



# RESOLUTION No. 22-375

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION RATIFYING LOCAL HEALTH EMERGENCY PROCLAMATION BY THE NEVADA COUNTY PUBLIC HEALTH OFFICER DUE TO THE IMMEDIATE PUBLIC HEALTH THREAT CAUSED BY HAZARDOUS WASTE AND DEBRIS FROM THE RICES FIRE

WHEREAS, California Health and Safety Code sections 101075, et seq., authorizes the proclamation of a local health emergency by the Public Health Officer for any area of the County affected by hazardous waste which poses an immediate threat to public health; and

WHEREAS, on June 28, 2022, in the afternoon hours, a wildfire commenced near the Rices Crossing Road and Cranston Road, south of Dobbins in Nevada County referred to as the "Rices Fire;" and

WHEREAS, the Rices Fire has caused mandatory and voluntary evacuations and the destruction of several homes and structures and has consumed over 900 acres, necessitating a unified command response by Cal FIRE and the Nevada County Consolidated Fire Protection District; and

WHEREAS, the Rices Fire has caused the accumulation of ash debris, much of which is contaminated with heavy metals, asbestos, and/or other hazardous waste which creates an immediate risk of exposure and threat to public health and safety by County residents and local agency employees; and

WHEREAS, based on this risk, on July 7, 2022, the Nevada County Public Health Officer proclaimed the existence of a Local Public Health Emergency within the areas burned by the Rices Fire due to hazardous waste in the form of debris and debris ash from fire and the potential contamination of residential food and water supplies, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Health and Safety Code section 101080 provides that a local health emergency declared by a local health officer must be ratified by the board of supervisors within seven (7) calendar days of the date said local health emergency was declared; and  
WHEREAS, on March 20, 2020, the Governor of California Proclaimed a State of Emergency due to the outbreak of COVID-19, which suspends during the statewide emergency the thirty (30) day time period under Health and Safety Code section 101080 within which a local governing authority must renew a local health emergency; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Nevada, State of California hereby finds and directs that:

1. The above recitals are true and correct.
2. The July 7, 2022, Local Health Emergency Proclamation by the Nevada County Public Health Officer due to hazardous waste and debris from the Rices Fire and any actions taken pursuant to said Proclamation are hereby ratified and confirmed by the Board of Supervisors of the County of Nevada. The Board of Supervisors also affirms the findings and determinations made by the Public Health Officer in connection with said Proclamation.

3. The Board of Supervisors shall review and reaffirm the need for continuing the Local Health Emergency Proclamation as required by law.
4. The Director of Emergency Services or his designee shall forward a copy of this resolution to any state agencies who may be requested or required to provide services with regard to this Local Health Emergency in order to protect the public health and safety.
5. The County is authorized to seek out all permissible reimbursement of eligible fire suppression and cleanup costs incurred by the County of Nevada related to the Rices Fire.
6. During the existence of said local health emergency the powers, functions, and duties of the Public Health Officer or her designee shall be those prescribed by state law (including but not limited to Health and Safety Code sections 101040 and 101075, et seq) and local ordinances and resolutions of this County approved by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of July, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Susan K. Hoek, Chair

7/12/2022 cc:

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# EXHIBIT A

## LOCAL HEALTH EMERGENCY PROCLAMATION BY THE NEVADA COUNTY PUBLIC HEALTH OFFICER DUE TO IMMEDIATE PUBLIC HEALTH THREAT CAUSED BY HAZARDOUS WASTE AND DEBRIS FROM THE RICES FIRE

**WHEREAS**, California Health & Safety Code sections 101075, et seq., authorize the proclamation of a local health emergency by the Public Health Officer for any area of the County affected by hazardous waste which poses an immediate threat to public health; and

**WHEREAS**, Health & Safety Code section 101080 provides that a local health emergency proclamation shall expire unless ratified by the Board of Supervisors within seven days; and

**WHEREAS**, on June 28, 2022, in the afternoon hours, a wildfire commenced near the Bear River Campground, which was subsequently named the "Rices Fire;" and

**WHEREAS**, the Rices Fire resulted in mass mandatory and voluntary evacuations and the destruction of multiple homes and structures and has consumed over 900 acres, necessitating a unified command response by Cal FIRE and the Nevada County Consolidated Fire Protection District; and

**WHEREAS**, the Public Health Officer for the County of Nevada hereby finds and determines that:

1. The Rices Fire in Nevada County, commencing on June 28, 2022, caused significant structural damage to, or the complete destruction of, several private structures, resulting in the accumulation of ash debris, much of which is subject to contamination with heavy metals, asbestos, and/or other hazardous waste.
2. The release or escape of the above-mentioned conditions of hazardous waste poses a substantial immediate threat and hazard to public health and safety unless immediately addressed and managed.

3. There is an imminent and proximate threat of contagious, infectious or communicable disease, chemical agent and/or non-communicable biologic agent, and/or other toxins, due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to electricity disruption, and also due to potential contamination or destruction of residential and commercial water supply in the burned areas.
4. The Nevada County Board of Supervisors is not in session and cannot immediately be called into session.
5. This Declaration will enable the County of Nevada to more effectively respond to the immediate public health threat caused by the Rices Fire., seek and utilize mutual aid, and pursue any available financial reimbursement sources for the costs incurred in responding to this local health emergency.
6. The aforesaid threat to public health necessitates the proclamation of the existence of a local health emergency in accordance with California Health & Safety Code section 101075, et seq.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** by the Public Health Officer for the County of Nevada that as of July 7, 2022, a local health emergency is now threatened to exist in areas burned and impacted by the Rices Fire due to hazardous waste in the form of debris, debris ash, and the presence of other hazardous materials, and due to the potential contamination of residential food and water supplies.

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of said local emergency the powers, functions, and duties of the Nevada County Public Health Officer shall be those prescribed by state law, including but not limited to the provisions of Sections 101040 and 101085 of the California Health and Safety Code, and by ordinances and resolutions of Nevada County, and that this emergency proclamation shall

expire 7 days after its issuance unless confirmed and ratified by the Nevada County Board of Supervisors within that period of time.

**Dated:** 07/07/22

**By:**



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Sherilynn Cooke, MD  
Public Health Officer County of  
Nevada