

**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: Richard Simmons, Program Manager

Date: May 24, 2011

Subject: **Adopt a Resolution reaffirming for the second time the Proclamation of a Local Emergency made by your Board on April 11, 2011 due to propane leaks experienced since March in eastern Placer County.**

REQUESTED ACTION

Adopt the attached resolution reaffirming for the second time the Proclamation of Local Emergency made by the Board of Supervisors on April 11, 2011 that was precipitated by a series of propane leaks in eastern Placer County located predominantly in the Serene Lakes community.

BACKGROUND

The *California Emergency Services Act* (California Government Code (CGC) Chapter 7 of Division 1 of Title 2) 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. County Ordinance 2.88.050 designates the County Executive Officer as the Director of Emergency Services with authority to appoint an Assistant Director, a position now occupied by Rui Cunha, to whom authority has been delegated to declare the existence of a local emergency.

On April 8, 2011 when the Board of Supervisors was not in session, Mr. Cunha proclaimed the existence of a local emergency due to the threat to public safety caused by multiple leaking propane systems in the community of Serene Lakes. The Board of Supervisors then ratified that proclamation in its regular meeting held on April 11, 2011 and requested a supporting gubernatorial proclamation. Your Board, as required by CGC §8630 reaffirmed the continued existence of a local emergency at the Board's regular meeting on May 3, 2011 as proclamations must be reaffirmed every 30 days after the initial proclamation. However, your Board will be requested to proclaim termination of the emergency at the earliest possible date that conditions warrant even should that occur within this 30-day reaffirmation.

As of today's date, however, leaks emanating from snow laden propane systems are still being discovered and continue to threaten public safety. In fact, abatement of all propane leaks is not possible until complete snow melt occurs. Therefore, this action by the Board reaffirms the existence, for another 30 days, of a local emergency in Placer County.

FISCAL IMPACT

There are no impacts on the General Fund caused by ratifying the April 11, 2011 proclamation.

Attachments

Resolution reaffirming the April 11, 2011 Proclamation of Local Emergency
April 8, 2011 Proclamation by the Assistant Director of Emergency Services

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 APRIL 11, 2011.**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **May 24, 2011** 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 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, on April 11, 2011 the Board of Supervisors proclaimed the existence of a local emergency due to conditions of extreme peril to the safety of persons and property due to numerous leaking propane systems in eastern Placer County; and

WHEREAS, Paragraph 8630 of California Government Code states that "the governing body shall review, at least every 30 days until such emergency is terminated, the need for continuing the local emergency"; and

WHEREAS, in accordance with the proclamation of April 11, 2011, a local emergency continues to exist in the County of Placer as a result of the continuing discovery of multiple leaking propane systems in eastern Placer County; 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 is deemed to continue to exist until its termination is proclaimed by the Board of Supervisors of the County of Placer, State of California.

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 and the Assistant 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 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 multiple propane leaks in the Serene Lakes subdivision in Soda Springs, commencing on or about March 29, 2011; 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 County and 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 a request that he proclaim the County of Placer to be in a state of emergency.

Dated: April 8, 2011

By:



Rui Cunha

Assistant Director of Emergency Services