section 10.5, Chapter 10 of the Sonoma County Code, empower the County Administrator to proclaim the existence of a local emergency when the County is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 9th day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

WHEREAS, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017, and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, on October 10, 2011, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area and requested that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, has caused the Governor of the State of California to proclaim a State of Emergency on October 9, 2017, and declare eligibility for Fire Management Assistance Grant and other relief programs; and

WHEREAS, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing; and

WHEREAS, Health and Safety Code section 101075 confers upon the local Health Officer or the local Director of Environmental Health of political subdivisions of the state emergency powers necessary to protect public health and safety; and

WHEREAS, pursuant to Health and Safety Code section 101080, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma are authorized to proclaim the existence of a local health emergency when this County or any area of the county is affected or likely to be affected such a public health threat while the Board of Supervisors is not in

session, subject to ratification by the Board of Supervisors within seven days, and subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and

WHEREAS, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma hereby find that:

(a) The Sonoma Fire Complex has created certain hazardous waste conditions in the County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures; and

(b) The hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

(c) There is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agents due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity and also due to potential contamination or destruction of residential and commercial water supply in the burned areas; and

(d) The Board of Supervisors of the County of Sonoma is not in session and cannot immediately be called into session; and

(e) These threats to public health necessitate the proclamation of the existence of a local health emergency.

NOW, THEREFORE, IT IS PROCLAIMED that a local health emergency now exists in the burned areas of the County, including those areas within the incorporated limits of several of the County's cities, due to hazardous waste in the form of contaminated debris from hazardous waste/materials and structural debris from the ongoing Sonoma Fire Complex and due to contamination of residential food and water supply; and

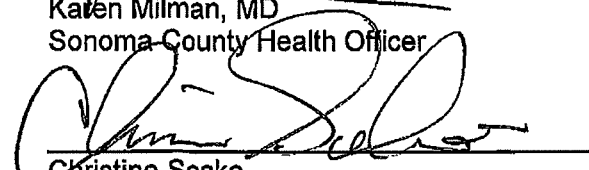
IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency the powers, functions, and duties of the County Health Officer and the Director of Environmental Health and Safety shall be those prescribed by State law, including the provisions of Sections 101040 and 101085 of the Health and Safety Code, and by ordinances, resolutions, and approved plans of the County of Sonoma in order to mitigate the effects of the local emergency.

THIS ORDER MAY BE SIGNED IN COUNTERPARTS.

SIGNED AND SUBSCRIBED at ____ a.m. this 12th day of October, 2017.



Karen Milman, MD
Sonoma County Health Officer



Christine Sosko
Sonoma County Environmental Health & Safety
Director

**EMERGENCY ORDER OF THE SONOMA COUNTY HEALTH OFFICER
PROHIBITING THE ENDANGERMENT OF THE COMMUNITY
THROUGH THE UNSAFE REMOVAL, TRANSPORT, AND DISPOSAL OF
FIRE DEBRIS**

WHEREAS the potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential structure fires contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.

WHEREAS the combustion of building materials such as siding, roofing tiles, and insulation result in dangerous ash that may contain asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have burned in the fire, also producing hazardous materials.

WHEREAS exposure to hazardous substances may lead to acute and chronic health effects, and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.

WHEREAS areas that have been closed to reentry by residents and the public for safety reasons will be opened in the near future.

WHEREAS the California Office of Emergency Services is establishing a voluntary Fire Debris Clearance Program to ensure the safe removal, transport, and disposal hazardous fire debris.

WHEREAS property owners that do not participate in the Fire Debris Clearance Program must conduct their private debris removal, transport, and disposal in a manner that does not endanger the community and that complies with all legal requirements.

WHEREAS, the Sonoma County Health Officer finds that:

- a. The Sonoma Complex Fire has created hazardous waste conditions in Sonoma County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures.

- b. This hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety.

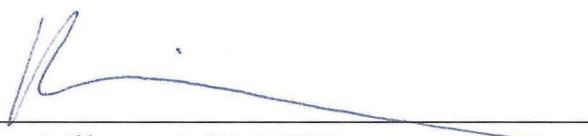
WHEREAS, the Sonoma County Board of Supervisors has proclaimed that the Sonoma Complex Fire has resulted in a local emergency.

WHEREAS Health and Safety Code section 101040 authorizes the Health Officer to require protective measures in the context of a local emergency.

NOW THEREFORE, the Sonoma County Health Officer **ORDERS** that:

1. No removal of fire debris from the Sonoma Complex Fire shall occur from residential sites without a hazardous materials inspection conducted either by the U.S. Environmental Protection Agency or California Department of Toxic Substance Control. The term "removal of fire debris" as used in this order includes all cleanup of fire debris, but it does not include the removal of personal property from residential sites.
2. Pending the enactment of additional requirements to address the Sonoma Complex Fire disaster clean up, no debris bins shall be provided to property owners for the purposes of the removal of fire debris without the authorization of the County of Sonoma.
3. Pending the enactment of additional requirements to address the Sonoma Complex Fire disaster clean up, property owners that choose to opt out of the Fire Debris Clearance Program must register and obtain the permission of the County of Sonoma before beginning the removal of fire debris.
4. This order applies in the incorporated and unincorporated areas of Sonoma County impacted by the Sonoma Complex Fire.

SIGNED AND SUBSCRIBED AT 08:40 a.m. this 23rd day of October 2017.



Karen Milman, MD, MPH
Sonoma County Health Officer

ORDINANCE NO. ()

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING
REQUIREMENTS FOR THE REMOVAL OF FIRE DAMAGED DEBRIS FROM
PRIVATE PROPERTY FOLLOWING THE SONOMA COMPLEX FIRE
URGENCY ORDINANCE: 4/5 VOTE REQUIRED**

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. This ordinance shall be known as the Sonoma Complex Fire Cleanup Emergency Ordinance.

Section II. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. A large number of residential and commercial structures have burned in the Sonoma Complex Fire.
2. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
3. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
4. Exposure to hazardous substances may lead to acute and chronic health effects, and may potentially cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
5. Standards and removal procedures are needed immediately to protect the environment and public health, and to facilitate coordinated and effective

mitigation of the risks to the environment and public health from the health hazards generated in the Sonoma Complex Fire disaster.

6. On October 23, 2017, pursuant to California Health and Safety Code section 101040, the County Health Officer issued an Emergency Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris (the “Order”).
7. The Order prohibits removal of fire debris from residential properties without first obtaining a hazardous materials inspection from the United States Environmental Protection Agency or the California Department of Toxic Substances. Pending the enactment of additional requirements to address the Sonoma Complex Fire disaster clean up, the Order requires authorization of the County of Sonoma before removing fire debris and providing debris bins to property owners for the purposes of the removal of fire debris.
8. It is essential that this ordinance become immediately effective in order to mitigate the harm that could be caused to the public health and safety and to the environment from improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Sonoma Complex Fire disaster.

Section III. Removal of Fire Damaged Debris from Private Property.

1. Definitions.

- (a) Director. The term Director shall mean the Sonoma County Director of Environmental Health and her/his designee.
- (b) OES Program. For purposes of this ordinance, the term “OES Program” shall mean the fire damage debris clearance program operated by the Office of Emergency Services for the Sonoma Fire Complex in conjunction with other State and Federal agencies.
- (c) Alternative Program. For purposes of this ordinance, the term “Alternative Program” shall mean the requirements for inspections and clean up established by the County of Sonoma for property owners that opt out of or are ineligible for the OES Program.
- (d) Private Action. For the purposes of this ordinance, the term “private action” shall mean the removal of fire debris from private property damaged by the Sonoma Complex Fire by persons not eligible for or opting out of the OES Program.
- (e) Removal of Fire Debris. The term “removal of fire debris” as used in this ordinance includes all cleanup of fire debris from structures resulting from the Sonoma Complex Fire, including removal, transport and disposal of fire

debris, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the property.

