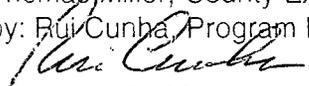


PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES

MEMORANDUM

To: Honorable Board of Supervisors

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


Date: November 2, 2010

Subject: **Adopt a Resolution terminating the state of Local Emergency as proclaimed on October 22, 2010 by the Placer County Director of Emergency Services**

**REQUESTED ACTION**

Adopt the attached Resolution terminating the state of Local Emergency as proclaimed on October 22, 2010 by the Placer County Director of Emergency Services due to the Galleria Fire in the City of Roseville.

**BACKGROUND**

On Friday, October 22, 2010, the Placer County Director of Emergency Services and County Executive Officer, Thomas M. Miller, proclaimed the existence of a Local Emergency due to the Galleria Fire. The local emergency existed due to the Galleria Fire and its impact on Placer County public safety agencies, and he did so because the Board of Supervisors was not in session. As a result of the proclamation, the County and all public entities became eligible to receive California Disaster Assistance Act (CDAA) funds for reimbursement of all eligible costs incurred in response. The City of Roseville and the Governor both proclaimed a state of emergency existed, however those proclamations were made on Thursday, October 21, 2010.

Section 8630 of California Government Code (CGC Sec 8630) aka the *California Emergency Services Act*, provides for the governing body of a county, i.e., the Board of Supervisors, or an official designated by ordinance and adopted by the Board of Supervisors, to proclaim a local emergency. Per paragraph 2.88.050 of Placer County Code, the County Executive Officer is designated the Director of Emergency Services, and as such, was empowered to declare the state of emergency. Per CGC Sec 8630 the proclamation only remains in effect for up to seven days unless ratified by your Board.

However, on Sunday, October 24, 2010, the City of Roseville officially closed out all response activities by assisting fire and law agencies which negates the need for your Board to ratify the Proclamation. CGC 8630 further states that the "governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." This Board action is in response to that requirement.

**FISCAL IMPACT**

There are no impacts on the General Fund caused by ratifying the proclamation. However, the declaration may allow the county and response entities to recoup some or all of the costs incurred as a result of the fire response.

**Attachments**

Resolution terminating the October 22, 2010 Proclamation of Local Emergency  
Copy October 22, 2010 Proclamation

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

In the matter of: **A RESOLUTION TERMINATING  
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 **November 2, 2010** 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** 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**, the local emergency in the County of Placer, as proclaimed by the Director of Emergency Services on October 22, 2010, is deemed to have been terminated as a result of the conclusion of all response activities by agencies external to the City of Roseville on Sunday, October 24, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Placer hereby terminates the state of local emergency proclaimed on October 22, 2010 in response to the Galleria Fire in the City of Roseville.

**RESOLVED FURTHER**, the Clerk of the Board of the Supervisors of the County of Placer shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

**PROCLAMATION OF LOCAL EMERGENCY**

**WHEREAS** Chapter 7 of Division 1 of Title 2 of California Government Code, aka the *California Emergency Services Act*, § 8550 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 city, county, or city and county, or by an official designated by ordinance adopted by that governing body." and

**WHEREAS** Placer County Code, Chapter 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 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 the City of Roseville, a city within this County, caused by the catastrophic arson fire in the Westfield Galleria Mall commencing on October 21, 2010; 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; and

**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 Supervisor.

**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: **October 22, 2010**

By:



**Thomas M. Miller**  
**Director of Emergency Services**