

File No. 210008

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date January 27, 2021

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
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#### OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SEPUC Emergency Declaration - October 19, 2020</u> |
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Completed by: Linda Wong Date January 19, 2021

Completed by: Linda Wong Date \_\_\_\_\_

1 [Emergency Declaration - Replacement and Repair of Fences - Total Cost Not to Exceed  
2 \$4,500,000]

3 **Resolution approving an emergency declaration of the San Francisco Public Utilities**  
4 **Commission (SFPUC) pursuant to Administrative Code, Section 6.60, to replace and**  
5 **repair fences on SFPUC watershed land in Alameda watershed damaged by the SCU**  
6 **Lightning Complex Fire, with a total cost not to exceed \$4,500,000.**

7  
8 WHEREAS, The San Francisco Public Utilities Commission's (SFPUC) watershed  
9 lands located in Alameda watershed are critical assets for providing continuous delivery of  
10 high-quality water to the 2.7 million water customers in the Bay Area; any inability to protect  
11 these assets poses a threat to water quality and deliveries, a basic service affecting the lives,  
12 property and welfare of the SFPUC water customers in San Francisco, San Mateo, Santa  
13 Clara and Alameda Counties; and

14 WHEREAS, Beginning on August 16, 2020, numerous lightning strikes ignited the SCU  
15 Lightning Complex Fire (SCU Fire) that ultimately burned 396,624 acres, including  
16 approximately 10,500 acres of SFPUC Alameda watershed property; and

17 WHEREAS, The SCU Fire damaged or destroyed approximately 50 miles of SFPUC-  
18 owned security and grazing operation fencing located on SFPUC Alameda watershed  
19 property; and

20 WHEREAS, The damaged fencing needs to be repaired and/or replaced immediately  
21 to re-establish the security barrier to protect SFPUC Alameda watershed lands and regional  
22 water system infrastructure from trespass, vandalism, and contamination of drinking water  
23 sources (e.g., the Calaveras and San Antonio Reservoirs); and

1 WHEREAS, The fencing also ensures that cattle from SFPUC grazing tenants remain  
2 separated from public roadways, drinking water sources, and sensitive environmental  
3 resources; and

4 WHEREAS, Any delay to replacing and repairing the approximately 50 miles of fences  
5 damaged in the SCU Lightning Complex Fire poses a risk to the security and quality of water  
6 supply for the 2.7 million SFPUC regional water system customers relying on the water  
7 deliveries; and

8 WHEREAS, While living in the global pandemic, COVID-19, water quality is an  
9 essential service that will impact public health and safety for 2.7 million water customers; and

10 WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes  
11 department heads to declare an emergency and award a public work contract, exempt from  
12 the competitive bidding process, in the event of an actual emergency, which is defined to  
13 include, “ ... [t]he breakdown or imminent breakdown of any plant, equipment, structure, street  
14 or public work necessitating immediate emergency repair or reconditioning to safeguard the  
15 lives or property of the citizens, or the property of the City and County, or to maintain the  
16 public health and welfare ...”; and

17 WHEREAS, On October 19, 2020, the SFPUC General Manager declared an  
18 emergency, approved by the President of the San Francisco Public Utilities Commission, to  
19 replace and repair the fences damaged in the SCU Fire in order reestablish the security  
20 barrier to protect SFPUC Alameda watershed lands; and

21 WHEREAS, Administrative Code, Section 6.60(d), requires the SFPUC General  
22 Manager to seek the Board of Supervisors’ approval in all cases where the estimated cost of  
23 the emergency work exceeds \$250,000; and

24 WHEREAS, The SFPUC General Manager estimates that replacing and repairing the  
25 fences damaged in the SCU Fire will not exceed \$4,500,000; and

1 WHEREAS, The SFPUC has reached out to vendors with the appropriate C-13 fencing  
2 contractor licenses to request quotes for the emergency work, with the intention to award  
3 multiple emergency contracts with a total cumulative amount not to exceed \$4,500,000; and

4 WHEREAS, The Controller has certified that funds are available for this emergency  
5 work and contract; now, therefore, be it

6 RESOLVED, That the Board of Supervisors approves, under Administrative Code,  
7 Section 6.60, the SFPUC General Manager's emergency determination dated October 19,  
8 2020, to replace and repair the fences damaged in the SCU Lightning Complex Fire for a total  
9 cost not to exceed \$4,500,000, and be it

10 FURTHER RESOLVED, That the Board of Supervisors ratifies actions taken to date by  
11 the San Francisco Public Utilities Commission to address such emergency work and resolve  
12 the emergency condition.