(f) Right of Entry Permit. The term “Right of Entry Permit” means the Debris Removal Right-of-Entry Permit (For Providing Debris Removal on Private Property) approved by the California Office of Emergency Services for use in the cleanup after the Sonoma Complex Fire.

(g) Board. The term “Board” means the board of supervisors.

2. Term of this Ordinance.

This ordinance shall take effect immediately upon adoption and shall remain in effect until the cleanup of fire debris has been completed on all properties damaged by the Sonoma Complex Fire.

3. Prohibition on Removal Fire Debris from Private Property.

No fire debris from structures shall be removed from private property without a hazardous materials inspection conducted either by the U.S. Environmental Protection Agency or California Department of Toxic Substance Control through the Office of Emergency Services’ fire debris clearance program, or by an entity approved through the Alternative Program.

4. Removal of Fire Debris through the OES Program.

(a) Effect of the Right of Entry Permit: The Right of Entry Permit shall function as the sole permit and authorization for participation in the OES Program.

(b) Notwithstanding any contrary provision in Sonoma County Code Chapter 7, no county approvals or permits for fire debris removal are required for properties participating in the OES Program, other than the Right of Entry agreement.

5. Removal of Fire Debris through the Alternative Program.

(a) The County shall administratively adopt and administer the Alternative Program in the unincorporated areas of Sonoma County under the supervision of the County Administrator. The County shall utilize the state and federal standards and cleanup goals of the OES Program as the standards for the Alternative Program. Under the supervision of the County Administrator, the County may administratively update these standards as necessary to address ongoing changes in the administration of the OES Program and the need to efficiently remove hazardous fire debris from the community.

(b) For those persons who are not eligible for the OES Program, or who opt out of the OES Program, private action to remove fire debris from fire-damaged

properties is prohibited unless and until a hazardous materials inspection has been performed and authorization from the Director has been provided pursuant to the Alternative Program.

- (c) The Alternative Program shall require an application that identifies the appropriate licensed contractors who will perform the work and the submission of plans that demonstrate that the standards established in the Alternative Program will be met. Work shall not begin until the County approves the application. The County may rely upon the subject matter expertise of multiple departments in deciding whether to approve the application.
- (d) Upon completion of the work described in the approved plans, the Alternative Program shall require an application for certification of successful completion of the work required by the Alternative Program.
- (e) Notwithstanding any contrary provision in Sonoma County Code Chapter 7, no county demolition permit shall be required for private debris removal work for which the Director has issued an approval allowing such work to proceed.
- (f) The City of Santa Rosa shall administer its own alternative program within its jurisdictional boundaries and the Health Officer may assist the City of Santa Rosa in the enforcement of that alternative program. Pursuant to the Health Officer's Order, the Director shall be notified of applications within the city's alternative program, and compliance with the City's program is sufficient for the Order.

6. Hold on Building Permits.

- (a) Any issued County of Sonoma building permit to repair or reconstruct a fire damaged structure or private infrastructure shall be held in abeyance and not acted upon until fire debris cleanup is completed on the affected property and completion is confirmed to the county Building Official, either through the OES Program or through the Alternative Program.

7. Deadlines and Enforcement.

- (a) The Board may set deadlines for filing either an acceptable Right of Entry Permit in the OES Program or an acceptable application for the Alternative Program by resolution.
- (b) Properties that have fire ash and debris from the Sonoma Complex Fire and that have neither an approved Right of Entry Permit for the OES Program nor an approved application for the Alternative Program by the deadline set by the Board may be declared a nuisance and health hazard.

- (c) The Board may set deadlines for the completion of work in the Alternative Program by resolution. Properties that have fire ash and debris from the Sonoma Complex Fire after that deadline may be declared a nuisance and health hazard.
- (d) The Board's intent is to facilitate orderly remediation of a large scale disaster. Nothing in these deadlines shall limit the authority of the County to abate hazards more quickly where required by exigent circumstances. Nothing in this ordinance or in these deadline limits the authority of the Health Officer to require preventive measures as defined in Health and Safety Code section 101040.
- (e) Enforcement and Abatement. RESERVED.

Section IV. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. A fair and accurate summary of this ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 31st day of October, 2017, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Gore: ___ Hopkins: ___ Zane: ___

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



FEMA

Cal OES News Desk: (916) 800-3943

FEMA News Desk: (916) 718-8540

Fact Sheet

October 2017 California Wildfires Household Hazardous Waste and Debris Removal

Mission: To expedite recovery, state and federal partners will coordinate closely with affected jurisdictions to remove fire debris from single-family residential lots and public facilities.

There are two phases to this operation:

1. Household Hazardous Waste
2. Debris and Ash Removal

Phase 1. Household Hazardous Waste Operations by County and Program

County	Agency	Mobilization	Assessment	Collection & Removal
Butte	DTSC	Complete	Starting 10/30	Starting 11/2
Lake	DTSC	Complete	Complete	Started 10/23
Mendocino	DTSC	Complete	Started 10/23	Starting 10/26
Napa	USEPA	Ongoing	Starting 10/25	Starting 10/27
Nevada	DTSC	Complete	Complete	Complete
Sonoma	USEPA	Ongoing	Starting 10/25	Starting 10/27
Yuba	DTSC	Complete	Complete	Started 10/23

DTSC: Department of Toxic Substances Control

USEPA: U.S. Environmental Protection Agency

Phase 2. Debris and Ash Removal Operations by County and Program

County	Agency
Butte	CalRecycle
Lake	USACE
Mendocino	USACE
Napa	USACE
Nevada	CalRecycle
Sonoma	USACE
Yuba	CalRecycle

CalRecycle: California Department of Resources Recycling and Recovery

USACE: U.S. Army Corps of Engineers

October 25, 2017

Frequently Asked Questions

1. What is the Consolidated Debris Removal Program?

- A. The Consolidated Debris Removal Program has two phases: removal of household hazardous waste and removal of other fire-related debris. In **phase one**, county, state and federal agencies have organized teams of experts from the U.S. Environmental Protection Agency (US EPA) and the California State Department of Toxic Substances Control (DTSC) to inspect your property and remove any household hazardous waste that may pose a threat to human health, animals, and the environment such as batteries, asbestos siding, and paints. In **phase two**, Cal OES, FEMA and local officials are coordinating with the U.S. Army Corps of Engineers (USACE) and CalRecycle to execute contracts and conduct fire-related debris removal from your property.

2. What do I need to do?

- A. **Phase one:** Household hazardous waste: Operations are already underway. **Phase two: Debris and ash removal:** Contact county officials to get a Right-of-Entry (ROE) which grants government contractors access to your property. Check your county's website for information on how to obtain the form or visit wildfirerecovery.org

3. My house was destroyed in the fire. Can I go back onto my property to see if I can find any valuables or mementos?

- A. **Safe sifting through your property will NOT jeopardize your claims for disaster assistance.** Property owners who desire to search debris for possible salvageable items should do so with caution and with proper protective gear: eye protection, masks, gloves, long-sleeved shirts, and long pants. Residents should minimize contact with fire debris, which may contain materials that can be hazardous to your health. For more information visit:
<https://calepa.ca.gov/disaster/fire/>
<https://www.cdc.gov/disasters/wildfires/index.html>
<https://calepa.ca.gov/wp-content/uploads/sites/34/2016/10/Disaster-Documents-FireAsh.pdf>

4. When will the debris removal begin?

- A. Crews have already begun removal of hazardous household waste. Removal of fire debris, other than hazardous household waste, is scheduled to begin by Nov. 1, 2017.

5. Who will pay for the debris removal?

- A. All initial costs will be paid by state and federal agencies. However, if property owners have insurance that specifically covers debris removal, owners must inform local officials, and they may be required to remit that portion of the insurance proceeds that are specifically reserved for debris removal.

