



Legislation Text

File #: 21-1506, **Version:** 1

Environmental Management Department recommending the Board:

- 1) Adopt and authorize the Chair to sign Urgency Ordinance **5151**, entitled "Caldor Fire Consolidated Debris Removal Program", adding Chapter 8.10 to Title 8 of the El Dorado County Ordinance Code, to establish requirements for the Caldor Fire Consolidated Debris Removal Program;
- 2) Find that the urgency ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to statutory exemption Public Resources Code Section 21080(b)(3) (projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster); Section 21080(b)(4) (actions necessary to mitigate an emergency); and CEQA Guidelines Section 15269(a) (maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster). (4/5 vote required)

FUNDING: N/A

DISCUSSION / BACKGROUND

On August 14, 2021, conditions of extreme peril to the safety of persons and property commenced within the County of El Dorado caused by the Caldor Fire. The Caldor Fire has consumed over 218,000 acres, destroying nearly 1,000 structures including residences.

On August 17, 2021, the Governor of the State of California proclaimed a State of Emergency for El Dorado County due to the Caldor Fire.

According to El Dorado County Ordinance Code Chapter 2.21, the Sheriff is designated as the Director of the Office of Emergency Services and, as such, is authorized to proclaim a local emergency. The Sheriff as the Director of the Office of Emergency Services proclaimed a local emergency on August 17, 2021, based on conditions of extreme danger to the safety of person and property within the territorial limits of the County of El Dorado as result of the Caldor Fire.

On August 19, 2021, the Board of Supervisors ratified the local emergency proclaimed by the Sheriff as the County's Director of the Office of Emergency Services, by signing Resolution 104-2021. The Executed Resolution 104-2021, shall continue in effect until terminated by the Board of Supervisors

On August 24, 2021, the Board of Supervisors adopted Resolution 114-2021 ratifying the Public Health Officer's declaration of a local health emergency due to an imminent and proximate threat to public health from the Caldor Fire in the County.

As the Caldor Fire has destroyed private structures it has created a large amount of Fire Debris, known to contain dangerous substances such as heavy metal and asbestos. The public health threat of toxic exposure due to these materials and other hazardous substances found in fire debris which are naturally occurring from a wildfire may lead to serious health problems as well as have serious environmental impacts. The impending beginning of the rainy season lends additional urgency to the cleanup effort. In order to complete this clean up the County has requested the State's assistance in a Consolidated Debris Removal Program.

On September 10, 2021, the Board held a Special Meeting related to the Caldor Fire. Environmental Management, together with the California Governor's Office of Emergency Services (CalOES) provided the Board an update on the effort to begin debris/hazardous tree removal, including the Consolidated Debris Removal Program with CalOES, and the development of an urgency ordinance on this topic.

The Urgency Ordinance for Caldor Fire Consolidated Debris Removal Program complies with Government Code Section 25131, which allows urgency ordinances to be passed immediately upon introduction at either a regular or special meeting. Subsequently, Government Code Section 25123, states that ordinances adopted for the immediate preservation of the public peace, health, or safety shall contain a declaration of the facts constituting the urgency, must be passed by four-fifths vote of the Board of Supervisors, and are effective immediately.

Section 1, item T of the Ordinance states "It is essential that this Urgency Ordinance become effective immediately to mitigate the harm that could be caused to the public health and safety and to the environment from the improper disturbance, removal, and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Caldor Fire."

The Urgency Ordinance will add Chapter 8.10, titled "Caldor Fire Consolidated Debris Removal Program" to Title 8 of the El Dorado County Ordinance Code. This Chapter includes descriptions of the hazards and potential hazards and outlines the necessary steps which must be taken to remove said hazards and preserve the safety of the community and the environment.

Phase II of this program requires Board approval by way of this Urgency Ordinance. It is imperative this work begin immediately to avoid further toxic exposure to both the people of El Dorado County and the environment as a whole. A description including details of the phases is included within the Ordinance.

ALTERNATIVES

The Board could choose to not approve the Caldor Fire Consolidated Debris Removal Program Ordinance, which would prohibit homeowner participation in the State Program for Phase II and default to an alternate program to be overseen by Environmental Management. Environmental Management would not have proper staffing to manage a program of this magnitude and in turn would cause significant delays in mitigating public health and safety concerns.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Additional resources, including additional staffing, will be necessary to implement this Ordinance and to respond to the Caldor Fire disaster without significantly impacting the Department's existing

operations. The exact amount of resources needed is unknown at this time, as the situation is still developing. Staff will return to the Board once the magnitude of the disaster is known and an accurate estimate can be provided. No new or additional funding is required to adopt this urgency ordinance.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board will obtain the Chair's signature on two (2) originals of the Agreement; and
- 2) Clerk of the Board will forward one (1) fully-executed original Agreement to the Environmental Management Department.

STRATEGIC PLAN COMPONENT

Good Governance, Healthy Communities, and Public Safety - The Urgency Ordinance for Caldor Fire Consolidated Debris Removal Program supports the County's Strategic Plan goal of Good Governance by establishing standards and procedures for the State Program to help expedite the removal of all Fire Debris and Hazard Trees.

CONTACT

Jeffrey Warren, Director
Environmental Management Department