FUNDS AVAILABLE:

/s/

---

BEN ROSENFELD  
Controller

<b>Item 5</b> <b>File 21-0008</b>	<b>Department:</b> Public Utilities Commission (PUC)
<b>EXECUTIVE SUMMARY</b>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <ul style="list-style-type: none"> <li>The proposed resolution would approve the San Francisco Public Utilities Commission (SFPUC) General Manager's Declaration of Emergency to repair and replace the fences damaged in the SCU Lightning Complex (SCU Fire) fire for a total not-to-exceed cost of \$4.5 million, in accordance with Administrative Code Section 6.60. Administrative Code Section 6.60 requires Board of Supervisors approval of emergency work with estimated costs of more than \$250,000.</li> </ul> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>In August 2020, the SCU Fire burned nearly 400,000 acres, including 10,500 acres of SFPUC watershed property in Alameda and Santa Clara Counties, and approximately 50 miles of fencing that protected watershed lands and the regional water system infrastructure.</li> <li>According to SFPUC staff, because the competitive bidding process for construction work can take up to 6 months, which would end up leaving watershed lands and reservoirs vulnerable to trespassing and damage from unfenced cattle for an extended period of time, SFPUC staff selected Ranch Fence, Inc., and All Commercial Fence without the standard competitive bidding process to repair and replace the approximate 50 miles of fencing. Both vendors were selected after a Request for Quotes was issued to nine vendors with the necessary certification and experience constructing fencing in steep terrain.</li> <li>Authorization to Perform Work Notices were issued to both vendors on January 19, 2021 and each initial contract amount awarded will be for a not-to-exceed total of \$500,000 for the initial construction of 10 total miles of fencing in the highest priority areas. SFPUC staff anticipates amending each contract to increase the scope of work to include repairing the entire 50 miles of fencing. According to SFPUC staff, the initial contracts do not include the entire 50 miles of fencing because the work assignments for the remaining 40 miles of fencing are not yet finalized.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>The estimated not-to-exceed cost to repair and replace the fencing is \$4.5 million, which includes a 19 percent contingency. The funds would come from the SFPUC Water Enterprise budget.</li> </ul> <p style="text-align: center;"><b>Policy Consideration</b></p> <ul style="list-style-type: none"> <li>The intent of the proposed resolution, which waives Administrative Code Chapter 6, 12A, 12B, 12C and 14B, is to authorize the approval of emergency work to repair and replace approximately 50 miles of fencing due to the SCU Fire. SFPUC plans to amend the contracts with the two selected contractors to complete the remaining fencing and does not plan to competitively bid for contractors to construct the additional 39.9 miles of fencing.</li> </ul> <p style="text-align: center;"><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>Amend the proposed resolution to state that the total cost of emergency work does not exceed \$4,250,000, which includes \$456,003 (12 percent) for contingency, rather than \$4,500,000 as currently stated.</li> </ul>	

**MANDATE STATEMENT**

Administrative Code Section 6.60 provides that City contracts entered into for emergency work may be executed in the most expeditious manner. However, declarations of emergencies where the repair work is anticipated to be \$250,000 or more are subject to Board of Supervisors approval. Section 6.60(d) also states that if the emergency does not permit Board of Supervisors approval of the emergency before work is commenced or the contract(s) entered into, such approvals from the Board of Supervisors shall be obtained as soon as possible, with the proposed resolution approving the emergency determination submitted to the Board of Supervisors within 60 days of the department head's emergency declaration.

