

MEMORANDUM
PLACER COUNTY HEALTH AND HUMAN SERVICES
Environmental Health Division

TO: Honorable Board of Supervisors

FROM: Richard J. Burton, M.D., M.P.H.
Placer County Health Officer and Director of Health & Human Services
Jill Pahl, R.E.H.S., Environmental Health Director

DATE: November 3, 2009

SUBJECT: Local Health Emergency Termination

ACTION REQUESTED:

Adopt the attached Resolution terminating the Proclamation of Local Health Emergency initially made by the Health Officer, Richard J. Burton, MD, MPH, on September 1, 2009 and reaffirmed by your Board on September 2, 2009.

BACKGROUND:

The California Health and Safety Code provides emergency authority to Local Health Officers when public health and safety are at risk. This emergency authority may be declared in the event of a fire or other disaster, when hazardous waste is an imminent threat to the public health and safety. The emergency authority exists while the Board of Supervisors is not in session and must be reaffirmed by the Board within seven days. Once initially reaffirmed by the Board, the Local Health Emergency Proclamation must be reaffirmed every 14 days until the public health and safety are no longer at imminent risk.

Due to the severe public health and safety risk related to the "49 Fire" that impacted North Auburn on August 30, 2009, Richard J. Burton, M.D., M.P.H., Placer County Health Officer, declared a Local Health Emergency on September 1, 2009.

On September 2, 2009, at a noticed special meeting and on September 8, September 22, October 6 and October 20 at noticed regular meetings, your Board reaffirmed by Resolution the Local Health Emergency proclamation. State law and local ordinance requires your Board to review and reaffirm the proclamation every 14 days until circumstances dictate otherwise.

All of the hazardous sites, a total of 63 residential and 3 commercial sites, have removed the health risks by clearing the structural ash. Your resolution today officially terminates the local health 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:

There is no impact to the County General Fund as a result of this action.

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

In the matter of:

Resolution No: _____

**A Resolution Terminating the Proclamation
of a Local Health Emergency by the Local
Health Officer**

Ord. No.: _____

First Reading: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest: _____
Clerk of said Board

WHEREAS, California Health and Safety Code, commencing with Section 101075 confers upon Local Health Officers of the political subdivisions of this state emergency powers necessary to protect public health and safety; and

WHEREAS, Section 101080 of the California Health and Safety Code, states that "the local health officer may declare a local health emergency in the jurisdiction or any area thereof" affected by the hazardous waste which is an imminent threat to the public health; and

WHEREAS, Health and Safety Code Section 101080 empowers the local health officer to proclaim the existence of a local health emergency when this County or any area of the County is affected or likely to be affected by such public health threat while the Board of Supervisors is not in session, which shall expire if not ratified by the Board of Supervisors within seven days and is subject to reaffirmation every fourteen days thereafter until such local health emergency is terminated; and

WHEREAS, on September 1, 2009, the Health Officer issued a proclamation of local health emergency finding:

1. That conditions of certain hazardous waste in the northern Auburn area of the County in the form of debris resulting from a fire occurring on August 30, 2009, and which involved destruction of a number of structures, poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

2. That the aforesaid on-going conditions and threat to public health necessitates the reaffirmation of the proclamation for the existence of a local health emergency.

WHEREAS, The Board of Supervisors of the County of Placer, on September 2, 2009, at a noticed special meeting of Board of Supervisors of the County of Placer adopted a Resolution initially ratifying the Health Officer's proclamation; and

WHEREAS, The Board of Supervisors of the County of Placer, on September 8, 2009, September 22, 2009, October 6, 2009 and October 20, 2009, at noticed regular meetings of Board of Supervisors of the County of Placer adopted a Resolution reaffirming the Health Officer's proclamation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Placer hereby finds that a local health emergency no longer exists and therefore terminates the proclamation of local health emergency;

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.

26

**PROCLAMATION OF A LOCAL HEALTH EMERGENCY
BY THE COUNTY HEALTH OFFICER**

WHEREAS, the California Health and Safety Code, Division 101, Part 3, Chapter 2, commencing with §101075 confers upon Local Health Officers of the political subdivisions of this state emergency powers necessary to protect public health and safety;

WHEREAS, §101080 of the California Health and Safety Code, states that "the local health officer may declare a local health emergency in the jurisdiction or any area thereof" affected by hazardous waste which is an imminent threat to the public health;

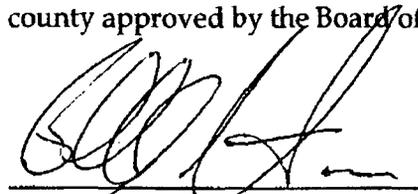
WHEREAS, Health and Safety Code Section 101080 empowers the local health officer to proclaim the existence of a local health emergency when this county or any area of the county is affected or likely to be affected by such a public health threat while the Board of Supervisors is not in session, which shall expire if not ratified by the Board of Supervisors within seven days and is subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and,

WHEREAS, the Health Officer of the county of Placer does hereby find:

1. That conditions of certain hazardous waste in the northern Auburn area of the County in the form of debris resulting from a fire occurring on August 30, 2009, and which involved destruction of a number of structures, poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and
2. That the Board of Supervisors of the County of Placer is not in session and cannot immediately be called into session; and
3. That the aforesaid threat to public health necessitates the proclamation of the existence of a local health emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local health emergency is now threatened to exist in northern Auburn in this county due to hazardous waste in the form of debris from a recent fire; and,

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Health Officer shall be those prescribed by state law, including the provisions of Section 101085 of the Health and Safety Code, and by ordinances and resolutions of this county approved by the Board of Supervisors.



RICHARD BURTON, M.D.
Placer County Health Officer

9-1-09
Date