- 6. Once the household hazardous waste is removed by US EPA or DTSC, can property owners hire their own contractors to remove the remaining debris?**
- A. Yes. If you decide to remove fire-related debris from your property, you must obtain all the necessary permits and environmental clearances from your local government.
- 7. Can residents be present during the cleanup of their personal property?**
- A. The safety of the general public and workers is a priority during debris operations. To prevent safety hazards, the public is encouraged to stay away from areas where debris removal operations are underway. Exclusion zones will be established surrounding the current work area to ensure safety of the public.
- 8. How will I know if household hazardous waste has been removed from my property?**
- A. Debris removal teams will mark the property indicating that household hazardous waste has been removed.
- 9. Is the debris removal program only for houses that are completely destroyed?**
- A. This debris removal program is for fire-damaged or destroyed houses, as directed by local government. If you are unsure if your house qualifies for the debris removal program, submit a Right-of-Entry form to your local government for assessment.
- 10. What is considered household hazardous waste?**
- A. Household hazardous waste is waste from houses that poses a threat to public health, animals, or the environment. Hazardous waste includes chemicals that are ignitable, toxic, corrosive and reactive. Examples include pool chemicals, car batteries, antifreeze, used oil filters, solvents, fertilizers, pesticides, propane tanks, disinfectants, aerosols, paint, bleach, and ammunition.
- 11. Are burned electronics and appliances (white goods) included in the household hazardous waste cleanup?**
- A. Teams handling hazardous waste will not remove appliances or electronic wastes, such as TV and computer monitors, computer processing units or cell phones. These materials will be removed as part of the overall debris removal process.
- 12. Why not just have the contractors remove household hazardous waste as part of the general clean up?**
- A. Household hazardous waste must be removed without delay to protect the public health and safety. Additionally, hazardous waste could have significant long-term environmental impacts and should not be combined with the waste from the general cleanup that is going to the landfill. Removal of hazardous waste from the fire debris prevents these environmental contaminants from polluting the environment, and protects the workers and the public from exposure during debris removal efforts. Removal crews are specifically certified to handle household hazardous waste.

13. Will USACE use local contractors in this effort?

- A. Yes. USACE will hire prime contractors who will use local contractors. The prime contractors for the 2017 California wildfires response are Ashbritt and Environmental Chemical Corporation. Local contractors can register as subcontractors at the primary contractor websites:
<http://www.ashbritt.com/>
<http://www.ecc.net>

14. Will USACE use California State prevailing wage, Davis-Bacon, or GSA rate?

- A. The USACE ACI contractor is required to pay Davis-Bacon or California State prevailing wage, whichever is higher.

**Debris Removal Program
Frequently Asked Questions About Insurance**

15. If I have homeowner's insurance, can I still participate in the debris removal program?

- A. Yes. However, to avoid a duplication of benefits provided by the state or federal government, your insurance company may be required to provide payment from your policy that is designated for debris removal.

16. What portion of my homeowner's policy will the county collect for debris removal?

- A. It depends on the policy that you have. There are generally two types of debris removal coverages in a homeowner's insurance policy:

Specified Amount: One type of debris removal insurance coverage contains a separate, specific debris clause, typically capped at a percentage of the coverage amounts listed in the policy (for example, 5 percent of the value of a primary structure, other structure, and personal property.)

If you have this type of policy, the county will only collect the specified amount designated in the debris removal clause. You will not owe the county any additional money, even if the actual costs to remove the debris exceed the amount designated in your insurance policy for debris removal.

No Specified Amount: Another type of debris removal insurance policy does not have a specified amount but includes the costs of debris removal in the total proceeds provided for the primary structure, other structure, or personal property.

If you have this type of policy, the county will only attempt to collect insurance proceeds for debris removal after you have rebuilt your home. The county will only collect any money that remains in your insurance policy, if any, after the rebuild. The homeowner will not owe the county any additional money for debris

removal.

17. If I participate in the Consolidated Debris Removal Program, will the county have the right to take all of my insurance proceeds?

- A. No. There have been many rumors that if a homeowner participates in the Consolidated Debris Removal Program, the county will take all of the homeowner's insurance proceeds or the insurance proceed designated to rebuild their home. **This is simply not true.** The county will only seek reimbursement from the insurance carrier as stated above.

If you have any questions regarding the Consolidated Debris Removal Program, send them to debrisquestions@caloes.ca.gov or visit our website at wildfirerecovery.org.

October 24, 2017



What is the Sonoma County Consolidated Fire Debris Removal Program?

The Sonoma County Consolidated Fire Debris Removal Program (Program) has two phases: removal of household hazardous waste and removal of other fire-related debris.

Phase I: The U.S. Environmental Protection Agency (EPA) will inspect your property and remove any Household Hazardous Waste (HHW) that may pose a threat to human health, animals, and the environment such as batteries, asbestos siding, and paints. Phase I will include air monitoring and visual observations to identify locations of HHW and other hazardous materials and containers. Once properties are surveyed, HHW collection teams will remove the materials identified during the survey. HHW includes leftover household products that can catch fire, react, or explode under certain circumstances, or that are corrosive or toxic. Products such as paints, cleaners, oils, batteries, and pesticides can contain hazardous ingredients and require special handling and disposal.

Phase II: The Governor's Office of Emergency Services (Cal OES), Federal Emergency Management Agency (FEMA) and local officials are coordinating with the U.S. Army Corps of Engineers (Corps) to conduct fire-related debris removal from your property. This will include removal of all burnt debris, foundations, hazardous trees, and some soil to ensure the site is clean and safe for building.

Is participation in this Program mandatory?

Phase I of the Program is required for all residential properties. Phase II debris removal by USACE is optional. Removal by private contractor is authorized but will be done at the homeowner's expense and work done must meet or exceed the standards set by local, state and federal agencies. This includes compliance with all legal requirements for disposal, authorized disposal sites, best management practices for activities on site, proper transportation and documentation of waste, and erosion control.

How much will the Program cost?

Phase I of the Program is being conducted at no cost to property owners. If you choose to participate in Phase II of the Program, there is no cost to the property owner, and removal will be completed in compliance with all local, state and federal laws. If you had insurance in effect at the time of the wildfire that provides coverage for debris removal, it is required that those funds go toward the reimbursement of Program costs. If coverage for debris removal is not a separate insurance category, any reimbursement for debris removal will be limited to the unused benefit amount (if any) in that coverage category after the residence is rebuilt. If the full amount of general coverage is used for rebuilding, you will not be responsible for any reimbursement. If you participate in Phase II of the program, we recommend that you consult with your insurance carrier to confirm how much is dedicated to debris removal.

If I choose to participate in the program, will a lien be placed on my property related to reimbursement of Program costs?

If you choose to participate, a lien will not be placed on your property.

Residential Property Debris Removal FAQs

How do I sign up?

Property owners sign up by completing a Right-of-Entry Permit (ROE) form, and providing insurance information if applicable. The ROE and insurance documents must be submitted to the County of Sonoma Department of Health Services - Environmental Health in person at 625 5th Street, Santa Rosa CA 95404, by email to ehroe@sonoma-county.org, or by fax at (707)-565-6525. The ROE form can be obtained by going to <https://www.sonomacountyrecovers.org/debris-removal/> or the ROE Processing Center located at 625 5th Street, Santa Rosa CA 95404.

Can I make changes to the Right of Entry Form?

No, the wording in the Right of Entry Form is required by California and Federal law and therefore, the terms cannot be changed.

If I opt into the Program, and I have insurance but I decide not to rebuild, will I have to pay for the costs of debris removal?

Generally, no. If the insurance proceeds you received did not include a specified amount for debris removal you will not be responsible for any costs associated with the debris removal. For more information, contact the Department of Insurance.

My house was destroyed in the fire. Can I go back onto my property to see if I can find any valuables or mementos?

Sifting through your property will NOT jeopardize your claims for disaster assistance. Property owners who desire to search debris for possible salvageable valuables or mementos should do so with caution and with proper protective gear: eye protection, masks, gloves, long-sleeved shirts, long pants, and protective footwear. Residents should minimize contact with fire debris, which may contain materials that can be hazardous to your health. For more information visit:

<https://www.sonomacountyrecovers.org/debris-removal/>

Can I start clearing burn debris from my property?