**BACKGROUND**

The SCU Lightning Complex Fire (SCU Fire), which began on August 16, 2020, ultimately burned nearly 400,000 acres, including 10,500 acres of San Francisco Public Utilities Commission (SFPUC) watershed property in Alameda and Santa Clara counties, and approximately 49.9 miles of fencing that protected the watershed lands and regional water system infrastructure from trespass, vandalism and contamination of drinking water sources (see Attachment I). The SCU Fire was 100 percent contained by early October 2020.

The SFPUC General Manager declared a state of emergency due to the loss of the fencing on SFPUC watershed land in a letter to the PUC Commission President on October 19, 2020. The SFPUC submitted a resolution, declaring a state of emergency, to the Board of Supervisors on December 14, 2020, which falls within the 60-day requirement of Administrative Code Sec. 6.60(d). The Controller has certified that funds are available for this emergency contract.

**DETAILS OF PROPOSED LEGISLATION**

The proposed resolution would approve the SFPUC's declaration of emergency and related emergency work for a total not-to-exceed cost of \$4.5 million.

In approving the emergency work, the Board of Supervisors is granting SFPUC exemption from requirements of Chapter 6 of the Administrative Code, which contains policies and procedures for the City's public works contracting, Chapters 12A, 12B and 12C of the Administrative Code, which contain policies related to nondiscrimination in contracts, and Chapter 14B of the Administrative Code, which contains policies for local hiring in the City's contracting process. These provisions are summarized in Attachment II. These exemptions only apply to SFPUC contracting related to emergency repair work to replace and repair fences on SFPUC watershed land in Alameda and Santa Clara counties damaged by the SCU Lightning Complex Fire. The location of the fencing to be repaired or replaced is shown in Attachment I.

According to Mr. Greg Lyman, Construction Contract Manager with SFPUC, the emergency fencing repair work is necessary in order to reduce trespassing onto watershed land, prevent unfenced cattle from wandering into public roads or potentially damaging private property, and

to reduce the risk of waterborne pathogens from contaminating the water supply.<sup>1</sup> According to Mr. Lyman, the standard SFPUC competitive bidding process can take approximately six months to select a vendor, which would leave the watershed land and the Calaveras and San Antonio Reservoirs in a vulnerable state for an extended period of time.

### **Procurement Process**

In November 2020, the SFPUC forwarded Request for Quotes (RFQ) #WD-2881(E) to six vendors known by the San Francisco Public Utilities Commission Water Enterprise Natural Resources Division to have the necessary fencing certification, as well as demonstrated experience in constructing rangeland fence in rugged terrain.<sup>2</sup> SFPUC forwarded the RFQ to an additional three vendors known by SFPUC to have experience constructing fencing specifically in steep terrain. A total of nine vendors received the RFQ. The solicitation allows for the selection up to three vendors.

Site visits were conducted on December 1<sup>st</sup> and 2<sup>nd</sup> and a total of five vendors attended the initial site visits. According to Mr. Lyman, the original deadline to submit quotes was December 11, 2020, but was extended through the end of December in order to allow time for an additional qualified vendor to submit a quote. Another site visit was conducted on December 15<sup>th</sup> and was attended by Ranch Fence, Inc., a fencing contractor specializing in constructing fencing on steep terrain.

Out of nine vendors contacted, Ranch Fence, Inc. and All Commercial Fence submitted bids in response to the RFQ by the end of December. A selection panel evaluated the bids based on contractor's ability to meet work requirements and cost and determined that both vendors were qualified to complete the work.<sup>3</sup> Notices of Authorization to Perform Work were issued to both vendors on January 19, 2021. Both vendors have previously worked for the City as subcontractors.

Between the two firms selected, it is anticipated that most fencing will be completed by the end of 2021 with some fencing work in difficult terrain continuing into 2022. According to Mr. John Scarpulla, SFPUC's Government Affairs Manager, the extended timeline is due to the difficulty of constructing fencing in remote and inaccessible areas, as well as challenges posed by weather conditions.

