TO: Board of Supervisors
FROM: David Boesch, County Executive Officer
        By: John McEldowney, Emergency Services Program Manager
SUBJECT: Adopt a Resolution to Reaffirm a Local Emergency in Placer County

DATE: June 13, 2017

ACTION REQUESTED

Adopt a Resolution reaffirming a local emergency for flooding in Placer County.

BACKGROUND

When the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property exists, and the conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the county to control effectively, the local governing body may proclaim that a local emergency exists. A local emergency may be proclaimed to exist due to a specific situation, such as flood, fire, storm, earthquake, epidemic, drought, sudden and severe energy shortage, or other condition, as authorized by Section 8630 of the California Government Code and County Code Chapter 2, Article 2.88, Section 2.88.020.

Placer County alone lacks the capability and local resources to deal with this disaster. This Proclamation will aid the County in an effort to seek state and possibly federal funding and support to address the recovery operations throughout the County.

FISCAL IMPACT

Potential fiscal impact is unknown at this time.

ATTACHMENTS

Continuing Resolution
Proclamation of a State of Emergency- California
Proclamation of a Local Emergency- Placer County
Before the Board of Supervisors  
County of Placer, State of California

In the matter of:  
REAFFIRMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO FLOODING IN PLACER COUNTY

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held June 13th, 2017 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, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with § 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, § 8630 of the California Government Code, 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, Article 2.88, Section 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 30 days thereafter until such local emergency is terminated; and,

WHEREAS, on January 17, 2017, the Director of Emergency Services proclaimed a local emergency as a result of the conditions of extreme peril to the safety of persons and property that arose within said County, caused by storms resulting in severe rainfall, flash flooding, severe wind, and mud and debris flows, floodwaters, and severe snow accumulation and extreme avalanche danger commencing on the 7th day of January, 2017, within the borders of Placer County causing such eminent danger as to necessitate these findings and the proclamation of a local emergency, with such Proclamation attached hereof; and,

WHEREAS, the Placer County Board of Supervisors, by Resolution 2017-019 dated January 24, 2017, ratified the emergency proclamation; and,

WHEREAS, Governor Brown, on January 23, 2017, proclaimed a State of Emergency for numerous counties, including Placer County, as a result of the storm systems; and,

WHEREAS, the flooding poses a threat to and has caused damage to major infrastructure both along streams within areas of potential flooding, including roads, parks, schools, public facilities, and power lines, water and power generation infrastructure of Placer County Water Agency, which supplies water and power to the residents of Placer County and elsewhere; and,

WHEREAS, the flooding poses an immediate threat to and has caused damage to numerous private property, public roads, public infrastructure, parks, schools and other special districts that have all been impacted by the severe weather, wind, rain, snow, mud and debris flows in both western and eastern Placer County, and subsequent storm systems moving through the area since Jan 24 have caused, and continue to cause additional damages and issues to property and infrastructure across the County; and,

WHEREAS, with current record level snow pack and the potential for a fast and warm spring which could trigger devastating flooding across large portions of the county; and,

WHEREAS, the response to the floodwaters is beyond the capabilities of the local resources.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Supervisors of the County of Placer, State of California hereby reaffirms the existence of a local emergency and said emergency shall be deemed to continue until its termination is proclaimed by the Board of Supervisors; and

BE IT 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 Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.
PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on January 3, 2017, a storm system resulting from an atmospheric river swept across California, bringing high winds, substantial precipitation, and flooding, which has severely impacted counties throughout the State; and

WHEREAS due to extreme drought conditions throughout the State, this storm system caused dangerous flash flooding, erosion, and substantial mud and debris flows; and

WHEREAS this storm system caused damage to roads and highways throughout the State; and

WHEREAS state and local officials are still assessing the full scope of the damage caused by these storms, with preliminary estimates totaling tens of millions of dollars; and

WHEREAS the circumstances of the storm damage, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist due to the storm damage in Alameda, Alpine, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba counties.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, HEREBY PROCLAIM A STATE OF EMERGENCY to exist within Alameda, Alpine, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba counties.

IT IS HEREBY ORDERED THAT:

1. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, Title 23, United States Code section 125, in order to obtain federal assistance for highway repairs or reconstruction.