Ash or debris **cannot** be removed prior to the completion of Phase I because of hazardous waste and public health hazards. The Phase II portion of the Program is being offered to provide property owners safe and comprehensive debris removal using specialized contractors managed by the Army Corps of Engineers (Corps). Property owners that choose not to participate in this program will be given additional guidance on city and county permitting shortly, and cannot begin private ash and debris removal prior to standards being approved. Property owners performing private debris removal activities must do so in accordance with city and county guidance at their own expense. This includes compliance with all legal requirements for disposal, authorized disposal sites, best management practices for activities on site, proper transportation and documentation of waste, and erosion control.

Residential Property Debris Removal FAQs

Will foundations be removed as part of the clean-up process?

Yes, foundation removal will be included in Phase II of the Program. Foundation piers will not be removed. The contractor will make every effort to minimize damage done to piers during stem wall and foundation removal. The decision to include foundation removal on all sites was based on prior damage assessments from similar disasters. Testing following previous fires has confirmed that many foundations were not structurally safe, and that contamination leached into the soil underneath foundations that cannot be addressed without foundation removal. Even if your foundation has been determined to be structurally sound, there is a risk of exposure to toxins if you choose not to remove it. If you want to keep your foundation, you are not eligible for Phase II, and you will be required to meet approved standards to ensure the structural integrity of your foundation.

Will we need to be there, or can we be there, during this process?

Owners do not need to be present for either phase of this process. The safety of the general public and workers is a priority during debris operations. To prevent safety hazards, the public is encouraged to stay away from areas where debris removal operations are underway. Exclusion zones will be established surrounding the current work area to ensure safety of the public. Owners will be given a 48 hour notice before Phase II work on their property begins. Please include on your ROE information on any wells, septic systems, ponds, pools or other structures on your property so contractors are aware of their locations.

After my property is rebuilt or repaired following the damage, will my property taxes be increased over what they were before?

No. Property owners will retain their previous factored base year value if the restructure is rebuilt in a like or similar manner, regardless of the actual cost of construction. However, any new square footage or extras, such as additional baths, will be added to the base year value at its full market value.

What happens if a contractor damages my property during Phase II?

Any pre-existing improvements on the Property, such as fences, gates, etc. which are damaged or temporarily removed in the debris removal process will be repaired and/or replaced.

How long do I have to sign up?

We encourage you to complete your ROE as soon as possible, however we have not yet determined a deadline to sign up for participation in Phase II. We understand that there are questions and concerns about how participation will impact your recovery process, and whether participation is the right thing for you and your family. We are working on providing additional information to help you make this decision, and are conducting informational meetings about the Program. While you are deciding, please make sure you do not begin the debris removal process, which could impact your eligibility for the Program.

What impacts will the project have on the community?

There will be several teams of staff and numerous pieces of heavy equipment along with transport trucks for hauling equipment and waste. Many of these trucks will be parked along roads during the cleanup. These crews will create a good deal of noise, but the time periods will abide by the Sonoma County noise ordinance. There will be water trucks providing dust control and workers cleaning up after trucks hauling debris.

What is the anticipated timeline for cleanup?

We anticipate having cleanup of all sites in the Program completed by early 2018.

Residential Property Debris Removal FAQs

How will I know that the process has started and completed?

Phase I is currently underway; EPA will post a sign on each property when the HHW removal is complete. EPA will also notify the broader community when it has completed HHW removal in an entire neighborhood. When Phase II begins, USACE employees will be contacting homeowners via phone to provide notice of work start times. The USACE contractor is required to provide USACE a formal report of completion. USACE will provide those reports to the county. It will be the counties responsibility to notify the homeowner of completed work.

What happens to a property that is abandoned?

Local agencies will work with our state and federal partners to make sure that all properties are addressed to a level that protects public health and safety.

How soon after debris removal is completed will I be able to start rebuilding?

Property owners can begin rebuilding once the debris removal process is complete and appropriate city and/or county permits are obtained.

Are renters responsible for debris removal?

No, only property owners are responsible for debris removal.

Are burned electronics and appliances (white goods) included in the household hazardous waste cleanup?

Teams handling hazardous waste will not remove appliances or electronic wastes, such as TV and computer monitors, computers processing units or cell phones. These materials will be removed as part of Phase II.

Why not just have the contractors remove household hazardous waste as part of the general clean up?

Household hazardous waste must be removed without delay to protect the public health and safety. Additionally, hazardous waste could have significant long-term environmental impacts and should not be combined with the waste from the general clean-up that is going to the landfill.

Removal of hazardous waste from the fire debris prevents these environmental contaminants from polluting the environment, and protects the workers and the public from exposure during debris removal efforts. The crews that conduct removal are specifically certified to handle household hazardous waste.



DEBRIS REMOVAL GUIDELINES

To ensure safety to workers, the public, and the environment, certain protocols must be followed during a wildfire disaster when removing structural ash and debris from a fire. The County is currently offering **two ways** to manage the debris and ash resulting from the wildfire disaster. A property owner may elect to participate in the Consolidated Debris Removal Program or may elect to complete the property remediation and debris removal themselves.

1. Property Owners Who Elect To **Participate** In The Consolidated Debris Removal

Property with destroyed structure(s) from a wildfire are being offered a clean-up and debris removal service conducted by specialized work crews, which are contracted and managed by County and State waste specialists. This program is being paid for with public funds. If property owners have a specified amount for debris removal in their insurance policy, they will need to provide the specified amount to the County. However, a property owner may participate in the program even if the property is not insured. Property owners must sign up for the debris removal program by completing a Right-of-Entry Form, which allows access to their property to complete the removal work. *(For frequently asked questions regarding the Consolidated Debris Removal Program go to <http://wildfirerecovery.org/wp-content/uploads/2017/10/Fact-Sheet-HHW-and-Debris-Removal.pdf>).*

2. Property Owners Who Elect **Not To Participate** In The Consolidated Debris Removal Program

If property owners elect not participate in the Consolidated Debris Removal Program, the property owners are still required to remediate the property and remove the burn debris at their own expense in accordance with the County's Debris Removal Plan. The property owners will not be reimbursed with public funds for the remediation and debris removal. The property owners may complete the remediation and debris removal themselves or through a qualified contractor. Due to the Proclamation of a Local Health Emergency by the County Health Officer, the work must be completed in a manner that ensures the protection of public health and safety.

Private Debris Clean-Up Process Overview

Below is an overview of the debris removal operations and protocols. This information was adapted from various sources and includes "best practices." Some of the source links are notated at the bottom of page 2.

Clean-Up Operations	Clean-Up Protocols
Site Documentation	<ul style="list-style-type: none"> • Measure and record foundation and clean-up area. • Notify appropriate entities of clean-up, including local utilities, USA Underground, and Air Pollution Control District(s).
Work Plan	<ul style="list-style-type: none"> • Create a Work Plan that provides for site testing and analysis, hazardous waste and asbestos removal, debris removal, erosion control, soil grading, and confirmation sampling.
Application Process	<ul style="list-style-type: none"> • Owner or contractor will submit a debris removal and demolition or similar permit application to the County. • Once the application is approved, the County will issue a demolition or similar permit.
Site Testing and Analysis	<ul style="list-style-type: none"> • The property owner will need to hire a certified Asbestos Consultant and Soil Consultant to test the site.
Air Monitoring	<ul style="list-style-type: none"> • Fugitive Dust – Dust is a significant concern and there should be adequate dust control water applied to burn ash materials at all times, most importantly during contractor

	disturbance and loading.
Hazardous Waste and Asbestos Removal	<ul style="list-style-type: none"> • All remaining Hazardous Waste and Household Hazardous Waste must be identified and disposed of through the County Hazardous Waste Disposal Program by a certified Hazardous Materials Contractor. • Asbestos must be assessed by a Certified Asbestos Consultant and removed by a licensed Asbestos Abatement Contractor.
Debris Removal	<ul style="list-style-type: none"> • Remove ash and debris, metals, and concrete from the site and dispose of properly. • Recycle metals and concrete if possible.
Foundations	<ul style="list-style-type: none"> • Completely remove and dispose of foundation; or • Submit a letter from a Licensed Civil or Structural Engineer certifying the foundation is acceptable for rebuild. The letter shall state reasons for their decision.
Soil Grading	<ul style="list-style-type: none"> • Remove 3 to 6 inches of soil from the impacted area after the burn ash and debris is removed to a level of visually clean.
Confirmation Sampling	<ul style="list-style-type: none"> • A licensed Soil Consultant will collect soil samples from 0-3 inches for confirmation sampling and compare soil sample results against clean-up goals as established by government agencies in the region, including the U.S. Army Corp of Engineers (USACE) and CalRecycle.
Appliance and Vehicle Recycling	<ul style="list-style-type: none"> • Appliances and vehicles must be handled properly to meet the requirements of metals recycling facilities.

