

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND RECORD OF ACTION

November 17, 2020

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Agreement with the United States Department of Agriculture - Natural Resources Conservation Service for Financial Assistance to Address Flooding Risk from the El Dorado Fire

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve the form funding **Agreement No. 20-1123** with the United States Department of Agriculture - Natural Resources Conservation Service (NRCS), under which NRCS will contribute up to 75% (approximately \$375,000) of the cost of installing emergency watershed protection measures to mitigate flood risks and damages created by the El Dorado wildfire in the Yucaipa, Oak Glen, Forest Falls, and Angelus Oaks areas.
2. Authorize the Chief Executive Officer or his designee (subject to review and approval by County Counsel) to execute the funding agreement with NRCS.
3. Direct the Chief Executive Officer or his designee to transmit the funding agreement with NRCS to the Clerk of the Board within 30 days of execution.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and local, state, and federal funding. The estimated construction cost for the flood mitigation work required to address the impacts of the El Dorado Fire is \$500,000. NRCS will reimburse the District up to \$375,000 (75%) of such costs. The District will provide the remaining \$125,000 (25%) from the Available Reserves in Zone 3 (1930002526). Approval of the necessary budget adjustments are not requested at this time, but will be included on a future countywide quarterly budget report presented to the Board of Supervisors for approval.

BACKGROUND INFORMATION

The El Dorado Fire of September 2020 burned more than 22,700 acres in the Yucaipa, Oak Glen, Forest Falls, and Angelus Oaks areas; creating a condition in which heavy runoff and debris from winter storms may result in localized flooding and significant property damage. Subsequent to the El Dorado Fire, NRCS representatives met with District staff to evaluate the impact of debris flows and develop emergency watershed protection (EWP) measures in the subject area, such as the installation of k-rails, interlocking portable barriers, hydro-mulch and

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sandbags. NRCS is a federal agency authorized to financially assist the District in addressing the flooding and debris flow risk and, under the proposed agreement with the District, would fund up to 75% of the EWP measures and the District will fund the remaining 25% of costs.

NRCS' EWP program provides that the District may apply for EWP funding on an exigency (urgent need) or non-exigency (non-urgent need) basis, triggering different procedural requirements depending on which approach is selected by the District. Here, the District is recommending that EWP measures be undertaken on an exigency basis due to the significance of the post-fire flood risks created by the El Dorado Fire. Because the District is applying for EWP funds on an exigency basis, NRCS requires that the District execute its agreement immediately upon receipt, begin work the day after execution of the funding agreement, and complete all work within 10 calendar days.

The proposing funding agreement with NRCS is a template agreement generated by the federal agency to which no changes may be made to the terms and conditions thereof. The funding agreement requires the District to indemnify the NRCS to the extent permitted by State law for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the District in connection with its acquisition and management of the EWP funds. The District anticipates receiving the agreement from NRCS by the end of November and completing the work by mid-December of 2020.

The proposed funding agreement with NRCS aligns with the County and Chief Executive Officer's goals and objectives of providing for the safety, health and social service needs of County residents by providing safety measures from debris flows and by working with other agencies.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on November 9, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on November 9, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on November 9, 2020.

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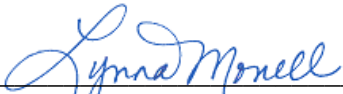
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 17, 2020



cc: SDD/SBCFCD- Fam w/agree
Contractor- C/O SDD/SBCFCD w/agree
File- w/agree
LA 11/24/2020