

**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 6, 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.**

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 the establishment of a Disaster Loan Assistance Center, 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.

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The attached Resolution continues the September 2, 2009 Proclamation reaffirming that a local emergency continues to exist in Placer County. A requirement to further renew the Proclamation at the next regular meeting of the Board (October 20) has not yet been determined.

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 remains ongoing.

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 6, 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 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 of 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.

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

In the matter of:

Resol. No: 2009-227

A RESOLUTION RATIFYING THE
PROCLAMATION OF A LOCAL EMERGENCY BY
THE DIRECTOR OF EMERGENCY SERVICES

Related to Ord. No: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on 9-2-2009

by the following vote on roll call:

Ayes: WEYGANDT, HOLMES, UHLER, MONTGOMERY, ROCKHOLM

Noes: NONE

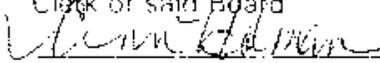
Absent: NONE

Signed and approved by me after its passage.


Chairman, Board of Supervisors

Attest:

Clerk of said Board



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

WHEREAS, California Government Code 8630 state 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 be 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 the said proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect, and that they shall review at least every fourteen (14) days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, a local emergency was 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 arose with the county caused by wildfire, at which time the Board of Supervisors was not in session that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

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

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors of the County of Placer shall certify this adoption of the 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;

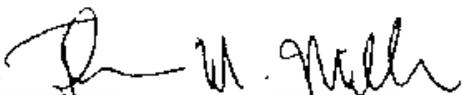
That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

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:



Director of Emergency Services

