



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING A 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 JONES FIRE

WHEREAS, California Health and 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, on August 17, 2020, in the early morning hours, a wildfire commenced near Jones Bar Rd. northwest of Nevada City, which was subsequently named the “Jones Fire;” and

WHEREAS, the Jones Fire resulted in mass mandatory and voluntary evacuations and the destruction of multiple homes and structures; and

WHEREAS, on August 18, 2020, the Governor of California declared a statewide emergency to help ensure the availability of vital resources to combat fires burning across the state, which were exacerbated by the effects of the historic West Coast heat wave and sustained high winds; and

WHEREAS, on August 18, 2020, the Director of Emergency Services for the County of Nevada proclaimed a local emergency due to conditions of extreme peril resulting from the Jones Fire; and

WHEREAS, on August 18, 2020, the Federal Emergency Management Agency (FEMA) issued a Fire Management Assistance Declaration (FM-5332-CA) pertaining to the Jones Fire; and

WHEREAS on August 18, 2020, the Governor of California secured two Fire Management Assistance Grants (FMAGs) from FEMA to help ensure the availability of vital resources to suppress the LNU Lightning Complex Fire burning in Napa County and the Jones Fire in Nevada County, thereby allowing local, state, and tribal agencies responding to the fires to apply for 75-percent reimbursement of their eligible fire suppression costs; and

WHEREAS, on August 25, 2020, per Resolution 20-388, the Nevada County Board of Supervisors proclaimed a local emergency in Nevada County due to the impacts caused by the Jones Fire, and requested that the Governor declare a State of Emergency for the County of Nevada; and

WHEREAS, the Jones Fire caused damage and destruction to multiple homes and structures resulting in the accumulation of ash debris, much of which is contaminated with heavy metals, asbestos, and/or other hazardous waste which create 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 August 27, 2020, the Nevada County Public Health Officer proclaimed the existence of a Local Health Emergency within the areas burned by the Jones Fire due to hazardous waste in the form of fire debris and debris ash, 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 30-day time period under Health and Safety Code section 101080 within which a local governing authority must renew a local health emergency; and

WHEREAS, emergency conditions continue to exist and local resources continue to be unable to cope with the effects of said local health emergency, necessitating ratification and continuation of the declaration of Local Health Emergency.

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 August 27, 2020, Local Health Emergency Proclamation by the Nevada County Public Health Officer due to hazardous waste and debris from the Jones Fire and any actions taken pursuant to said resolution are hereby ratified and confirmed by the Board of Supervisors of the County of Nevada. The Board of Supervisor also affirms the findings and determinations made by the Public Health Officer in connection with said Proclamation.
3. Pursuant to California Health and Safety Code section 101080, the Board of Supervisors shall review and reaffirm the need for continuing the Local Health Emergency Proclamation according to law.
4. The Director of Emergency Services or his designee shall immediately forward a copy of this resolution to the Director of the California Office of Emergency Services, the Department of Toxic Substances Control and any other 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. County personnel are authorized to seek out all permissible reimbursement of eligible fire suppression costs incurred by the County of Nevada through Fire Management Assistance Grants (FMAGs) from FEMA and any and all other state and federal funding sources.
6. During the existence of said local health emergency the powers, functions, and duties of the Public Health Officer or his designee, and the emergency organization of the County shall be those prescribed by state law (including but not limited to Health and Safety Code sections 101040 and 101075, et seq), local ordinances and resolutions of this county approved by the Board of Supervisors, and by the Nevada County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.