

**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:** October 20, 2009

**Subject:** Adopt the attached resolution continuing the 49 Fire Proclamation of Local Emergency made on August 30, 2009 and ratified in a special meeting on September 2, 2009.

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**REQUESTED ACTION**

Adopt the attached resolution continuing the 49 Fire Proclamation of Local Emergency made on August 30, 2009 and ratified in a special meeting on September 2, 2009.

**BACKGROUND**

Section 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 49 Fire and its impact on the North Auburn area, 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 reaffirmed at the September 8 and 22, 2009 Board meetings. As Placer County continues its efforts in support of residents most significantly affected by the 49 Fire it is staff's recommendation that your Board continue the Proclamation of a Local Emergency. Placer County continues to incur costs associated with debris removal and mitigation of impacts to public infrastructure. While in a separate action, your Board is being asked to continue the Proclamation of a Public Health Emergency, your action to continue the Proclamation of a Local Emergency continues the special powers of the County Executive Officer and provides for the greatest flexibility in clean up and cost recovery. Placer County remains focused on the debris removal aspect of recovery in order to minimize its impact on infrastructure and to limit public health and safety risks.

The attached Resolution continues the September 2, 2009 Proclamation reaffirming that a local emergency continues to exist in Placer County.

**FISCAL IMPACT**

There are no impacts on the General Fund caused by continuing the reaffirmation of the proclamation of September 2, 2009. Continuation of the Proclamation merely allows the County to continue to recoup some or all of costs incurred as a result of response to and recovery from the 49 Fire. Cost tracking associated with the County's response to the 49 Fire continues.

**Attachments**

Resolution  
Resolution 2009-227

# 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 BOARD OF SUPERVISORS  
ON SEPTEMBER 2, 2009.**

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

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **OCTOBER 20, 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** \_\_\_\_\_

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

**WHEREAS**, Paragraph 8630 of California Government Code states that "the governing body shall review, at least every 14 days until such emergency is terminated, the need for continuing the local emergency;" 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 states that the Board of Supervisors shall review, at least every 14 days until such emergency is terminated, the need for continuing the local emergency, and shall proclaim the termination of such local emergency at the earliest date the conditions warrant; and

**WHEREAS**, in accordance with the proclamation by the Board of Supervisors on September 2, 2009, a local emergency exists in the County of Placer as a result of conditions of extreme peril to the safety of persons and property that have arisen due to the so-called 49 Fire commencing on 30 August, 2009 at which time the Board of Supervisors was not in session; and,

That the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a local emergency; and,

That local resources are still unable to cope with the effects of said emergency;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors of the County of Placer, State of California.