Confirmation Sampling

Confirmation sampling should be conducted by a licensed professional after fire-related debris has been removed from a property. Representative soil samples should be collected and analyzed to determine compliance with clean-up goals as established by government agencies in the region, including the USACE and CalRecycle. For informational purposes, CalRecycle’s typical operations plan sampling frequencies are included below. The total number of samples to be collected is based on estimated square footage of ash footprint as follows:

Estimated Square Footage of Ash Footprint (Decision Unit)	Number of 5-Point Aliquots
0-100 square feet	1
101-1,000 square feet	2
1,001-1,500 square feet	3
1,501-2,000 square feet	4
2,001-5,000 square feet	5
>5,000 square feet	Must consult with local environmental health officials

All confirmation samples should be collected from a depth of 0-3 inches using a dedicated 4-ounce plastic scoop and be placed in 8-ounce jars. Samples should be shipped to an approved laboratory for analysis by Title 22 Metals for antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc by EPA Method 6020, and mercury by EPA Method 7471A.

Sources

1. “CalRecycle Wildfires” located at: <http://www.calrecycle.ca.gov/Disaster/Wildfires/>
2. “CalEPA Debris Removal” located at: <https://calepa.ca.gov/disaster/debris/>
3. “Air Resources Board Asbestos Removal” located at:
https://www.arb.ca.gov/enf/advs/advs443.pdf?_ga=2.100065755.470801255.1508961037-1745915130.1485557184
4. “Trinity County Private Contractor Packet” located at:
http://www.lakecountyrecovery.com/uploads/1/4/9/6/14962408/clayton_private_contractor_cleanup_packet.pdf
5. “Trinity County Debris Removal Operations” (section 6 “Debris Removal”) located at:
<http://www.calrecycle.ca.gov/Disaster/Fires2015/Trinity/OpsPlan.pdf>
6. “CalRecycle Erskine Fire Debris” located at: <http://www.calrecycle.ca.gov/NewsRoom/2016/08Aug/17.htm>

MANAGEMENT OF SONOMA COUNTY WILDFIRE DEBRIS

To ensure safety to workers, the public, and the environment, certain protocols must be followed during a wildfire disaster when removing structural ash and debris left from the fire. The County is offering **two ways** for Property Owners to manage the debris and ash from the wildfire disaster.

1. Owners Who Choose To Participate In The State Sponsored Consolidated Debris Removal Program.

Residential properties with destroyed structure(s) from the wildfires are being offered a clean-up and debris removal service conducted by specialized work crews, contracted and managed by federal and state waste specialists. Under limited circumstances, some commercial properties may be eligible as well. This program is being paid for with state and federal funds. To avoid duplication of benefits, if property owners have a specified amount for debris removal in their insurance policy, they will need to provide that specified amount to the County for reimbursement of some of the costs of the clean-up. However, a property owner may participate in the program even if the property is not insured. Owners **must sign up** for this program by completing a Right-of-Entry form, to allow access to their property to complete the debris removal work.

For the Right of Entry form go to:

<http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147549894>

For frequently asked questions regarding the Consolidated Debris Removal Program go to:

<http://wildfirerecovery.org/wp-content/uploads/2017/10/Fact-Sheet-HHW-and-Debris-Removal.pdf>

Additional City and County information is available here:

<https://www.sonomacountyrecovers.org/debris-removal/>

2. Owners Who Choose Not To Participate In The State Sponsored Consolidated Debris Removal Program.

Due to the public health emergency, property owners are required to cause their property to be cleaned up and all burn debris must be removed in a timely manner. If property owners choose not to participate in the Consolidated Debris Removal Program described above (or if properties are ineligible), they may do so at their own expense with work performed by qualified personnel as set forth below.

The owner will submit a *Sonoma County Alternative Program Fire Clean-Up Application* (see attachment) and Work Plan to the County for approval. After implementation of the approved Work Plan, the owner must submit a certification showing that all work has been completed as specified. The work must be completed pursuant to standards set forth by the County and State. These standards are established to ensure protection of public health and are the same standards applicable to the Consolidated Debris Removal Program. Documentation of adequate clean-up and proper disposal will be required. It is strongly encouraged that property owners review all requirements thoroughly before planning or pursuing their own debris removal. Property

owners will not be allowed to build on their property until there is a certification of completion of the property cleanup and removal of all hazardous waste has been completed in accordance with applicable standards approved by the County.

A summary of the protocols and requirements is below:

Clean Up Operations	Clean Up Protocols
Site Documentation	<ul style="list-style-type: none"> • Measure and record foundation and clean-up area. • Notify appropriate entities of clean-up, including local utilities, USA Underground, and Air Pollution Control District(s).
Work Plan	<ul style="list-style-type: none"> • Create a Work Plan that provides for site testing and analysis, hazardous waste and asbestos removal, debris removal, erosion control, soil grading, and confirmation sampling.
Application Process	<p>Owner or contractor will submit a Sonoma County Alternative Program Fire Clean-Up Application to Environmental Health together with the work plan.</p> <p>Once application and work plan are approved work may proceed</p>
Site Testing and Analysis	<ul style="list-style-type: none"> • The property owner will need to hire a certified Asbestos Consultant and Soil Consultant to test the site.
Air Monitoring	<ul style="list-style-type: none"> • Fugitive Dust – Dust is a significant concern and there should be adequate dust control water applied to burn ash materials at all times, most importantly during contractor disturbance and loading to meet applicable standards.
Hazardous Waste and Asbestos Removal	<ul style="list-style-type: none"> • All remaining Hazardous Waste and Household Hazardous Waste must be identified and disposed by a certified Hazardous Materials Contractor. • Asbestos removal must be assessed and removed by a licensed Asbestos Abatement Contractor. • Waste must be disposed of at an approved location from the list provided by Environmental Health. Available locations may change, and locations within Sonoma County may not be available.
Debris Removal	<ul style="list-style-type: none"> • Remove ash and debris, metals, and concrete from the site and dispose of properly. • Recycle metals and concrete if possible. • Waste must be disposed of at an approved location from the list provided by Environmental Health. Available locations may change, and locations within Sonoma County may not be available.
Soil Grading	<ul style="list-style-type: none"> • Remove 3 to 6 inches of soil from the impacted area after the burn ash and debris is removed to a level of visually clean.
Foundations	<ul style="list-style-type: none"> • Completely remove and dispose of foundation; or • Submit a letter from a Licensed Civil or Structural Engineer certifying the foundation is acceptable for rebuild. The letter shall state reasons for their decision.
Confirmation Sampling	<ul style="list-style-type: none"> • A licensed Soil Consultant will collect soil samples from 0-3 inches for confirmation sampling and compare soil sample results against clean-up goals. The testing standards will be provided by Environmental Health and will be the same standards used for the public

	cleanup.
Appliance and Vehicle Recycling	<ul style="list-style-type: none"> • Appliances and vehicles must be handled properly to meet the requirements of metals recycling facilities.

3. Owners Who Choose Neither Option Above And Fail To Adequately Remove Debris From Their Property.

Due to the public health dangers to the community, owners who choose **not to participate** in the State/Federal sponsored Consolidated Debris Removal Program and who **do not accomplish** an adequate clean-up through the alternative program, will have the wildfire debris inspected by the County, and be subject to the County taking remedial action that may include, but not be limited to, hazard removal and/or relocation, clean-up, site evaluation, soil testing, and/or chemical analysis. All County expenses incurred for such inspection and mitigation, including but not limited to, contract work, staff time, and administration, are subject to full cost recovery from the owner with a lien recorded on the property.

