



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution No.: 21-109

Continue the Local Health Emergency for the Monterey County Fires Incident.

PASSED AND ADOPTED on this 20th day of April 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)


I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting April 20, 2021.

Dated: April 28, 2021

File ID: RES 21-064

Agenda Item No.: 43

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No.: 21-109

Continuing the Local Health)
Emergency due to the Monterey)
County Fires Incidents.....)

RECITALS:

WHEREAS, Section 101080 of the California Health and Safety Code empowers the County Health Officer to declare a Local Health Emergency if he or she reasonably determines that conditions of exposure to hazardous waste exist that pose an immediate threat to the public health, and requires the Local Health Emergency to expire after seven days unless ratified by the Board of Supervisors, and requires the Board of Supervisors to review the need for continuing the Local Health Emergency at least once every 30 days and proclaim the termination of the Local Health Emergency at the earliest possible date that conditions warrant the termination; and,

WHEREAS, the wildfire event known as the River Fire began on August 16, 2020, and destroyed structures and threatened numerous residences and hundreds of acres of valuable wildland and watershed resulting in evacuation and displacement of residents, road closures, areas of isolation, damage to property and utility systems, damage to critical infrastructure and endangerment of species; and,

WHEREAS, on August 17, 2020, the County Administrative Officer (CAO) proclaimed the existence of a local emergency because of the River Fire; and,

WHEREAS, the Board of Supervisors ratified the CAO proclamation on August 18, 2020, and further proclaimed a local emergency because of the wildfire known as the Carmel Fire that began on August 18, 2020 and that wildfire also destroyed structures and threatened numerous residences and hundreds of acres of valuable wildland and watershed resulting in evacuation and displacement of residents, road closures, areas of isolation, damage to property and utility systems, damage to critical infrastructure and endangerment of species; and,

WHEREAS, the wildfire known as the Dolan Fire began on August 19, 2020; and,

WHEREAS, on August 21, 2020, the CAO proclaimed the existence of a local emergency due to the Dolan Fire, and, as of that date, the fire had grown to almost 7,000 acres, destroyed structures and threatened numerous residences and hundreds of acres of valuable wildland and watershed resulting in evacuation and displacement of residents, road closures, areas of isolation, damage to property and utility systems, damage to critical infrastructure and endangerment of species; and,

WHEREAS, on August 25, 2020, the Board of Supervisors ratified the CAO proclamation of a local emergency regarding the Dolan Fire; and,

WHEREAS, as of October 26, 2020, the River Fire burned over 48,000 acres, destroyed and damaged 43 homes, and is 100% contained, the Carmel Fire burned almost 6,700 acres, destroyed and damaged 80 homes, and is 100% contained, and the Dolan Fire burned over 124,924 acres, and is 100% contained; and,

WHEREAS in destroying private buildings, the River, Carmel and Dolan Fires (collectively, the “Monterey County Fires”) have created an accumulation of ash debris, much of which has been determined to be contaminated with heavy metals and asbestos; and,

WHEREAS the circumstances of the accumulation of this contaminated debris as a result of the Monterey County Fires, by reason of the magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single local government and will require the combined forces of a mutual aid region or regions to abate; and,

WHEREAS, Dr. Edward Moreno is the Health Officer of the County of Monterey, and,

WHEREAS, under the provisions of section 101080 of the California Health and Safety Code, Dr. Moreno found that conditions that increase risk of exposure to hazardous waste and threaten the health and safety of the public exist in the areas burned by the Monterey County Fires; and,

WHEREAS, under the provisions of section 101085 of the California Health and Safety Code, Monterey County needs other political subdivisions and State agencies to provide mutual aid, including personnel, equipment and other available resources; and,

WHEREAS, on September 3, 2020, Dr. Moreno, in accordance with the authority vested in him by section 101080 of the California Health and Safety Code, declared a Local Health Emergency for the affected areas of the County of Monterey due to the Monterey County Fires; and,

WHEREAS, in accordance with the powers and duties of the local health officer vested by sections 101085 and 101310 of the California Health and Safety Code, Dr. Moreno has ordered that all assisting state agencies, in particular the State Department of Toxic Substances Control, Office of Emergency Services, the California Department of Resources Recycling and Recovery, and all appropriate County agencies, in particular the Environmental Health Bureau of the Monterey County Health Department, utilize and employ personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Incident Commanders for the Monterey County Fire incidents; and,

WHEREAS, Dr. Moreno has further ordered that all persons are to heed the directions of emergency officials with regard to this emergency in order to protect their health and safety. This may include temporary or extended evacuations of identified dwelling units during hazardous waste demolition and removal efforts, further and/or expanded access restrictions on property owners and the public into areas identified to be contaminated, and the removal of contaminants and debris of those parcels of which an agreement as to the remediation efforts has not been determined or identified by the respective property owners; and

WHEREAS, the earliest meeting at which ratification of the Local Health Emergency could be scheduled for consideration by the Board of Supervisors was its regular meeting on September 15, 2020, which was beyond the seven-day requirement for ratification by the Board of Supervisors; and,

WHEREAS, accordingly, Dr. Moreno declared a second Local Health Emergency on September 10, 2020, with the same terms and provisions as his Local Health Emergency of September 3, 2020;

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for ratification on September 15, 2020 and at that meeting, the Board of Supervisors ratified the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on October 13, 2020 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on November 5, 2020 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on December 1, 2020 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, the next meeting at which continuance of the Local Health Emergency could be scheduled for consideration by the Board of Supervisors was its regular meeting on January 5, 2021, which was beyond the thirty-day requirement for continuance by the Board of Supervisors; and

WHEREAS, accordingly, Dr. Moreno declared a third Local Health Emergency on December 30, 2020, with the same terms and provisions as his Local Health Emergency of September 10, 2020; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for ratification on January 5, 2021 and at that meeting, the Board of Supervisors ratified the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on February 02, 2021 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on March 02, 2021 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, the Local Health Emergency was brought to the Board of Supervisors for review on March 23, 2021 and at that meeting the Board of Supervisors continued the Local Health Emergency issued by the Health Officer; and

WHEREAS, most but not all properties have completed Phase 1 removal of household hazardous waste by the California Environmental Protection Agency; and

WHEREAS, emergency conditions continue to exist, necessitating review and continuation of the Local Health Emergency;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

1. The above recitals are true and correct.
2. Conditions that threaten public health and safety as defined in sections 101075 and 101080 of the California Health and Safety Code continue to exist.
3. The Board of Supervisors continues the Local Health Emergency and orders issued pursuant thereto.
4. Pursuant to section 101080 of the California Health and Safety Code, the Board of Supervisors shall review the need for continuing the Local Health Emergency at least every 30 days and shall proclaim the termination of the Local Health Emergency at the earliest possible date that conditions warrant the termination.

PASSED AND ADOPTED on this 20th day of April 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)


I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting April 20, 2021.

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Julian Lorenzana, Deputy