SFPUC is currently in the process of finalizing contracts for initial fencing work to be completed by both vendors. According to SFPUC, each initial contract amount awarded will be for a not to exceed total of \$500,000, for a combined not to exceed total of \$1 million. Table 1 below summarizes the scope of work for each vendor. As described below, SFPUC anticipates amending

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<sup>1</sup> According to Mr. Greg Lyman, Cryptosporidium is a waterborne pathogen that could potentially cause contamination of the reservoirs due to free-roaming cattle. Cryptosporidium comes from the placenta of newborn calves, and typically there is a 300-foot buffer around water reservoirs to prevent such contamination the water supply.

<sup>2</sup> Contractors are required to have a C-13 Fencing Contractor license issued by the California State License Board.

<sup>3</sup> The panel members consisted of a Contract Manager with the Contract Administration Bureau, a Resident Engineer with SFPUC's Construction Management Bureau and a Rangeland Manager with SFPUC's Natural Resources and Land Management Division.



each contract to increase the scope of work to include repairing the entire 49.9 miles of damaged fencing.

**Table 1. Summary of Initial Repair Work to be Completed by Spring 2021**

Vendor	Area	Amount of Fencing (feet)	Estimated Cost of Completion
<b>Ranch Fence</b>	Calaveras Road South (Eastern side)	10,032	\$144,461
	Calaveras Road South (West side)	19,008	273,715
<b>Subtotal</b>		<b>29,040</b>	<b>418,176</b>
<b>All Commercial</b>	San Antonio Reservoir	6,864	98,842
	Maguire Peaks	16,896	243,302
<b>Subtotal</b>		<b>23,760</b>	<b>342,144</b>
<b>Grand Total</b>		<b>52,800</b>	<b>\$760,320</b>

Source: Ranch Fence, Inc., and All Commercial Work Authorization Notices, received from SFPUC

Under the current scopes of work, Ranch Fence, Inc. will complete an estimated 5.5 miles of fencing and All Commercial, Inc. will complete an estimated 4.5 miles of fencing. SFPUC estimates that the work will take up to 100 days and will not exceed \$1 million total (\$500,000 for each contractor). Mr. Scarpulla indicated that both firms are able to begin work in February 2021. Upon completion of the work, which is estimated to result in a combined total of 52,800 feet of fencing (10 miles), subsequent task orders will be assigned to each vendor based on vendor performance and efficiency. Based on the initial cost estimate of \$14.40/ft, the estimated total cost of construction for Ranch Fence, Inc. is approximately \$418,176 and the estimated total cost for All Commercial is \$342,144, for a combined estimated total cost of \$760,320 for the construction of 10 total miles of fencing.<sup>4</sup> According to Mr. Lyman, these initial contracts are for completion of the highest priority fencing areas, which include Calaveras Road and the San Antonio Reservoir.

According to SFPUC, the cost of the initial emergency work on the ten miles of fencing may exceed \$500,000 for each vendor due to unforeseen higher-than-expected fencing and labor costs. If the current not-to-exceed value of \$500,000 is met, the contract will be increased commensurate with task orders assigned to the vendor. Since the contracts do not include contingency, unforeseen expenses would be addressed as change orders. The contract documents have not yet been finalized, as both vendors still need to execute the Performance and Payment Bond form.<sup>5</sup>

<sup>4</sup> Based on the currently available cost estimate of \$14.40/feet.

<sup>5</sup> According to Mr. Lyman, the full estimated amount is not awarded to each vendor in their current contracts and the performance and payment bond requirements will increase with each task order.

## FISCAL IMPACT

SFPUC's estimated cost of emergency work to replace and repair 49.9 miles (263,472 feet) of fencing damaged by the SCU Lightning Fires is \$3,793,997, based on an estimated labor cost of \$10/ft and estimated materials cost of \$4.40/ft. The estimated cost per mile of fencing is \$76,032. See table 2.