Confirmation Sampling

Confirmation sampling should be conducted by a licensed professional after fire-related debris has been removed from a property. Representative soil samples must be collected and analyzed to determine compliance with clean-up goals used by the State and federal government which will be available at Environmental Health. The total number of samples to be collected should be based on estimated square footage of ash footprint:

Estimated Square Footage of Ash Footprint (Decision Unit)	Number of 5-Point Aliquots
0-100 square feet	1
101-1,000 square feet	2
1,001-1,500 square feet	3
1,501-2,000 square feet	4
2,001-5,000 square feet	5
>5,000 square feet	Must consult with local environmental health officials

All confirmation samples should be collected from a depth of 0-3 inches using a dedicated 4-ounce plastic scoop and be placed in 8-ounce jars. Samples should be shipped to an approved laboratory for analysis by Title 22 Metals for antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc by EPA Method 6020, and mercury by EPA Method 7471A. This sampling guidance is informational and preliminary. Additional guidance regarding requirements will be provided with standards.

This information is based upon statutes and regulations and is intended to provide a basic overview to help achieve compliance. This document does not replace or supersede relevant statutes and regulations and is not intended as legal advice.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 7
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: 4/5

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Tennis Wick, 565-1900
Jennifer Barrett, 565-1900
Jeff Brax, 565-2421

Supervisorial District(s):

All

Title: Emergency and Immediate Housing Needs Created by the Sonoma Complex Fire; Temporary Rental of Dwellings Under Land Conservation Act Contracts

Recommended Actions:

- 1) Adopt a Resolution Modifying the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Williamson Act) to Allow Rental of Existing Residences for Temporary Disaster Housing.
- 2) Adopt an Urgency Ordinance to Similarly Revise Chapter 40 of the Sonoma Code to Allow Rental of Existing Residences for Temporary Disaster Housing.

Executive Summary:

Staff recommends adoption of a resolution and an urgency ordinance to allow rental of existing residences as temporary disaster housing on Williamson Act parcels. This will continue the Board's actions to expand the amount of emergency and immediate housing for persons displaced by the Sonoma Complex Fire. Staff has committed to returning to the Board in the coming weeks and months with additional immediate, interim, and long-term solutions to the County's housing crisis, which has been exacerbated by the Sonoma Complex Fire.

Discussion:

This agenda item continues to implement the Board's direction to address the most immediate housing needs being faced by the citizens of Sonoma County and is consistent with the goals and programs being proposed by the City of Santa Rosa.

Rental of Existing Residences on Williamson Act Parcels

The County has adopted Uniform Rules listing the uses it deems compatible with agricultural uses of contracted land. In order to list uses as compatible, the County must consider the "principles of compatibility" stated in the California Land Conservation Act, at Government Code Section 51238.1(a).

This item recommends listing temporary disaster housing as a compatible use of agricultural land under a Williamson Act contract. The amendment would allow an owner of contracted land to use existing dwellings on his or her land for certain temporary disaster housing, so long as it does not displace or impair current or foreseeable future agricultural operations, does not displace agricultural workers, and does not require the extension of urban services or infrastructure.

Specifically the proposed amendment to the Uniform Rules for Agricultural Preserves would allow a person or persons displaced by the Sonoma Complex Fire to temporarily occupy or rent primary or farm family dwellings on Williamson Act contracted land. The listing of temporary disaster housing as a compatible use would automatically expire December 31, 2019, unless extended or modified by the Board of Supervisors.

The proposed amendment allows the County of Sonoma to tailor its Williamson Act program to the unique needs of Sonoma County, and to balance immediate disaster recovery efforts with efforts to sustain agricultural operations and maintain long term protection of agricultural and open space lands in the face of such an unprecedented wildfire disaster.

Rental of Existing Dwellings on Agricultural Parcels

This item also includes an urgency ordinance to similarly allow use and rental of existing primary dwellings and farm family dwellings on agricultural parcels, by persons displaced by the Sonoma Complex Fire, provided that such use or rental does not displace agricultural employees or farm workers. The ordinance would temporarily suspend contrary provisions in the Sonoma County Code that limit the rental of these dwellings. This provision would similarly expire December 31, 2019, unless extended or modified by the Board of Supervisors.

Prior Board Actions:

On October 17, 2017, the Board adopted a resolution waiving permit fees until July 10, 2018 for repair and reconstruction for already-permitted fire damaged residential, commercial, and agricultural structures. On October 24, 2017, the Board placed a temporary moratorium on issuance of new vacation rental and hosted rental permits and added Chapter 40, Sonoma Complex Fire Disaster Recovery, to the Sonoma County Code to provide additional housing opportunities for persons displaced by the Sonoma Complex Fire.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
<ol style="list-style-type: none"> 1. Resolution Modifying the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones 2. An Urgency Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Adding Section 40.05.035, Rental of Certain Existing Dwellings on Agricultural Parcels, to Chapter 40 of the Sonoma County Code. 			

Related Items "On File" with the Clerk of the Board:



County of Sonoma

State of California

Date: October 31, 2017

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving An Amendment To Uniform Rule 8.0 of the Sonoma County Uniform Rules For Agricultural Preserves And Farmland Security Zones To List Temporary Disaster Housing As A Compatible Use

Whereas, fast-moving catastrophic fires commenced the 8th day of October, 2017 in Sonoma County and surrounding areas, which are collectively referred to as the Sonoma Complex Fire;

Whereas, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties and has declared Sonoma County eligible for Fire Management Assistance Grant and other relief programs;

Whereas, On October 10, 2017, Presidential Declaration of Major Disaster DR-4344 was issued;

Whereas, the Sonoma Complex Fire to date has consumed well over one hundred thousand acres, including land within agricultural preserves, and has led to the destruction of thousands of homes. It is estimated that thousands of households in Sonoma County, including unincorporated Sonoma County and municipal jurisdictions within Sonoma County, are without homes;

Whereas, the housing units destroyed by the Sonoma Complex Fire increased Sonoma County's rental housing shortage by several orders of magnitude and also severely reduced the number of owner-occupied housing units in the County;

Whereas, destruction of housing units in other nearby counties, including Lake, Napa, Solano and Mendocino Counties further exacerbates the ability of persons who live and work in Sonoma County and have been displaced by the Sonoma Complex Fire to relocate to other housing;

Whereas, the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only for the maintenance of the agricultural economy of the state, but also for the

Resolution #

Date:

Page 2

assurance of adequate, healthful and nutritious food for residents of the state and the nation;

Whereas, the California Legislature enacted the California Land Conservation Act of 1965, also known as the Williamson Act, (Government Code §51200 et seq.), which authorizes counties to establish agricultural preserves and to enter into voluntary contracts with owners of qualifying land within the preserves to restrict the use of land to agricultural use, open space use, and uses compatible with agricultural or open space uses, in exchange for property tax savings;

Whereas, pursuant to the California Land Conservation Act, Government Code §51231, the Board of Supervisors shall adopt uniform rules to govern the administration of the County's agricultural preserve program;

Whereas, the Board of Supervisors, after making certain findings under Government Code Section 51238.1, may list in its uniform rules certain uses of contracted land as uses that are compatible with the agricultural use of contracted lands;

Whereas, consistent with Government Code Section 51220.5, in determining the type of uses to be deemed "compatible uses," the Board of Supervisors recognizes that the Legislature has found that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area;

Whereas, on December 13, 2011, by Resolution Number 11-0678, the Sonoma County Board of Supervisors adopted updated Uniform Rules for Agricultural Preserves and Farmland Security Zones ("Uniform Rules") to govern local administration of the County's agricultural preserve program;

Whereas, since December 2011, the Board of Supervisors amended the Uniform Rules three times: on July 31, 2012, by Resolution No. 12-0379; on May 7, 2013, by Resolution No. 13-0186; and on December 20, 2016 by Resolution No. 16-0485;

Whereas, the temporary disaster housing satisfies the principles of compatibility stated at Government Code Section 5238.1(a);

Whereas, the County of Sonoma desires to tailor its Williamson Act program to meet the unique needs of the County of Sonoma, and to balance immediate disaster recovery efforts with efforts to sustain agricultural operations and maintain long term protection of agricultural lands in the face of such an unprecedented wildfire disaster.

