

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.5
(ID # 20147)**

MEETING DATE:
Tuesday, December 06, 2022

FROM : FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT REAL ESTATE (FM-RE): Emergency Declaration for the United States Bankruptcy Court Flood Remediation Project, CEQA Exempt, Approval of In-Principle and Project Budget, District 1. [\$96,270 - 100% Lease Payments from General Services Administration]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the United States Bankruptcy Court Flood Remediation Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269 Emergency Projects Statutory Exemption, Section 15301 Class 1 Existing Facilities Exemption, and Section 15061 (b)(3) "Common Sense" Exemption;
2. Approve in-principle the emergency declared United States Bankruptcy Court Flood Remediation Project (Project) located at 3420 12th Street in Riverside, California; to repair all impacted areas to prevent environmental and life safety hazards;

Continued on page 2

ACTION:

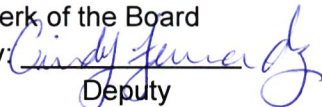

Rose Salgado, Director of Facilities Management 11/15/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Hewitt, and Perez
Nays: None
Absent: None
Date: December 6, 2022
xc: FM, Recorder

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

3. Approve a project budget in the not to exceed amount of \$96,270 for the Project;
4. Authorize the use of Lease Payments from General Services Administration (GSA) Funds in the amount of \$96,270 for the Project, including reimbursement to Facilities Management (FM) for incurred Project related expenses;
5. Authorize the Director of Facilities Management, or designee, to administer all necessary agreements in accordance with applicable Board policies;
6. Delegate project management authority for the Project to the Director of Facilities Management in accordance with applicable Board policies, including the authority to utilize consultants on the approved pre-qualified list for services in connection with the Project, and are within the approved project budget; and
7. Authorize the Purchasing Agent to execute pre-qualified consultant service agreements not to exceed \$96,270 per pre-qualified consultant, per fiscal year, in accordance with applicable Board policies for the Project, and the sum of all project contracts shall not exceed \$96,270.
8. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk for filing within five (5) working days of approval by the Board.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$96,270	\$0	\$96,270	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: Lease Payments from General Services Administration – 100%			Budget Adjustment: No	
			For Fiscal Year: 2022/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On September 16th, 2022, the United States Bankruptcy Court located at 3420 14th Street had an irrigation valve vandalized which resulted in a significant amount of water entering the Court through the gym on the southeast corner. County approved contractors Servicemaster, Inland Tri Tech, and Sudweeks responded and provided equipment and services to start the remediation process. Once the standing water was removed, further investigation discovered a

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

latent defect in a perimeter wall which funneled water from the planter box directly towards the gym door. The impacted areas include the public hallway in the main lobby, Intake Office, video room 126, gym, Clerk's office, two storage rooms, and a secure hallway.

The emergency will not permit a delay resulting from a competitive solicitation for bids and be detrimental to the interests of the County because an immediate and ongoing response is required to prevent the growth of mold, which is detrimental to the Clients and Staff using the building.

On September 20, 2022, Facilities Management (FM-RE) issued an emergency declaration pursuant to the authority delegated in Resolution 2003-23 by the Board of Supervisors (Board), allowing FM-RE to take immediate action to procure contracts to provide emergency work to begin the remediation process. Failure to take immediate action necessary to remedy the flood would pose a health and safety risk to Clients and Staff.

Facilities Management recommends the Board approve in-principle the Bankruptcy Court Flood Remediation Project and the project budget in the amount not to exceed \$96,270.

California Environmental Quality Act

With certainty, there is no possibility that Project may have a significant effect on the environment. The project is limited to an emergency response to provide maintenance and repairs associated with a water leak at the United States Bankruptcy Court. The emergency repairs to an existing public facility are required to maintain public services essential to public health and the associated actions necessary to mitigate an emergency. Therefore, the project is exempt as the project meets the scope and intent of the "Common Sense" Exemption identified in Section 15061 (b)(3), Statutory Emergency Projects Exemption identified in 15269 (b)(c), and Class 1 Categorical Exemption identified in Section 15301. A Notice of Exemption will be filed by Clerk of the Board within five days of Board approval.

Impact on Residents and Businesses

The Bankruptcy Court Flood Remediation Project will ensure the health and safety of Court & County personnel and their clients.

Additional Fiscal Information (Continued)


All costs associated with this Board action will be expended in FY 2022/23 and are 100% funded through lease payments from General Services Administration.