**Table 2. Total Estimated Cost for Fencing Replacement/Repair**

Purpose	Estimate Cost
Fence Material (\$4.40/ft)	\$1,159,277
Labor Cost (\$10/ft)	\$2,634,720
<b>Total</b>	<b>\$3,793,997</b>

Source: Received from SFPUC

Cost estimates are based on a comprehensive damage assessment that was conducted shortly after the fire was contained in September 2020. According to Mr. Tim Ramirez, Manager of Natural Resources & Lands Management Division with SFPUC, the estimate relies on SFPUC's annual fence repair and replacement costs and is likely conservative (low) due to potential variable costs of materials.<sup>6</sup>

### FEMA Reimbursement

SFPUC will likely receive reimbursement from the Federal Emergency Management Agency (FEMA) for 34 miles (out of the 49.9 miles total) of damaged fencing in Santa Clara County, which amounts to \$2,585,088<sup>7</sup>. According to Mr. Ramirez, SFPUC will not receive FEMA reimbursement until after all of the emergency repair fencing is completed.

### Funding Source

The source of funding for this emergency work is the San Francisco Public Utilities Commission Water Enterprise budget.

### Not-to-Exceed Amount

The proposed resolution approves SFPUC's declaration of an emergency with respect to repairing fencing damaged by the SCU Fire with a total cost not-to-exceed \$4.5 million, which is approximately \$706,003 or approximately 19 percent more than the SFPUC's estimated cost of that work, which the SFPUC considers a reasonable contingency amount.

According to Mr. Ramirez, the 19 percent contingency estimates are based on previous construction planning processes, and given the uncertainty surrounding costs of materials, labor

<sup>6</sup> According to Mr. Ramirez, since so many other large landowners were affected by last year's fires, SFPUC anticipates the costs for materials might be higher than \$4.40/ft due to higher-than-normal demand and limited inventory.

<sup>7</sup> 34 miles = 179,520 feet. 179,520 \* 14.40 = \$2,585,088. While the full \$4.5 million was submitted for reimbursement, SFPUC estimates that only the fencing located in Santa Clara County will be eligible. Reimbursement is possible due to Santa Clara County's eligibility for Fire Management Assistance Grant (FMAG) assistance. Alameda County is not currently considered eligible for FMAG funding.

and overall planning, 19 percent contingency is being used for this request.<sup>8</sup> SFPUC is directly managing this contract.

The Budget and Legislative Analyst recommends amending the proposed resolution to state that the estimated cost of the work does not exceed \$4.25 million. This amount of \$4.25 million equals the SFPUC's costs estimate for the work of \$3.8 million plus a contingency of \$456,000 or 12 percent, which is consistent with standard contingency amounts in construction contracts ranging from 8 percent to 15 percent.

### **POLICY CONSIDERATION**

The SFPUC is requesting approval of emergency work for damage to approximately 49.9 miles fencing in Alameda and Santa Clara Counties that occurred in August 2020. Repair work is expected to begin in February 2021 and be largely completed by the end of December 2021, with some work in hard to access locations potentially extending to 2022. As noted above, SFPUC is currently finalizing contract awards for construction of approximately 10 miles of fencing on Calaveras Road South (Section A.3 on the map in Attachment I), San Antonio Reservoir (Section A.1 on the map in Attachment I), and Maguire Peaks (Section B.1 on the map in Attachment I), which is expected to begin in February 2021 and be completed in approximately 100 days or by May 2021.

The SFPUC plans to amend the contracts with the two selected contractors to construct the additional 39.9 miles of fencing in February. According to Mr. Lyman, SFPUC plans to assign the additional sections of fencing to the two selected vendors before May 2021 in order to allow the contractors to procure materials and begin work in these areas prior to May. The Calaveras Road and San Antonio Reservoir sections were assigned early to the contractors so that SFPUC could proceed with finalizing necessary contract documents while working out the other assignments.

