

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.3
(ID # 23671)

MEETING DATE:
Tuesday, December 12, 2023

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Review and Determine There is a Need to Continue the Tropical Storm Hilary Emergency Actions; Receive and File the Report of the Tropical Storm Hilary Emergency Actions, CEQA Exempt per CEQA Guidelines Section 15269, All Districts. [\$0] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Tropical Storm Hilary Emergency Actions ("Emergency Actions") are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269, Emergency Projects;
2. Review and determine there is a need to continue the Emergency Actions; and
3. Receive and file the report of the Emergency Actions taken without solicitation of bids, as authorized by California Public Contract Code Section 22050 and Resolution No. F94-39.

ACTION: 4/5 Vote Required, Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 11/29/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, 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, Perez and Gutierrez
Nays: None
Absent: None
Date: December 12, 2023
xc: Flood

Kimberly A. Rector
Clerk of the Board
By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In the event of an emergency, California Public Contract Code Section 22050 and the District's Resolution No. F94-39, adopted by the District's Board of Supervisors ("Board") on November 22, 1994 (Agenda Item No. 9.4), delegates to the District's General Manager-Chief Engineer the authority to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contracts.

This item requires a 4/5th vote of the Board pursuant to California Public Contracts Code § 22050(c)(1). The statute applies to contracts that are awarded without bids in the case of an emergency and requires the Board to review the emergency action every 14 days and determine by a 4/5th vote that there is a need to continue the action.

Numerous wildfires over the last several years, including, but not limited to, the Apple/EI Dorado, Fairview, Bonny, Reche, and Sunset fires, have caused burn scars, exacerbating the potential for precipitation to cause dangerous and potentially catastrophic flooding, mudslides and debris flows.

On Friday, August 18, 2023, the National Weather Service issued a Tropical Storm Warning for most of Southern California in advance of the anticipated arrival of Hurricane Hilary. Between Friday, August 18, 2023 and Sunday, August 20, 2023, the National Weather Service also issued a series of related warnings and watches for the region, including Flood Watches, which warned of potential significant flooding and Flash Flood Warnings.

On August 19, 2023, Governor Gavin Newsom proclaimed a State of Emergency in response to the extreme weather-related events as a result of Hurricane Hilary.

On Sunday, August 20, 2023, Tropical Storm Hilary entered Southern California, bringing high winds and widespread rain to most of the region. Parts of Riverside County also saw record rainfall, flooding, flash flooding, mud flows and/or debris flows. Among the hardest hit areas were the San Bernadino Mountains and communities in the Coachella Valley.

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Pursuant to Riverside County Ordinance 533.7, on August 21, 2023, the County of Riverside Director of Emergency Services found that conditions of extreme peril to the safety of persons and property had arisen in Riverside County and proclaimed that a "Local Emergency" exists in Riverside County. On August 28, 2023 (Agenda Item No. 1.1), the Riverside County Board of Supervisors adopted Resolution No. 2023-244 ratifying the proclamation of "Local Emergency" in Riverside County.

Following Tropical Storm Hilary, the District has identified facilities that have been damaged and that may require urgent restoration and protection measures to prevent or reduce significant damage to the surrounding properties and communities. Left unrepaired, these facilities could result in a critical threat to life and property when rain occurs. With the potential monsoonal moisture forecasted, the District's General Manager-Chief Engineer found that the emergency would not permit a delay in the implementation of the Emergency Actions resulting from a competitive solicitation for bids in accordance with California Contract Code Section 22050 and the District's Resolution No. F94-39.

On August 29, 2023 (Agenda Item No. 11.8); September 12, 2023 (Agenda Item No. 11.4); September 26, 2023 (Agenda Item No. 11.3); October 3, 2023 (Agenda Item No. 11.5); October 17, 2023 (Agenda Item No. 11.5); October 31, 2023 (Agenda Item No. 11.5); November 7, 2023 (Agenda Item No. 11.6) and November 28, 2023 (Agenda Item No. 11.2), the District's Board made motions to (i) review and determine that emergency conditions continue and there is a need to continue the Emergency Actions, (ii) receive and file the Emergency Actions, (iii) receive and file the Emergency Protection Agreements and (iv) authorize the use of District funds for the Emergency Actions. It is requested that the Board review and determine that emergency conditions continue and there is a need to continue the Emergency Actions.

Report of the Emergency Actions

To help with the District's emergency efforts, the District has taken the following Emergency Actions:

- Continued to engage public agencies and/or contractors to help implement emergency restoration and protection measures needed for impacted facilities. These facilities may include, but are not limited to, Potrero Creek Debris Basin (Project No. 4-0-00025), Tahquitz Creek Channel and Basin (Project No. 6-0-00060), Mission Creek Channel (Project No. 6-0-00090) and Murrieta Creek MDP Line A (also referred to as Empire Creek) (Project No. 7-0-00133).

In addition to the Emergency Actions, the District:

- Prior to the arrival of Tropical Storm Hilary, initiated proactive maintenance and enhancement of District facilities to prepare for expected impacts from flooding, mud and debris events;
- Obtained aerial imagery of areas impacted by Tropical Storm Hilary;

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- Is currently continuing to evaluate existing District facilities for damage that may require emergency protection or restoration measures; and
- Is coordinating with the Riverside County Emergency Management Department as a part of the multi-agency response.

Prev. Agn. Ref.: 9.4 of 11/22/94 – District Resolution No. F94-39

MT#22871 11.8 of 08/29/23

MT#22915 11.4 of 09/12/23

MT#23016 11.3 of 09/26/23

MT#23077 11.5 of 10/03/23

MT#23112 11.5 of 10/17/23

MT#23299 11.5 of 10/31/23

MT#23355 11.6 of 11/07/23

MT#23471 11.2 of 11/28/23

Environmental Findings

On August 19, 2023, Governor Gavin Newsom proclaimed a State of Emergency in response to the extreme weather-related events as a result of Hurricane Hilary, including the County of Riverside. Based on the review of the proposed Emergency Actions resulting from Tropical Storm Hilary, the District finds that the work is statutorily exempt pursuant to Section 15269, "Emergency Projects", of the CEQA Guidelines. The emergency protection work is associated with existing flood control facilities and does not include expansion of the facilities. The proposed emergency work meets the conditions described in Section 15269 for actions to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster, including facilities essential to public health, safety and welfare for the mitigation and prevention of an emergency situation. As such, nothing further is required to comply with CEQA.

Impact on Residents and Businesses

Impacted facilities can leave the adjacent properties, residents and communities vulnerable to damage from flooding and/or erosion during future storms, which could result in a critical threat to life and property. In the event of a storm, the surrounding areas may be negatively impacted if necessary, emergency measures are not taken.

RMG:rlp
P8/253855

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Jason Farin, Principal Management Analyst 12/5/2023



Aaron Gettis, Deputy County Counsel 11/30/2023