2. The Office of Emergency Services shall provide assistance to the counties, as appropriate and based upon damage assessments received from local governments, under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.
3. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities related to this state of emergency consistent with the direction of my Office of Emergency Services and the State Emergency Plan.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of January 2017.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State
Before the Board of Supervisors
County of Placer, State of California

In the matter of:
A Resolution ratifying the proclamation of a local emergency for flooding in Placer County by the Director of Emergency Services  
Resolution No.: 2017-019

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held January 24, 2017, by the following vote on roll call:

Ayes: DURAN, WEYGANDT, HOLMES, UHLER, MONTGOMERY
Noes: NONE
Absent: NONE

Signed and approved by me after its passage.

Attest:  
Clerk of said Board

WHEREAS, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with § 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, § 8630 of the California Government Code, 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, Article 2.88, Section 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, on January 17, 2017, the Director of Emergency Services proclaimed a local emergency as a result of the conditions of extreme peril to the safety of persons and property have arisen within said County, caused by storms resulting in severe rainfall, flash flooding, severe wind, and mud and debris flows, floodwaters, and severe snow accumulation and extreme avalanche danger commencing on the 7th day of January, 2017, within the borders of Placer County causing such eminent danger as to necessitate these findings and the proclamation of a local emergency, with such Proclamation attached hereof; and,

WHEREAS, the flooding possess a threat to and has caused damage to major infrastructure both along streams within areas of potential flooding, including roads, parks, schools, public facilities, and power lines, water and power generation infrastructure of Placer County Water Agency, which supplies water and power to the residents of Placer County and elsewhere; and,

WHEREAS, the flooding poses an immediate threat to and has caused damage to numerous private property, public roads, public infrastructure, parks, schools and other special districts that have all been impacted by the severe weather, wind, rain, snow, mud and debris flows in both western and eastern Placer County; and,

WHEREAS, the response to the floodwaters is beyond the capabilities of the local resources.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Supervisors of the County of Placer, State of California hereby ratifies the attached proclamation of a local emergency and said emergency shall be deemed to continue until its termination is proclaimed by the Board of Supervisors; and,

BE IT 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 Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.
IT IS FURTHER ORDERED that a certified copy of this resolution proclaiming a local emergency be forwarded to the Governor of California with a request that he proclaim the County of Placer to be in a state of emergency, and with a request that the State of California waive regulations that may hinder response and recovery efforts, to make available recovery assistance under the California Disaster Assistance Act, and to expedite access to federal resource and any other appropriate federal relief programs.

Exhibit A
PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES, AND
REQUEST GOVERNOR PROCLAIM A STATE OF EMERGENCY

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 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, Article 2.88, Section 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, property and critical infrastructure have arisen within this county, caused by storms resulting in severe rainfall, flash flooding, severe wind, and mud and debris flows, and severe snow accumulation resulting in extreme avalanche danger commencing on the 7th day of January, 2017, and the impending additional storms that were forecast and have occurred over widespread areas of the County; and,

That the flooding poses a threat to and has caused damage to major infrastructure both within areas of flooding, including roads, parks, schools, public facilities, and power lines, water and power generation infrastructure of Placer County Water Agency, which supplies water and power to the residents of Placer County and elsewhere; and,

That potential flooding poses an immediate threat to and has caused damage to numerous private property, public roads, public infrastructure, parks, schools and other special districts that have all been impacted by the severe weather, wind, rain, snow, mud and debris flows in both western and eastern Placer County; and,

That the response to the flooding is beyond the capabilities of the local resources; and,

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

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 Operational Area Emergency Operations Plan, as approved by the Board of Supervisors, December 14, 2010.
IT IS FURTHER ORDERED that a copy of this declaration be forwarded to the Governor of California with the request that he proclaim the County of Placer to be in a state of emergency and that the State of California waive regulations that may hinder response and recovery efforts, to make available recovery assistance under the California Disaster Assistance Act, and to expedite access to federal resource and any other appropriate federal relief programs; and,

IT IS FURTHER ORDERED that a copy of this proclamation be forwarded to the Governor's Office of Emergency Services.

Dated: January 17, 2017

By: [Signature]
David S. Boesch,
County Executive Officer and
Director of Emergency Services,
County of Placer