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Memorandum

Date: November 12, 2026
To: Board of Directors
From: Kellyx Nelson
Re: Status of Declarations of Emergency and Authorization for Noncompetitive Procurement for Wildfire Risk Reduction Activities and El Niño Storm Preparation

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Current Status of the Emergency

The RCD is operating under a state of emergency subject to two executive orders issued by Governor Newsom. Executive Order N-38-25 was issued on March 1, 2025 and proclaimed a state of emergency to exist in California due to catastrophic wildfire risks. I subsequently declared an emergency regarding wildfire risk on August 20, 2026. Executive Order N-14-25 was issued on September 21, 2026 and proclaimed a state of emergency to exist in California due to the El Niño event.

Until the emergencies are resolved, I will report the following at each regular Board meeting.

- The current status of the emergency
- Contracts and purchases made under the declaration
- The purpose and amount of each procurement
- The basis for using the emergency exception
- Whether continued emergency procurement authority remains necessary

Contracts and Purchases Made Under the Declaration

No contracts or purchases were made under either emergency declaration since the board was last informed on October 15, 2026. Two contracts pertaining to flood mitigation in Pescadero Creek are pending and will be reported if they are executed.

Continued Need for Emergency Procurement Authority

Continued emergency procurement authority remains necessary for risk reduction work for both emergencies per the following findings:

- Effective risk reduction depends on timely access to qualified contractors, consultants, equipment, materials, environmental support, and specialized services.

- Many risk reduction activities must occur within limited seasonal, biological, operational, access, permitting, funding, or weather-dependent work windows.
- Contractor and equipment availability may be constrained by regional demand, active emergency response, schedules, environmental work windows, grant deadlines, and other time-sensitive conditions.
- Requiring a formal competitive solicitation for each emergency procurement may delay or prevent the RCD from completing necessary risk reduction work during available implementation windows.
- These delays may increase costs, jeopardize grant funds, postpone critical treatments, reduce the availability of qualified contractors and equipment, or leave communities and public assets exposed to avoidable risks.
- Immediate action is therefore necessary for qualifying procurements when the project-specific circumstances documented in the procurement record do not permit the delay associated with a formal competitive solicitation.