Now, Therefore, Be It Resolved that the Board of Supervisors finds that the foregoing recitals are true and correct; and

Resolution #

Date:

Page 3

Be It Further Resolved that Board of Supervisors finds that adding limited temporary disaster housing to the Uniform Rules as a compatible use is desirable and will appropriately tailor Sonoma County's agricultural preserve program to meet local, regional, state, and national needs for assuring adequate, healthful and nutritious food for future residents; and

Be It Further Resolved that the Board of Supervisors makes the following findings concerning the use of contracted land for temporary disaster housing, where the land qualifies for a Land Conservation Contract based on qualifying agricultural use of the land:

1. The use will not significantly compromise the long-term productive agricultural capability of contracted lands in agricultural preserves in Sonoma County because the current requirement that contracted land must be devoted to agricultural use will remain unchanged, and because the area that all compatible uses may collectively occupy for any parcel of agricultural contracted land will remain limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on contracted lands in agricultural preserves because temporary disaster housing is only permitted as a compatible use if it does not displace current or reasonably foreseeable agricultural operations, and because the Uniform Rules limit the area that all compatible uses may collectively occupy for any parcel of contracted land is limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
3. The use will not result in the significant removal of adjacent contracted lands from agricultural or open space uses because temporary disaster housing as a compatible use will be limited due to the Uniform Rules' limitation on the area that all compatible uses may collectively occupy for any parcel of contracted land, which is 5 acres or 15% of the land under contract, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
4. The use will not result in an increase in the density of the permanent or temporary human population of the agricultural area in a way that hinders or impairs agricultural operations because the proposed use is significantly limited in scope and duration, will not result in the removal of land from agricultural use, will not displace agricultural workers, no additional permanent or temporary residential structures will be allowed, and the temporary disaster housing use is not expected to result in the extension of urban services or infrastructure to agricultural areas.

Resolution #

Date:

Page 4

Be It Further Resolved that the Board of Supervisors amends Uniform Rule 8.0 of the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, Section 8.3, A. "Residential Uses," to add subsection 5 as follows:

"5. Temporary disaster housing.

- a. Primary dwellings and farm family dwellings listed in subsections 1 and 2 of this Rule 8.3.A, may be temporarily used to house persons who were displaced by wildfires covered by Presidential Declaration of Major Disaster DR-4344.
- b. The temporary disaster housing allowed under this subsection 5 may be rented to the displaced persons.
- c. The temporary disaster housing allowed under this subsection 5 may not displace or impair current or foreseeable agricultural operations, may not displace agricultural workers, and may not require the extension of urban services or infrastructure.
- d. This subsection 5 of Rule 8.3.A. expires on December 31, 2019, unless extended or modified by resolution of the Board of Supervisors."

Be It Further Resolved that adoption of this Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code; and

Be It Further Resolved that the Board of Supervisors hereby directs the Permit and Resource Management Department (Permit Sonoma) to submit this amendment to the Department of Conservation; and

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403; and

Resolution #

Date:

Page 5

Be It Further Resolved that staff shall take all steps necessary to effectuate this action of the Board of Supervisors.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 31st day of October, 2017, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin:

Rabbitt:

Gore:

Hopkins:

Zane:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

ORDINANCE NO. ()

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING SECTION
40.05.035, RENTAL OF CERTAIN EXISTING DWELLINGS ON
AGRICULTURAL PARCELS, TO CHAPTER 40 OF THE SONOMA COUNTY
CODE**

URGENCY ORDINANCE: 4/5 VOTE REQUIRED

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by fast-moving and widespread fires, referred to as the Sonoma Complex Fire, commencing on the 8th day of October, 2017.
2. California Government Code section 8630 and Sonoma County Code section 10-5 empower the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time.
3. On October 9, 2017, the County Administrator of the County of Sonoma proclaimed the existence of a local emergency within the Sonoma County Operational Area and also requested that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster.
4. On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties and has declared Sonoma County eligible for Fire Management Assistance Grant and other relief programs.
5. On October 10, 2017, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area and requesting that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster.

6. On October 10, 2017, the President declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing.
7. The Sonoma Complex Fire to date has consumed well over one hundred thousand acres and has led to the destruction of thousands of homes. It is estimated that thousands of households in Sonoma County, including unincorporated Sonoma County and municipal jurisdictions within Sonoma County, are without homes.
8. The Board of Supervisors has previously found that Sonoma County is experiencing a housing crisis. Even prior to the Sonoma Complex Fire, there existed in the unincorporated county area a severe lack of rental housing that is affordable to lower and moderate income residents.
9. The housing units destroyed by the Sonoma Complex Fire increased this rental housing shortage by several orders of magnitude and also severely reduced the number of owner-occupied housing units in the County.
10. Destruction of housing units in other nearby counties, including Lake, Napa, Solano and Mendocino Counties further exacerbates the ability of persons who live and work in Sonoma County and have been displaced by the Sonoma Complex Fire to relocate to other housing.
11. On October 24, 2017, the Board of Supervisors adopted an urgency ordinance adding Chapter 40, Sonoma Complex Fire Disaster Recovery, to the Sonoma County Code, to remain in effect until December 31, 2019, unless extended or modified by the Board of Supervisors.
12. It is essential that the changes made by this ordinance to the Sonoma County Code and various County housing, permitting and health and safety policies related to use and occupancy of residential dwellings be implemented immediately to allow the fastest possible transition of homeless and displaced residents to interim and long term shelter.

Section II. Section 40.05.035 is hereby added to Chapter 40 of the Sonoma County Code, Sonoma Complex Fire Disaster Recovery, to read in full as follows:

Sec. 40.05.035. – Rental of Certain Existing Dwellings on Agricultural Parcels.

Notwithstanding any contrary provision in this code or the contrary terms of any agricultural easement or land conservation contract made pursuant to this code, existing main or primary dwellings and farm family dwellings on agricultural parcels may be used by or rented to persons displaced by the Sonoma Complex Fire, provided that such use or rental does not displace agricultural employees or farm workers.

Section IV. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. A fair and accurate summary of this ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 31th day of October, 2017, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Gore: ___ Hopkins: ___ Zane: ___

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 8
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 31, 2017

Vote Requirement: 4/5

Department or Agency Name(s): Department of Transportation and Public Works

Staff Name and Phone Number:

Johannes Hoevertsz, 565-3585

Supervisorial District(s):

All

Title: Resolution Making Findings of a Continuing Need to Perform Emergency Work to Stabilize Dangerous Conditions Resulting From the Sonoma Complex Fires.

Recommended Actions:

Adopt a Resolution:

- 1) Making findings that there is an emergency need to stabilize dangerous conditions resulting from the Sonoma Complex Fires; and
- 2) Suspending the requirements for competitive bidding based on the urgent need for action; and
- 3) Authorizing the Director of the Department of Transportation and Public Works to execute contracts necessary to abate and/or stabilize dangerous conditions resulting from the Sonoma Complex Fires; and
- 4) Making an exemption determination under the California Environmental Quality Act; and
- 5) Ratifying any emergency contracts entered into by the Director of the Department of Transportation and Public Works relating to these issues.

Executive Summary:

This item requests the Board of Supervisors adopt a resolution finding and declaring a continuing emergency need to abate and stabilize dangerous conditions resulting from the Sonoma Complex Fires; suspending the requirements for competitive bidding because the emergency will not permit a delay; authorizing the Director of the Department of Transportation and Public Works (Director) to execute contracts as necessary to abate and/or stabilize dangerous conditions resulting from the Sonoma Complex Fires; making an exemption determination under the California Environmental Quality Act ("CEQA") due to damages arising from multiple complex fires that began on Sunday, October 8, 2017, causing extreme property damage and health and safety concerns; and ratifying emergency contracts entered into by the Director pursuant to the authority delegated to him by Resolution No. 17-0392.