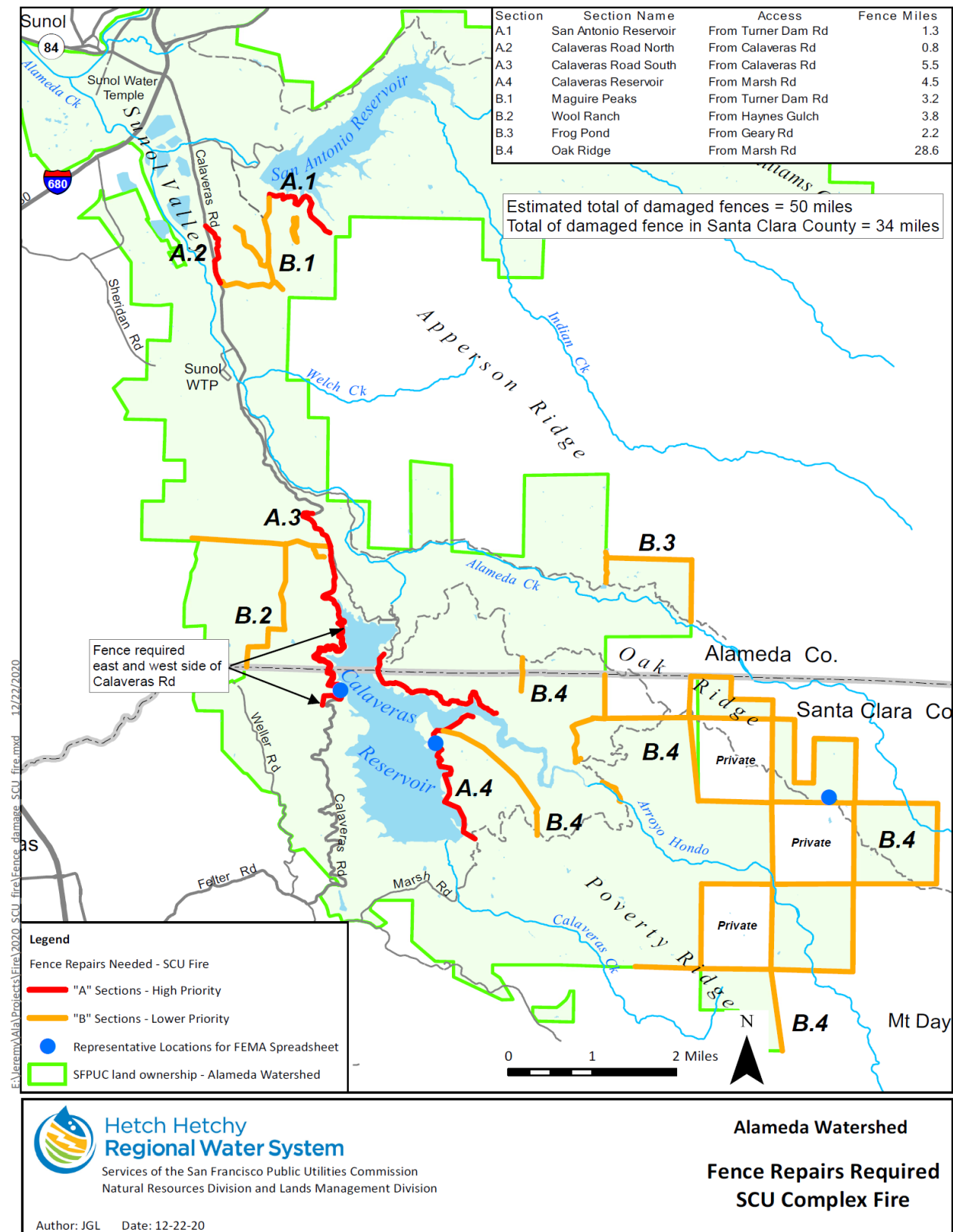
### **RECOMMENDATION**

Amend the proposed resolution to state that the total cost of the emergency work does not exceed \$4,250,000 rather than \$4,500,000 as currently stated.

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<sup>8</sup> According to Mr. Lyman, cost per foot is not uniform due to variable terrain and more costly materials will be needed for certain sections of fencing. The extent of the necessity for more expensive materials is currently unknown.

## Attachment I



**Attachment II****Emergency Declaration Waivers**

If the proposed resolution approving the SFPUC's emergency declaration is approved by the Board of Supervisors, the following Administrative Code provisions would be waived for contracts related to repairing fencing damaged by the SCU Fire.

**Board of Supervisors Approval**

Section 6.60 of the Administrative Code requires the Board of Supervisors approval for public works emergency repairs costing greater than \$250,000.

