



RESOLUTION No. 17-579

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION CONTINUING THE PROCLAMATION OF A LOCAL HEALTH EMERGENCY IN NEVADA COUNTY DUE TO HAZARDOUS WASTE AND DEBRIS FROM THE WIND COMPLEX – LOBO AND McCOURTNEY FIRES

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

WHEREAS, on October 9, 2017 the Wind Complex – Lobo and McCourtney Fires commenced in Nevada County; and

WHEREAS, from October 9 through 11, 2017, State, Local and Federal emergency proclamations were issued for Nevada County due to the conditions of extreme peril created by the fires; and

WHEREAS, the fires caused damage and destruction of homes and buildings resulting in ash and debris that could be contaminated with heavy metals, asbestos and household hazardous waste which pose an immediate public health and safety risk of exposure to the hazardous waste by County residents and local agency employees ; and

WHEREAS, based on this risk, on October 13, 2017, the Nevada County Public Health Officer and the Nevada County Director of Environmental Health proclaimed the existence of a local health emergency within the areas burned by the Wind Complex – Lobo and McCourtney Fires due to hazardous waste in the form of debris and debris ash from fire and due to the potential contamination of residential food and water supplies, a copy of which is attached hereto as Exhibit A; and

WHEREAS, on October 17, 2017, by Resolution 17-518, the Nevada County Board of Supervisors ratified the local health emergency proclamation of the Nevada County Public Health Officer and the Nevada County Director of Environmental Health, in accordance with Health & Safety Code section 101080; and

WHEREAS, Health & Safety Code section 101080 requires that said local health emergency be reviewed and re-affirmed at least every fourteen (14) days until the local health emergency is terminated; and

WHEREAS, the California Emergency Services Act, commencing with California Government Code section 8550 provides state assistance and resources to local jurisdictions in the event of a local emergency, and the State has provided the County with special resources for, among other things, damage assessments and hazardous debris clean up and removal; and

WHEREAS, since the ratification of the emergency proclamation, the emergency conditions continue to exist, the clean up and removal of hazardous debris is in progress but has not yet been completed, 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; and

WHEREAS, the clean-up efforts and potential public health hazards created by the fires and the conditions on which the local health emergency is based are expected to continue for at least another fourteen (14) days; and

WHEREAS, the effects of said emergencies are, or are likely to continue to be, beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County and the County desires that the State of California continue to provide State resources and assistance with the clean up and removal of hazardous debris.

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

1. The above recitals are true and correct.
2. The Board of Supervisors hereby continues the Local Health Emergency Proclamation issued by the Nevada County Public Health Officer and the Nevada County Director of Environment Health on October 13, 2017, and ratified by the Board of Supervisors on October 17, 2017, due to hazardous waste and debris from the Wind Complex – Lobo and McCourtney Fires. The Board of Supervisors further affirms and ratifies any actions taken by the Public Health Officer or the Director of Environmental Health in connection with said Proclamation.
3. Pursuant to California Health & Safety Code section 101080, the Board of Supervisors shall continue to review and reaffirm the need for continuing the Local Health Emergency Proclamation at least every 14 days hereafter as provided by state law, until terminated by the Board of Supervisors of the County of Nevada or operation of 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. During the existence of said local health emergency the powers, functions, and duties of the Public Health Officer and the Director of Environmental Health, or their designees, and the emergency organization of the County shall be those prescribed by state law (including but not limited to Health & 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 28th day of November, 2017, by the following vote of said Board:

Ayes: Supervisors Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: Heidi Hall

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER

Clerk of the Board of Supervisors

By:  Deputy


Hank Weston, Chair