



Board Agenda Item 11

DATE: November 24, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director, Department of Public Works and Planning

SUBJECT: Creek Fire Disaster Recovery Debris Removal Ordinance

RECOMMENDED ACTION(S):

Adopt Interim Urgency Ordinance pursuant to Government Code, Sections 25123(d) and 25131, relating to debris removal as a result of Creek Fire disaster (4/5 vote).

The Disaster Recovery Urgency Ordinance for Debris Removal (Urgency Ordinance) is proposed for the purposes of setting standards for the removal of dangerous debris created by the Creek Fire, allowing for summary abatement of dangerous conditions, and cost recovery for that summary abatement. This item pertains to locations in District 5.

ALTERNATIVE ACTION(S):

Your Board may determine not to adopt the proposed Urgency Ordinance in which case debris removal from the Creek Fire damage may be conducted without County oversight, and the County may not be able to receive reimbursement for clean-up costs from the State or Federal Agencies.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action.

DISCUSSION:

On September 5, 2020, the County Administrative Officer, acting as the Emergency Services Director, proclaimed a state of emergency due to the Creek Fire. On September 6, 2020, the Governor proclaimed a state of emergency to exist in the County due to the Creek Fire. On September 10, 2020, your Board declared a local emergency (Resolution No. 283) and ratified the local emergency as a result of the 2020 Creek Fire.

Numerous residents have been displaced from a loss of residential structures and hazardous conditions as result of the Creek Fire. The fire created the potential for widespread toxic exposure and threats to public health and the environment in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contains hazardous materials and the harmful health effects of hazardous materials produced by a wildfire are well documented. Standards and removal procedures are needed immediately to protect the public safety, health and environment, and to facilitate coordinated and effective mitigation of the risks to the public health and environment from the health hazards generated by the Creek Fire. An ordinance of this nature is also required by Federal Emergency Management Agency (FEMA) for the purpose of cost recovery for the debris removal.

As a result, the Department has prepared and recommends adoption of the recommended Urgency Ordinance relating to the Creek Fire disaster recovery pursuant to California Government Code, sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of your Board. The Urgency Ordinance is proposed for the purpose of setting standards for the safe removal of fire debris from the affected properties.

In summary, the Urgency Ordinance provides the following:

Property owners will be prohibited from moving fire debris other than through the program overseen by California Governor's Office of Emergency Services (CalOES), or with permits and approval from the County. If a property owner does not elect to participate in the CalOES program, or to obtain permits and approval from the County to perform the clean-up, then the ordinance provides for summary abatement by the County, with costs to be charged to the property owner(s) and recovered in an administrative or civil action.

REFERENCE MATERIAL:

BAI #34.1, September 22, 2020

BAI #1, September 10, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Urgency Ordinance

CAO ANALYST:

Sonia M. De La Rosa