Attachments

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

- Emergency Declaration

SC:sc/10052022/XXXXX/30.XXX



Suzanna Hinkleley, Assistant Director of Purchasing and Fleet Service

11/16/2022



Meghan Hahn, Principal Management Analyst


11/28/2022



Kristine Bell-Valdez, Supervising Deputy County Counsel

11/21/2022

Riverside County
Facilities Management
3450 14th Street, 2nd Floor, Riverside, CA 92501

FOR COUNTY CLERK USE ONLY		
FILED / POSTED		
County of Riverside Peter Aldana Assessor-County Clerk-Recorder		
E-202201247 12/08/2022 04:14 PM Fee: \$ 50.00 Page 1 of 2		
Removed:	By:	Deputy
		

NOTICE OF EXEMPTION

October 12, 2022

Project Name: United States Bankruptcy Court Flood Remediation

Project Number: FM047611020900

Project Location: 3420 12th Street, west of Lime Street, Riverside, California; Assessor's Parcel Number (APN): 215-321-021

Description of Project: On September 16th, 2022, the United States Bankruptcy Court located at 3420 14th Street had an irrigation valve vandalized which resulted in a significant amount of water entering the Court through the gym on the southeast corner. Servicemaster, Inland Tri Tech, and Sudweeks responded and provided equipment and services to start the remediation process. Once the standing water was removed, further investigation discovered a latent defect in a perimeter wall which funneled water from the planter box directly towards the gym door. The impacted areas include the public hallway in the main lobby, Intake Office, video room 126, gym, Clerk's office, two storage rooms, and a secure hallway.

The emergency will not permit a delay resulting from a competitive solicitation for bids and be detrimental to the interests of the County because an immediate and ongoing response is required to prevent the growth of mold, which is detrimental to the Clients and Staff using the building.

On September 20, 2021, Facilities Management (FM-RE) issued an emergency declaration pursuant to the authority delegated in Resolution 2003-23 by the Board of Supervisors (Board), allowing FM-RE to take immediate action to procure contracts to provide emergency work to begin the remediation process. Failure to take immediate action necessary to remedy the flood would pose a health and safety risk to Clients and Staff. The remediation of the US Bankruptcy Court is identified as the proposed project under the California Environmental Quality Act (CEQA). The operation of the facility will continue to provide public services and will not result in a change or expansion of existing use. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County Facilities Management

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, Section 15269 Emergency Projects Statutory Exemption; Section 15301 Existing Facilities Categorical Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5, 18 and 19, Sections 15061, 15269 and 15301.

DEC 6 2022 35

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project include unusual circumstances which could have the possibility of having a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the emergency water remediation and clean-up at the US Bankruptcy Court.

- **Section 15269 (b)(c) -Emergency Projects:** This statutory exemption consists of emergency projects that are exempt under CEQA. Under (b), emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare are exempt. Under (c), specific actions necessary to prevent or mitigate an emergency are exempt. The remediation of the water leak at the US Bankruptcy Court satisfies both of these conditions, as the building is an essential public facility that provides services. The water leak posed a risk from mold that could potentially result in a health risk to the public. Therefore, the project is exempt as it meets the scope and intent of the Statutory Exemption identified in Section 15269, Article 18, Statutory Exemptions of the CEQA Guidelines.
- **Section 15301 (b)-Existing Facilities:** This Class 1 categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site's use. The project, as proposed, is limited to the emergency water remediation at the US Bankruptcy Court. The use of the facilities would continue to provide public services and would not result in a significant increase in capacity or intensity of use. Therefore, the project is exempt as it meets the scope and intent of the Categorical Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – "Common Sense" Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the "general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The proposed water remediation will not result in any direct or indirect physical environmental impacts. The improvements would occur within existing facility, would not alter the footprint and is being completed to create a compliant and safe health facility. The use of the facility for public services would remain unchanged. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Based upon the identified exemptions above, the County of Riverside, Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  Date: 10-11-2022

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

To: Director of Facilities Management

From: Vince Yzaguirre

Date: September 20, 2022

Subject: Emergency Flood Remediation at the US Bankruptcy Court (RV1001)

Details of the emergency situation: Around 9:00pm PST on September 16th, 2022, the Real Estate Division was alerted by Court staff about a possible flooding situation at the Bankruptcy Court located at 3420 12th Street. The Maintenance Team was dispatched immediately and discovered a vandalized sprinkler head had caused an overflow of water to enter the Bankruptcy Court through the gym. Further investigation discovered a latent defect in a perimeter wall which funneled water from the planter box directly towards the gym door. The impacted areas include the public hallway in the main lobby, Intake Office, video room 126, gym, Clerk's office, two storage rooms, and a secure hallway. Maintenance worked quickly to remove standing water and place blowers and dehumidifiers throughout the impacted areas to begin the drying process.

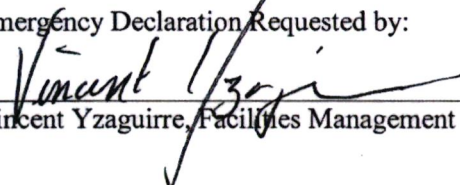
The emergency will not permit a delay resulting from a competitive solicitation for bids and be detrimental to the interests of the County because an immediate and ongoing response is required to prevent the growth of mold, which is detrimental to the Clients and Staff using the building.

