

**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/Director of Emergency Services
by: Rui Cunha, Program Manager, Office of Emergency Services

Date: November 3, 2009

Subject: **Adopt a Resolution terminating the Proclamation of Local Emergency initially made by the Director of Emergency Services, Thomas M. Miller, on August 30, 2009 and reaffirmed by your Board on September 2, 2009.**

REQUESTED ACTION

Adopt a Resolution terminating the Proclamation of Local Emergency initially made by the Director of Emergency Services, Thomas M. Miller, on August 30, 2009 and reaffirmed by your Board on September 2, 2009.

BACKGROUND

Section 8630 of the California Government Code (CGC 8630) stipulates that only your Board or an official designated by ordinance adopted by your Board is authorized to proclaim existence of a local emergency. On Sunday August 30, 2009, when the Board of Supervisors was not in session, Thomas M. Miller, the County Executive Officer, acting in his capacity as Director of Emergency Services, a position designated in County Ordinance 2.88.060, proclaimed the existence of a local emergency in response to what was designated the "49 Fire."

On September 2, 2009 your Board, acting in special session, ratified by resolution Mr. Miller's proclamation in the first of five successive biweekly resolutions (as required by CGC 8630) which have extended the existence of a state of emergency to today, November 3, 2009. As a result of your Board's proclamation of September 2, 2009, the Governor also declared existence of a state of emergency in Placer County which has allowed the County to seek cost recovery for the extraordinary costs incurred from both fire response and recovery. Most importantly, recovery activities included fire debris removal.

The 49 Fire, now determined to have been started by an act or acts of arson, caused the total destruction of 63 residences, three businesses, and partial destruction or damage to numerous other businesses and residences. The fire area consumed approximately 350 acres north and east of the intersection of Highway 49 and Rock Creek Road in north Auburn.

In order to assist residents and businesses in the aftermath of the fire, Placer County staff was involved in and coordinated numerous recovery actions and activities:

- o Initial response by County Damage Assessment and Safety Assessment Teams quickly provided an Initial Damage Estimate (IDE) which was critical in expediting, through the Governor's Office, approval by the Small Business Administration (SBA) for implementation of its program to provide low interest loans to both homeowners and businesses affected by the fire.
- o A Local Assistance Center (LAC) was established at the DeWitt Center and opened only two days after the fire and remained open for a total of five days. All pertinent County staff, 11 state agencies, Red Cross and Salvation Army in addition to several insurance companies were represented and provided a "one-stop shopping" environment for fire victims to begin their own recovery and rebuilding processes. A total of 83 homeowners, renters and small business owners and their friends and family members used the LAC.

- As of this writing, Placer County residents have cleared debris from 62 of 63 residential properties and from 7 of the most significantly damaged business properties. The remaining property is expected to be complete prior to this Board action. Placer County provided assistance to fire victims in debris removal. Fire detritus, a potential public health threat due to the presence of hazardous or contaminated ash, was cleaned in large part by property owners through their insurance companies. However, there were persons under-insured or without insurance, and in order to help reduce costs for those and others, a "bin program" was established whereby large trash bins (provided by *Auburn Placer Disposal Services*) were placed near properties and used for hauling away debris and ash. Only two owners who used the program were uninsured, and the County will seek reimbursement of those costs through the California Disaster Assistance Act (CDAA).
- The SBA Disaster Loan Assistance Center operation was set up by September 10 and remained in operation until October 1. A total of 17 homeowners and 4 businesses completed loan applications and as of last week, the SBA has approved loans to 6 homeowners and 3 businesses valued at over \$1.5 million (approximately \$650,800 to homeowners and \$900,600 to businesses).
- Cost recovery remains ongoing and the County has completed the important first step, Applicant's Briefings, for both the California Disaster Assistance Act (CDAA) reimbursements (helps public agencies with recovery costs) and for the Fire Management Assistance Grant (FMAG) (helps public agencies with response costs) that was initiated during the fire by Cal EMA on behalf of the County.
- There will be two After Action Reviews (AAR) for the 49 Fire. One will concentrate on *response* activities involving the disciplines of fire, law enforcement, emergency medical services, animal services, and emergency services. A recovery AAR is scheduled for November 4, and will focus on *recovery* activities involving, among other things, set up and operation of the Local Assistance Center and on debris removal activities. It will involve representatives of all County Departments and Agencies involved.

The total damage caused by the 49 Fire is estimated by the California Department of Forestry and Fire Protection (CAL FIRE) at over \$40 million. Placer County did incur costs in *response* and *recovery* efforts. Preliminary County cost estimates are expected to remain under \$200,000 and all cost are expected to be eligible for reimbursement at a rate of \$.75/dollar under the California Disaster Assistance Act (CDAA). In addition Placer County will request full cost recovery through its 2010 legislative platform which will be brought to the Board for approval at the December 8 Board meeting. Recovery will be requested for all remaining unreimbursed, uninsured fire response costs as well as for lost property taxes.

Your resolution today officially terminates the local emergency, indicating that the County of Placer is able to manage any further response or recovery efforts with its normal services, personnel, equipment and facilities.

FISCAL IMPACT

By your action on September 2, 2009 and by the subsequent Governor's Proclamation, Placer County is eligible for cost recovery for up to 75% of uninsured costs of response, damage and debris removal.

This action to terminate the Declaration of Local Emergency does not impact ongoing cost recovery actions, and there is no direct impact to the General Fund as a result of this action.

Attachments

Resolution terminating the September 2, 2009 Declaration of Local Emergency
Copy of the September 2, 2009 Declaration

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

In the matter of:

Resol. No: _____

**A RESOLUTION TERMINATING THE LOCAL
EMERGENCY PROCLAIMED BY THE BOARD
OF SUPERVISORS ON SEPTEMBER 2, 2009**

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **NOVEMBER 3, 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 aka 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, On August 30, 2009, when the Board of Supervisors was not in session, Thomas M. Miller, County Executive Officer, acting as the Director of Emergency Services and exercising the authority granted to that position by the Board in County Code § 2.88.060, proclaimed the existence of a local emergency in response to conditions of extreme peril to the safety of persons and property caused by the "49 Fire"; and

WHEREAS, On September 2, 2009 acting in special session, your Board ratified by resolution Mr. Miller's proclamation in the first of what were five successive biweekly resolutions (per the requirements of CGC 8630) each of which stated: "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, also states that the Board of Supervisors shall "proclaim the termination of the local emergency at the earliest possible date that conditions warrant"; and

WHEREAS, the situation resulting from said conditions of extreme peril is now deemed to be within the control of normal protective services, personnel, equipment, and facilities of and within the County of Placer;

NOW, THEREFORE, the Board of Supervisors of the County of Placer does hereby proclaim the termination of the local emergency.

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.

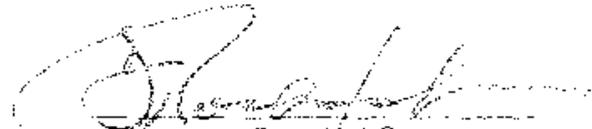
by the following vote on roll call:

Ayes: WEYGANDT, HOLMES, UHLER, MONTGOMERY, ROCKHOLM

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.


Chairman, Board of Supervisors

Attest:

Clock 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

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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;

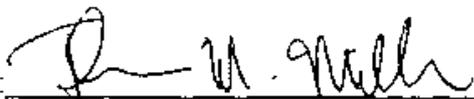
That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

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

