

PLACER COUNTY
OFFICE OF EMERGENCY SERVICES

MEMORANDUM

To: Honorable Board of Supervisors

From: Thomas Miller, County Executive Officer
by: Richard Simmons, Program Manager 

Date: June 7, 2011

Subject: Adopt a Resolution terminating the state of Local Emergency as proclaimed on April 08, 2011 by the Assistant Director of Emergency Services.

REQUESTED ACTION

Adopt the attached Resolution to terminate the existence of a local emergency due to numerous leaking propane systems on the eastern side of the County as was proclaimed on April 8 by the Assistant Director of Emergency Services and ratified by the Board of Supervisors on April 11, 2011

BACKGROUND

Initial Situation: On Friday, April 8, 2011 due to numerous leaking propane systems on the eastside of the County centered in the Serene Lakes community, the Assistant Director of Emergency Services, Rui Cunha, proclaimed the existence of a local emergency in Placer County, an action he took inasmuch as the Board of Supervisors was not in session. Your Board did however, ratify the proclamation at your regularly scheduled meeting on April 11, 2011 and the ratified proclamation was forwarded to the Governor for potential eligible response cost reimbursement (75%) under terms of the California Disaster Assistance Act (CDAA).

Non-Support of Proclamation: However, the proclamation was not further supported by the Governor, the result of which will be the inability of public entities to recover response costs. Those costs, while not yet entirely finalized, are estimated at slightly less than \$200,000 the preponderance of which was accrued by the Truckee Fire Protection District (FPD) and four Placer County departments.

Incident Statistics: As of June 6, 2011, 44 properties in Serene Lakes had either a propane leak or a significant propane accumulation from a leak on an adjacent parcel. Quick action by residents who smelled propane and called 911 as well as the quick response by Truckee FPD precluded any harm befalling residents. One unoccupied residence was destroyed, however, by an explosion believed to have been caused by propane. Another explosion damaged one home in the Alpine Peaks community in Ward Canyon south of Tahoe City. In the aftermath of that explosion, it was discovered that many nearby homes had faulty propane system installations, a problem that was quickly addressed and is being resolved by propane purveyors.

Termination of the Proclamation: The requirements for termination of local emergencies is laid out in §8630 of Chapter 7 of Division 1 of Title 2 of California Government Code, aka *the Emergency Services Act*. Among other things, it states that the "governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." This action, therefore, completes that requirement.

FISCAL IMPACT

There is no impact to the General Fund caused by terminating the proclamation.

The impact to Departmental budgets, as reflected in payroll, is however, considerable (figures are projections as final accounting is not yet complete):

- Sheriff's Department - \$36,000
- Environmental Health - \$24,000
- Public Works - \$ 4,000
- Emergency Services - \$75,000

Attachments

Resolution terminating the April 8, 2011 Proclamation of Local Emergency

Copy April 8, 2011 Proclamation

Copy April 11, 2011 Resolution Ratifying April 8, 2011 Proclamation

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

In the matter of: **A RESOLUTION TERMINATING
THE STATE OF LOCAL EMERGENCY EXISTING
IN PLACER COUNTY SINCE APRIL 8, 2011**

Resol. No: _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **June 7, 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 California Government Code 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, Placer County Code §2.88.060 empowers the Director or Assistant Director of Emergency Services to proclaim the existence of a local emergency when this county is affected by a public calamity, and further requires the Board of Supervisors, at its regularly scheduled board meetings, to review the need for continuing the local emergency until such emergency is terminated; and

WHEREAS, on April 11, 2011 the Board of Supervisors ratified the proclamation made by the Assistant Director of Emergency Services on April 8, 2011 of the existence of a local emergency due to a large number of leaking propane systems in eastern Placer County centered in the community of Serene Lakes; and

WHEREAS, as a result of the conclusion of all response activities, the existence of a local emergency is deemed to have been terminated effective today, June 7, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Placer hereby terminates the state of local emergency initially proclaimed on April 8, 2011 in response to the high number of leaking propane systems on the east side of the County.

RESOLVED FURTHER, the Clerk of the Board of the Supervisors of the County of Placer shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

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

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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 ASSISTANT DIRECTOR OF
EMERGENCY SERVICES ON APRIL 8, 2011**

Resol. No: 2011-86

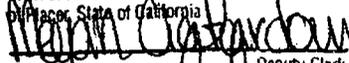
The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held **APRIL 11, 2011** by the following vote on roll call:

Ayes: DURAN, HOLMES, MONTGOMERY, WEYGANDT

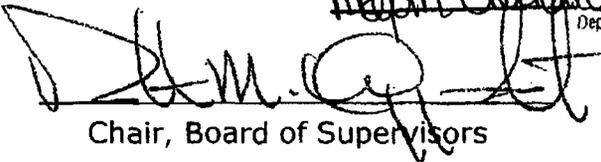
Noes: NONE

Absent: UHLER

THE FOREGOING INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
ATTEST

ANN HOLMAN
Clerk of the Board of Supervisors, County
of Placer, State of California

Deputy Clerk

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 California Government Code (CGC), also known as 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 "[w]henver 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 been ratified by the governing body," and

WHEREAS Placer County Code, §2.88.060, empowers the Director or 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

WHEREAS Placer County Code, §2.88.060 further requires that the Board of Supervisors take action to ratify said proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect, and that they shall review the need for continuing the local emergency at regularly scheduled board meetings until such local emergency is terminated; and

WHEREAS, a local emergency is deemed to exist in the County of Placer in accordance with the proclamation by the Assistant Director of Emergency Services on April 8, 2011 as a result of conditions of extreme peril to the safety of persons and property that have arisen within the county as caused by the existence of propane leaks that began in eastern Placer County in late March 2011 as a result of excessive snow loading and an explosion, thought to be caused by a propane leak, which destroyed a residence in the Serene Lakes community, at which time the Board of Supervisors was not in session; and,

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Placer hereby ratifies the April 8, 2011 proclamation of local emergency and said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors.

RESOLVED FURTHER, the Clerk of the Board of the Supervisors of the County of Placer shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.