

**PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES**

**M E M O R A N D U M**

**To:** Honorable Board of Supervisors

**From:** Thomas Miller, County Executive Officer  
by: Rui Cunha, Emergency Services Program Manager

**Date:** September 8, 2009

**Subject:** Adopt a Resolution reaffirming your Board's Proclamation of Local Emergency in a special meeting on September 2, 2009 due to the "49 Fire" that began on August 30, 2009.

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**REQUESTED ACTION**

Adopt the attached resolution reaffirming the Proclamation of Local Emergency made by the Board of Supervisors in a special meeting on September 2, 2009 that was precipitated by the 49 Fire in North Auburn that began on August 30, 2009.

**BACKGROUND**

In accordance with §8630 of the California Emergency Services Act (CESA) (California Government Code §8550 *et seq*) provides for the governing body of a county i.e., your Board, or an official designated by ordinance and adopted by your Board, to proclaim a local emergency. By County Ordinance 2.88.060 the County Executive Officer is designated as the County Director of Emergency Services. On Sunday, August 30, 2009 when the Board of Supervisors was not in session and due to the severity of the fire and its impact on areas of unincorporated Placer County, the County Executive Officer, Thomas Miller, proclaimed the existence of a local emergency. The Governor subsequently proclaimed a state of emergency exists in Placer County "due to a fire that has burned hundreds of acres, destroyed several homes and commercial structures, forced hundreds of people to be evacuated, closed roads and sent people to emergency shelters."

The proclamation by the County Executive Officer was ratified by your Board in a special meeting on September 2, 2009, and that ratification is now itself being reaffirmed, as required by the CESA, at a "...regularly scheduled Board/Council meetings until terminated." The attached Resolution reaffirms the September 2, 2009 Proclamation illustrating your Board's agreement that a local emergency continues to exist in Placer County. It will be further reviewed and reaffirmed, if appropriate, at the September 22, 2009 regular meeting of the Board.

**FISCAL IMPACT**

There are no impacts on the General Fund caused by reaffirming the proclamation of September 2, 2009. However, the reaffirmation may allow the county and response entities to continue to recoup some or all of the costs incurred as a result of response to and recovery from the 49 Fire.

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of: **A RESOLUTION REAFFIRMING  
THE EXISTENCE OF A LOCAL EMERGENCY AS  
PROCLAIMED BY THE DIRECTOR OF  
EMERGENCY SERVICES**

Resol. No: \_\_\_\_\_

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **September 8, 2009** by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

**Attest:**  
**Clerk of said Board** \_\_\_\_\_

**WHEREAS** Chapter 7 of Division 1 of Title 2 of California Government Code (CGC), also known as the California Emergency Services Act confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and

**WHEREAS** California Government Code, § 8630 states that "[w]henever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body," and

**WHEREAS** Placer County Code, §2.88.060, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when this county is affected or likely to be affected by a public calamity; and

**WHEREAS** Placer County Code, §2.88.060 further requires that the Board of Supervisors take action to ratify said proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect, and that they shall review the need for continuing the local emergency at regularly scheduled board meetings until such local emergency is terminated; and

**WHEREAS**, a local emergency is deemed to exist in the County of Placer in accordance with the proclamation by the Director of Emergency Services on August 30, 2009 as a result of conditions of extreme peril to the safety of persons and property that have arisen within the county as caused by the 49 Fire at which time the Board of Supervisors was not in session; and,

**WHEREAS**, the Board of Supervisors of the County of Placer, on September 2, 2009, at a noticed special meeting of Board of Supervisors of the County of Placer adopted a Resolution ratifying the proclamation made on August 2, 2009;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Placer hereby reaffirms the proclamation of local emergency and said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors; and be it

**RESOLVED FURTHER**, that the Clerk of the Board of the Supervisors of the County of Placer shall certify the adoption of this resolution, and the certified copy of this resolution shall be forwarded to the Director of the Governor's California Emergency Management Agency.

**PROCLAMATION OF LOCAL EMERGENCY**

**WHEREAS** California Government Code, § 8550, the California Emergency Services Act, confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and

**WHEREAS** California Government Code, § 8630 states that "a local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body."; and

**WHEREAS** Placer County Code, Chapter 2 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when this county is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days and reaffirmation every 14 days thereafter until such local emergency is terminated; and

**WHEREAS** the Director of Emergency Services of the County of Placer does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within this county, caused by a fire in the area of State Highway 49 and Bell Road commencing on or about 2:30 PM on August 30, 2009 which at the time of this proclamation has consumed over 30 homes, numerous businesses and open space; and,

That the Board of Supervisors of the County of Placer is not in session and cannot immediately be called into session;

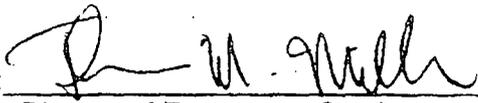
That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout this county; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the county shall be those prescribed by state law, and by ordinance and resolutions of this county approved by the Board of Supervisors, and by the *Placer County and Placer Operational Area Emergency Operations Plan*, as approved by the Board of Supervisors, May 11, 2004.

**IT IS FURTHER ORDERED** that a copy of this declaration be forwarded to the Governor of California with a request that he proclaim the County of Placer to be in a state of emergency.

Dated: Aug 30, 2009 By:

  
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Director of Emergency Services