Section 6.80 of the Administrative Code requires written notification to the Board of Supervisors if public works contractor submits false claims to the City. The proposed ordinance waives this requirement.

Section 6.81 of the Administrative Code allows the Board of Supervisors, on the recommendation of the Mayor, Department Head or the board or commission concerned, to nullify of a public works contract if contractors are found to have colluded with City officials. The proposed ordinance waives this requirement.

Section 6.26 of the Administrative Code requires public works contractors' performance be monitored and evaluated in a database maintained by the awarding Departments and report performance to the Board of Supervisors. The proposed ordinance waives this requirement.

**Lowest Bid for Construction Contracts**

Section 6.20 of the Administrative Code requires public works contracts valued over \$600,00 must be awarded to the bids that demonstrate the ability meet project specifications at the lowest possible cost. The proposed legislation waives this requirement. SFPUC has stated that due to the urgent need for fencing to be built in rugged and remote areas as soon as possible, they have selected two qualified vendors through a competitive solicitation process. One of the vendors submitted a quote for construction at a lower cost, however SFPUC stated that the lower cost option, Ranch Fence, Inc., is unable to complete all required 46.6 miles of fencing.

**Local Hiring Requirements**

Chapter 14B of the Administrative Code requires adherence to local hiring requirements for construction contracts. The proposed legislation waives this requirement.

**Detailed Cost Estimates**

Section 6.20 of the Administrative Code requires that for public works contracts valued over \$600,000, no Department Head should recommend a contract or issue an award without preparing a detailed cost estimate of the work to be performed. The proposed legislation waives this requirement.

**Requirements for Bids and Quotes**

Section 6.21 of the Administrative Code requires that for public works contracts valued over \$600,000, the solicitation must be circulated in at least one newspaper or made publicly available

online not fewer than 10 days prior to the bid opening. The proposed legislation waives this requirement.

**Maintenance of Records**

Section 6.22(e)(6) requires that public works contractors maintain records verifying compliance with labor standards and the prevailing wage requirements. The proposed legislation waives this requirement.

**Nondiscrimination in Public Contracting**


Section 12B.2 requires that all contracting City agencies include nondiscrimination provisions in any executed contracts. The proposed legislation waives this requirement.



## INTER-OFFICE MEMORANDUM

**Date:** October 19, 2020

**To:** Commissioner Sophie Maxwell  
President, San Francisco Public Utilities Commission

**From:** Harlan L. Kelly, Jr.   
General Manager

**Subject:** **Declaration of Emergency – Replacement and Repair of Fences damaged in the SCU Lightning Complex Fire**

In accordance with Chapter 6, Article IV, Section 6.60(d) of the Administrative Code of the City and County of San Francisco, I am declaring an emergency on behalf of the San Francisco Public Utilities Commission (SFPUC).

Beginning on August 16, numerous lightning strikes ignited what was eventually labeled the SCU Lightning Complex Fire (SCU Fire) that ultimately burned 396,624 acres, including approximately 10,500 acres of SFPUC Alameda watershed property. On SFPUC property, the SCU Fire damaged or destroyed approximately 50 miles of security and grazing operation fencing. This fencing needs to be repaired and/or replaced immediately to reestablish the security barrier to protect SFPUC Alameda watershed lands and regional water system infrastructure from trespass, vandalism, and contamination of drinking water sources (e.g., Calaveras and San Antonio Reservoirs). The fencing ensures that cattle from SFPUC grazing tenants remain separated from public roadways, drinking water sources, and sensitive environmental resources.

According to Chapter 6.60 of the Administrative Code, an "actual emergency" means a sudden, unforeseeable and unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to, life, health, property or essential public services. Unrestrained cattle and the risk of trespass at the facilities have created a clear and imminent danger to the safety of drivers, the integrity of infrastructure, and the quality of drinking water. The prompt erection of replacement fencing is needed to prevent such dangers.