Therefore, with this memorandum, the Director of Facilities Management is declaring this to be an emergency situation pursuant to County of Riverside Board Policy B-11, Section IV *Emergency Action* which states in part:

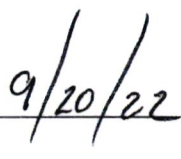
In the case of an emergency (as defined by Public Contract Code Section 1102, "...[which] means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services")

The procurement of necessary equipment, services, and supplies made under this declaration of emergency shall only be for the purpose of meeting needs created by the emergency situation and shall be subject to the requirements and reporting procedures described in Chapter 2.5 of the California Public Contract Code, commencing with Section 22050. Upon utilization of this authority a report will be made to the Board for ratification of all actions which exceed contractual authority of the Director of Facilities Management or the County Purchasing Agent.

Emergency Declaration Requested by:




Vincent Yzaguirre, Facilities Management

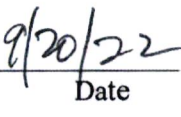


Date

Emergency Declaration Approved by:



Director of Facilities Management



Date

Riverside County
Facilities Management
3450 14th Street, 2nd Floor, Riverside, CA 92501

NOTICE OF EXEMPTION

October 12, 2022

Project Name: United States Bankruptcy Court Flood Remediation

Project Number: FM047611020900

Project Location: 3420 12th Street, west of Lime Street, Riverside, California; Assessor's Parcel Number (APN): 215-321-021

Description of Project: On September 16th, 2022, the United States Bankruptcy Court located at 3420 14th Street had an irrigation valve vandalized which resulted in a significant amount of water entering the Court through the gym on the southeast corner. Servicemaster, Inland Tri Tech, and Sudweeks responded and provided equipment and services to start the remediation process. Once the standing water was removed, further investigation discovered a latent defect in a perimeter wall which funneled water from the planter box directly towards the gym door. The impacted areas include the public hallway in the main lobby, Intake Office, video room 126, gym, Clerk's office, two storage rooms, and a secure hallway.

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On September 20, 2021, Facilities Management (FM-RE) issued an emergency declaration pursuant to the authority delegated in Resolution 2003-23 by the Board of Supervisors (Board), allowing FM-RE to take immediate action to procure contracts to provide emergency work to begin the remediation process. Failure to take immediate action necessary to remedy the flood would pose a health and safety risk to Clients and Staff. The remediation of the US Bankruptcy Court is identified as the proposed project under the California Environmental Quality Act (CEQA). The operation of the facility will continue to provide public services and will not result in a change or expansion of existing use. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County Facilities Management

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, Section 15269 Emergency Projects Statutory Exemption; Section 15301 Existing Facilities Categorical Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5, 18 and 19, Sections 15061, 15269 and 15301.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project include unusual circumstances which could have the possibility of having a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the emergency water remediation and clean-up at the US Bankruptcy Court.

- **Section 15269 (b)(c) -Emergency Projects:** This statutory exemption consists of emergency projects that are exempt under CEQA. Under (b), emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare are exempt. Under (c), specific actions necessary to prevent or mitigate an emergency are exempt. The remediation of the water leak at the US Bankruptcy Court satisfies both of these conditions, as the building is an essential public facility that provides services. The water leak posed a risk from mold that could potentially result in a health risk to the public. Therefore, the project is exempt as it meets the scope and intent of the Statutory Exemption identified in Section 15269, Article 18, Statutory Exemptions of the CEQA Guidelines.
- **Section 15301 (b)-Existing Facilities:** This Class 1 categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site's use. The project, as proposed, is limited to the emergency water remediation at the US Bankruptcy Court. The use of the facilities would continue to provide public services and would not result in a significant increase in capacity or intensity of use. Therefore, the project is exempt as it meets the scope and intent of the Categorical Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The proposed water remediation will not result in any direct or indirect physical environmental impacts. The improvements would occur within existing facility, would not alter the footprint and is being completed to create a compliant and safe health facility. The use of the facility for public services would remain unchanged. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Based upon the identified exemptions above, the County of Riverside, Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  _____ Date: 10-11-2022 _____

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: US Bankruptcy Court Flood Remediation Project

Accounting String: 537280-30100-7200800000-FM047611020900

DATE: October 12, 2022

AGENCY: Riverside County Facilities Management

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: **Mike Sullivan, Senior Environmental Planner, Facilities Management**

Signature: 

PRESENTED BY: **Shannon Chamberlain, Senior Real Property Agent, Facilities Management**

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

County of Riverside
Facilities Management
3450 14th Street, Riverside, CA 92501

Date: October 12, 2022
To: Office of the County Clerk
From: Mike Sullivan, Senior Environmental Planner, Facilities Management
Subject: **County of Riverside Facilities Management Project FM047611020900**
US Bankruptcy Court Flood Remediation

The Riverside County's Facilities Management's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

After posting, please return the document to:

Mail Stop #2600

Attention: Mike Sullivan, Senior Environmental Planner,

Facilities Management,

3450 14th Street, Suite 214, Riverside, CA 92501

If you have any questions, please contact Mike Sullivan at 955-8009 or email at msullivan@rivco.org.

Attachment

cc: file