

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 9, 2024

FROM

DON DAY, Director, Project and Facilities Management Department

LYNN FYHRLUND, Director, Innovation and Technology Department

SUBJECT

Continuation of Emergency Related to Remediation of Emergency Project Necessary to Replace the Bertha Peak Power Lines and Poles in Big Bear

RECOMMENDATION(S)

Continue the finding, first made by the Board of Supervisors on June 25, 2024, that there is substantial evidence that the damaged power line that provides power to the Bertha Peak Communication site created an emergency pursuant to Public Contract Code section 22050 requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services, necessitating an urgent project to replace power lines and poles at the Bertha Peak Communications site in Big Bear, to allow uninterrupted public safety emergency communication services, and will not permit the delay resulting from a formal competitive solicitation of bids to procure remediation and construction services, and delegating authority, originally by Resolution on June 25, 2024, to the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$2,329,803, for any remediation, construction, and modifications related to the power lines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal, finding that the issuance of these purchase orders/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050 (Four votes required).

(Presenter: Don Day, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Innovation and Technology Department (ITD) Bertha Peak Power Pole Replacement project (WBSE 10.10.1271) (Project) is funded by the Telecommunication Service Fund (1200304020), as approved by the Board of Supervisors (Board) as part of the 2023-24 Capital Improvement Program (CIP) Budget on September 26, 2023 (Item No. 16). The Project and Facilities Management Department (PFMD) will closely monitor and evaluate construction costs associated with replacement of outdated power lines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal. No budget adjustments are requested at this time but may be presented to the Board for consideration at a future date.

**Continuation of Emergency Related to Remediation of Emergency
Project Necessary to Replace the Bertha Peak Power Lines and Poles in
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BACKGROUND INFORMATION

The Bertha Peak radio site, owned by the United States Forest Service and leased by San Bernardino County, provides public safety emergency communication services to the Big Bear and Baldwin Lake population centers and associated forest areas. Commercial power is provided via a County-owned and maintained pole-mounted power line from Highway 38 to the Bertha Peak radio site, approximately 1.5 miles and 30 poles. Two wooden poles were replaced in 2017 due to fallen trees; the existing wooden poles are nearing the end of their service life and are susceptible to future failures.

On February 9, 2024, the existing power line broke and was repaired promptly by ITD. The power line failure was due to a tree limb that was resting on the power line, which caused the line to break. Commercial power was lost; however, emergency backup power was used to keep the site running while repairs took place to avoid impacting emergency services for the area.

ITD and an electrical subcontractor are concerned the power lines are outdated and in dire need of replacement before it ignites a forest fire or results in another power failure impacting emergency services. The replacement of existing outdated power lines, utility poles, cross arms, cross arm hardware and tree trimming with new power lines, utility poles, cross arms, cross arm hardware that are compliant with current regulatory standards are required to ensure the safety of the power lines and mitigate the risk of fire or loss of power.

On June 25, 2024, (Item No.72), the Board found there is substantial evidence that immediate action is needed to prevent or mitigate the threat to life, health, property and essential public services posed by the damaged power line that provides power to the Bertha Peak Communication site, which constituted an emergency pursuant to Public Contract Code section 22050, requiring immediate action at the Bertha Peak Communications site in Big Bear, to allow uninterrupted public safety emergency communication services and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services. The Board also approved Resolution No. 2024-98 authorizing the Chief Executive Officer (CEO) to direct the Purchasing Agent to issue purchase orders and/or execute contracts, in a total amount not to exceed \$2,329,803, for any remediation, construction, and modifications of internal and external structures related to the replacement of power poles, and found that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050.

A continuation of the emergency is recommended as immediate action is required to repair the damaged power line that provides power to the Bertha Peak Communications site. Emergencies related to Public Contract Code section 22050, once ordered, must be affirmed at each subsequent meeting until terminated. The recommended action will meet this requirement.

PROCUREMENT

PFMD will prepare a scope of work to repair the damaged power lines and enter into negotiations with a contractor to make the repairs. PFMD will seek approval by the CEO, then request and finalize the purchase order with the Purchasing Department, and engage the architect, engineer and/or contractor to provide the required construction services. Applicable provisions of the Government Code and Public Contract Code shall not apply.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on June 21, 2024; Innovation and Technology (Steve Miller, Deputy Division Chief, 388-0705) on June 24, 2024; Purchasing (Leo Gomez, Supervising Buyer, 387-2148) on June 24, 2024; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on June 24, 2024; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on June 26, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on June 26, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 9, 2024



cc: File - Emergency/Bertha Peak Communication Site
JLL 07/17/2024