**London N. Breed**  
Mayor

**Sophie Maxwell**  
President

**Anson Moran**  
Vice President

**Tim Paulson**  
Commissioner

**Ed Harrington**  
Commissioner

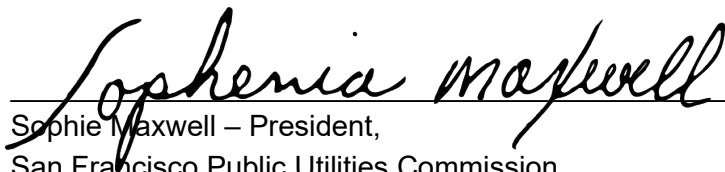
**Harlan L. Kelly, Jr.**  
General Manager



This request for emergency declaration is for contract resources to repair and/or replace approximately 50 miles of security and grazing operation fencing. The work needs to occur as soon as possible and is beyond the capabilities of City forces. The estimated cost of this emergency work exceeds the threshold amount of \$250,000 which requires Board of Supervisors' review and approval. The actual estimate for the work is not anticipated to exceed \$4.5 million.

I am therefore declaring the existence of an emergency. I trust that this meets with your concurrence and approval.

CONCUR AND APPROVE:

A handwritten signature in cursive script, reading "Sophie Maxwell", is written over a horizontal line.

Sophie Maxwell – President,  
San Francisco Public Utilities Commission

cc: A. Moran  
T. Paulson  
E. Harrington  
M. Carlin  
K. How  
S. Ritchie  
E. Sandler





**TO: Angela Calvillo, Clerk of the Board**

**FROM: Megan Imperial, Policy and Government Affairs**

**DATE: December 28, 2020**

**SUBJECT: Emergency Declaration - Replacement and Repair of SFPUC  
Fences damaged in the SCU Lightning Complex Fire - Total  
Estimated Cost Not to Exceed \$4,500,000**

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Attached please find a proposed Resolution approving an emergency declaration of the San Francisco Public Utilities Commission pursuant to San Francisco Administrative Code, Section 6.60, to replace and repair fences on SFPUC watershed land in Alameda watershed damaged by the SCU Lightning Complex Fire, with a total cost not to exceed \$4,500,000.

The following is a list of accompanying documents:

1. Board of Supervisors Resolution (Word)
2. Board of Supervisors Resolution (PDF)
3. SFPUC Emergency Declaration

Please contact John Scarpulla at (415) 509-3070 if you need any additional information on these items.

**London N. Breed**  
Mayor

**Sophie Maxwell**  
President

**Anson Moran**  
Vice President

**Tim Paulson**  
Commissioner

**Ed Harrington**  
Commissioner

**Michael Carlin**  
Acting  
General Manager



**From:** [Imperial, Megan M](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Scarpulla, John \(PUC\)](#)  
**Subject:** SFPUC - [Emergency Declaration - Replacement and Repair of SFPUC Fences damaged in the SCU Lightning Complex Fire - Total Estimated Cost Not to Exceed \$4,500,000]  
**Date:** Monday, December 14, 2020 1:47:34 PM  
**Attachments:** [1. BOS Resolution.doc](#)  
[2. BOS Resolution.pdf](#)  
[3. SCU Complex Lightning Fire Emergency Declaration 10-19-2020.pdf](#)  
[4. Cover Letter.doc](#)  
[RE Emergency Declaration Replace and Repair fences on SFPUC Alameda watershed California total estimated not-to-exceed \\$4500000.msg](#)

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Hi BOS Legislative Team,

Attached is the proposed legislation concerning "Resolution approving an emergency declaration of the San Francisco Public Utilities Commission pursuant to San Francisco Administrative Code, Section 6.60, to replace and repair fences on SFPUC watershed land in Alameda watershed damaged by the SCU Lightning Complex Fire, with a total cost not to exceed \$4,500,000."

The electronic attachments are listed below:

1. Board of Supervisors Resolution (Word)
2. Board of Supervisors Resolution (PDF)
3. SFPUC Emergency Declaration
4. Cover Letter

Staff Contact: [John Scarpulla, Policy & Government Affairs Local Manager] [415-509-3070]

Thanks in advance

Megan

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***"Radical simply means "grasping things at the root." - Angela Davis***