Discussion:

The Sonoma Complex Fires began on Sunday, October 8, 2017. In response, the Emergency Operations Center (“EOC”) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors, ratified the Proclamation on October 10, 2017, to continue the local emergency.

As a result of the Sonoma Complex Fires, dangerous conditions arose on numerous properties owned or maintained by the County that were sudden and unexpected, and posed a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. On October 24, 2017, the Board adopted Resolution No. 17-0392 (i) declaring an emergency need to remove dangerous vegetation and trees from county rights-of-way and to stabilize said rights-of-way to protect the public health and safety, and (ii) authorizing the Director of the Department of Transportation and Public Works (Director) to execute contracts for removal of dangerous vegetation and trees from county rights-of-way and for stabilization of said rights-of-way without competitively bidding those contracts.

The Department of Transportation and Public Works did perform emergency work as authorized by Resolution No. 17-0392 in order to remove dangerous vegetation from County rights-of-way and complete hydroseeding on denuded slopes and embankments to allow the County to open impacted roadways to allow residents to begin to repopulate fire damaged areas. Despite completing this work, there remains a continuing and immediate need to take additional action to abate dangerous conditions on County rights-of-way and to stabilize denuded hillsides, embankments, and fire burned areas caused by the Sonoma Complex Fires in order to protect public safety and preserve County rights-of-way from debris flows anticipated with the imminent onset of a rainstorm forecast to strike Sonoma County by Thursday, November 2, 2017. The purpose is to protect staff and the public from uncontrolled debris flow and landslides. Additionally, critical access will be maintained to areas still impacted by the fires ensuring that that residents and the debris removal teams have as many access points to remove the debris caused by the Complex Fires and protect property as possible. This operation exceeds the capacity of County forces and would pull staff from conducting necessary ongoing recovery operations.

The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to provide the necessary public services needed to protect public health and safety in a timely manner.

Public Contract Code section 22050 authorizes the County, District and Water Agency to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications. If approved, this item will be brought back to the Board every 14 days thereafter to determine [by 4/5 vote] if there is a need to continue the action without competitive bidding. The Boards are obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

Staff also recommend making a finding in the resolution that the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a “sudden and unexpected manner” and poses an “imminent danger, demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in sections 210801(b)(2) and (b)(4) of the Public Resources Code; however the Director shall, to the extent he deems feasible in his sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein.

Finally, the Board previous authorized the Director to invoke emergency contracting authority pursuant to Resolution No. 17-0392 to remove dangerous vegetation. Staff recommends ratifying any contracts for the removal of dangerous vegetation and stabilization of denuded hillsides, slopes, and embankments, or related emergency issues described herein, entered into by the Director prior to the date of this Board action.

Prior Board Actions:

None.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Adopting a resolution waiving competitive bidding due to the local emergency helps to ensure the safety of the community by removing and/or stabilizing dangerous conditions that pose a safety threat to the public and ensuring the continued provision of essential public services.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Resolution No.

575 Administration Drive
Santa Rosa, California

Date: 10/31/2017

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING AND DECLARING A CONTINUED EMERGENCY NEED TO REMOVE DANGEROUS CONDITIONS, EXTENDING THE SUSPENSION OF THE REQUIREMENT FOR COMPETITIVE BIDDING, AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS TO EXECUTE CONTRACTS FOR THE WORK AND RATIFYING ANY CONTRACTS MADE BY THE DIRECTOR PURSUANT TO RESOLUTION NO. 17-0392, AND MAKING A DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (4/5THS VOTE REQUIRED)

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8th day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

WHEREAS, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, on October 10, 2017, this Board ratified the Proclamation, to continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available; and

WHEREAS, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, has caused the Governor of the State of California to proclaim a State of Emergency

and declare eligibility for Fire Management Assistance Grant and other relief programs and the President of the United States to approve a Major Disaster Declaration making federal funding available; and

WHEREAS, as a result of the Sonoma Complex Fires, dangerous conditions have arisen on numerous properties owner or maintained by the County that were sudden and unexpected, and pose a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the dangerous conditions that have arisen include, but are not limited to, the accumulation of compromised trees and other dangerous vegetation, requiring the immediate removal of these compromised trees and other dangerous conditions to protect first responders, staff, and the; and

WHEREAS, on October 17, 2017, this Board adopted Resolution No. 17-0392, finding and declaring an emergency need to remove dangerous vegetation from County rights-of-way and for stabilization of hillsides, embankments, and fire burned areas, and authorized the Director of Transportation and Public Works to execute contracts for this emergency work without engaging in competitive bidding; and

WHEREAS, Transportation and Public Works did perform emergency work as authorized by Resolution No. 17-0392 in order to remove dangerous vegetation from County rights-of-way and complete hydroseeding on denuded slopes and embankments to allow the County to open its roadways to allow residents to begin to repopulate fire damaged areas; and

WHEREAS, the County has a continuing and immediate need to take additional action to stabilize hillsides, embankments, and fire burned areas, in light of the early onset of winter rains; and

WHEREAS, the County does not have the capacity and/or expertise to deliver these safety measures and would normally issue a notice inviting bids to hire a contractor; and

WHEREAS, the normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts; and

WHEREAS, this delay would mean that it would not be possible to stabilize the dangerous conditions or provide the necessary public services needed to protect public health and safety in a timely manner ahead of the forecast rain storms; and

WHEREAS, pursuant to California Public Contract Code section 22050, the Board finds, based upon substantial evidence, that conditions warrant terminating the waiver of the bid process at this time so that the remainder of the work, if any, may be completed under the competitive bid process;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

1. *Correctness of Recitations.* That the foregoing recitations are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Complex Fires no longer necessitates the waiver of competitive solicitation of bids for the removal of dangerous vegetation from County rights-of-way; and
2. *Delegation of Authority.* That the Director of the Department of Transportation and Public Works is hereby authorized to enter into contracts with contractors and to take such other action as he deems reasonable and necessary to immediately remove and stabilize dangerous conditions on and along property owned or maintained by the County to protect the public health and safety; provided that the authority hereby delegated is limited to the incurring of obligation in an amount not to exceed \$100,000 per contract; and
3. *Suspension of Competitive Bidding.* That the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the urgent need for action due to the existence of dangerous conditions along or near numerous county rights-of-way which could constitute a great public calamity and the immediate need to undertake work to remove these dangerous conditions, control potential debris flows, and stabilize county rights-of-way; provided that such work shall be limited to work deemed reasonable and necessary by the Director of Transportation and Public Works to protect property and public safety and provide continuity of county services; and
4. *Director's Duty to Coordinate and Report.* That the Director of the Department of Transportation and Public Works is directed, while carrying out the authority delegated by this resolution, to:

- a. Coordinate his activities as he deems necessary with the staff of the County of Sonoma and other affected and interested public regulatory agencies and public utilizes; and
 - b. Report to this Board any actions taken pursuant to this resolution and other matters related to this emergency every 14 days; and
 - c. To inspect, observe, and prepare a post work report.
5. *Determination of CEQA Exemption.* That the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a “sudden and unexpected manner” and poses an “imminent danger, demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in sections 210801(b)(2) and(b)(4) of the Public Resources Code; however the Director of Transportation and Public Works shall, to the extent he deems feasible in his sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein; and
6. *Notice of CEQA Exemption.* This resolution shall constitute a notice of exemption from the requirements of the California Environmental Quality Act; and
7. *Ratification of Director’s Actions.* All acts by the Director of Transportation and Public works, with respect to the foregoing emergency, and accurately reported to this Board, are hereby ratified.

PASSED AND ADOPTED by the Board this 31 day of October, 2017.

SUPERVISORS:

Gorin Rabbitt Gore Hopkins Zane

Ayes_____ Noes_____ Absent_____ Abstain_____

SO ORDERED

Resolution No. _____