

RESOLUTION NO. RES-2017-201

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RATIFYING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY THE CITY MANAGER IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES

WHEREAS, beginning in the early hours of October 9 and continuing to the present, the City of Santa Rosa has suffered devastating wildfires and significant loss of life and property; and

WHEREAS, Section 2-24.04 of the Santa Rosa City Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, Section 2-24.050 of the Santa Rosa City Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City Council is not in session; and

WHEREAS, on October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Santa Rosa; and

WHEREAS, Section 2-24.050 states that the City Council shall take action to ratify the proclamation of the Director of Emergency Services within seven days thereafter or the proclamation shall have no further force or effect.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby ratifies the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services, dated October 9, 2017.

BE IT FURTHER RESOLVED by the Council that the local emergency shall be in effect until such time that the Council determines that the emergency conditions have been abated.

IN COUNCIL DULY PASSED this 13th day of October, 2017.

AYES: (6) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Schwedhelm

NOES: (0)

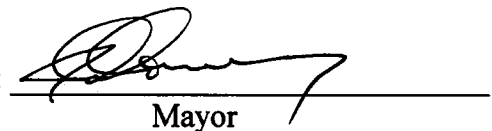
ABSENT: (1) Council Member Sawyer

ABSTAIN: (0)

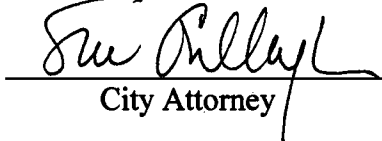
ATTEST:


City Clerk

APPROVED:


Mayor

APPROVED AS TO FORM:


City Attorney

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES**

In the matter of Proclaiming the Existence of a Local Emergency

WHEREAS, Chapter 2-24.020 of the Code of the City of Santa Rosa defines "emergency" to mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war; and

WHEREAS, Chapter 2-24.040(A) of the Code of the City of Santa Rosa designates the City Manager to be the Director of Emergency Services; and

WHEREAS, Chapter 2-24.050(A)(1) of the Code of the City of Santa Rosa authorizes the Director of Emergency Services to declare a local state of emergency if the City Council is not in session;

WHEREAS, the Director of Emergency Services does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within the City of Santa Rosa caused by significant fires; and

That the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of the Existence of Local Emergency; and

NOW, THEREFORE, IT IS PROCLAIMED that a local emergency now exists in and about the City of Santa Rosa; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions and approved plans to the City of Santa Rosa in order to mitigate the effects of said local emergency; and

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Santa Rosa, State of California.

SIGNED AND SUBSCRIBED at 3:17 a.m. this 9th of October, 2017.


Sean McGlynn
Director of Emergency Services

LOCAL PROCLAMATION OF CIVIL EMERGENCY ORDER NUMBER 1 (CURFEW)
(by Director of Emergency Services)

WHEREAS, on October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to Ordinance No. 2-24.050 of the City of Santa Rosa; and

WHEREAS, the acting Chief of Police and the Chief of the Fire Department, and other public safety officials, determined that the safety of the public, and public and private property, required the issuance of a Mandatory Evacuation Order in the Mandatory Evacuation Area depicted on Attachment "A" to this Local Proclamation: Map of Mandatory Evacuation Area dated October 9, 2017 or as said Mandatory Evacuation Area is or has been updated from time-to-time, and published at <https://srcity.org/610/Emergency-Information>; and

WHEREAS, it is imminently necessary to use extraordinary measures to protect the public peace, safety and welfare in the Mandatory Evacuation Area; and

WHEREAS, the proclamation of a "local emergency" as provided by Ordinance No. 2-24.050 empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency pursuant to Ordinance No. 2-24.050(A)(6)(a).


Now, therefore:

1. A curfew is hereby imposed in the Mandatory Evacuation Area depicted on Attachment "A" to this Local Proclamation: Map of Mandatory Evacuation Area dated October 9, 2017 at 10:46:57 a.m. or as said Mandatory Evacuation Area is or has been updated from time-to-time, and published at <https://srcity.org/610/Emergency-Information>.
2. No persons shall be upon the public streets, avenues, alleys, parks, ways or any other public place or upon unimproved private real property in the Mandatory Evacuation Area between the hours of 6:45 p.m. and 7:15 a.m.
3. The law enforcement forces of this City along with other law enforcement authorities cooperating with the City are hereby authorized and charged to the extent provided by law with the responsibility of enforcing this curfew, and are further authorized to arrest such persons as do not obey this curfew after due notice, oral or written, has been given to said person.
4. A violation the curfew shall be punishable as a misdemeanor pursuant to Ordinance No. 2-24.090.

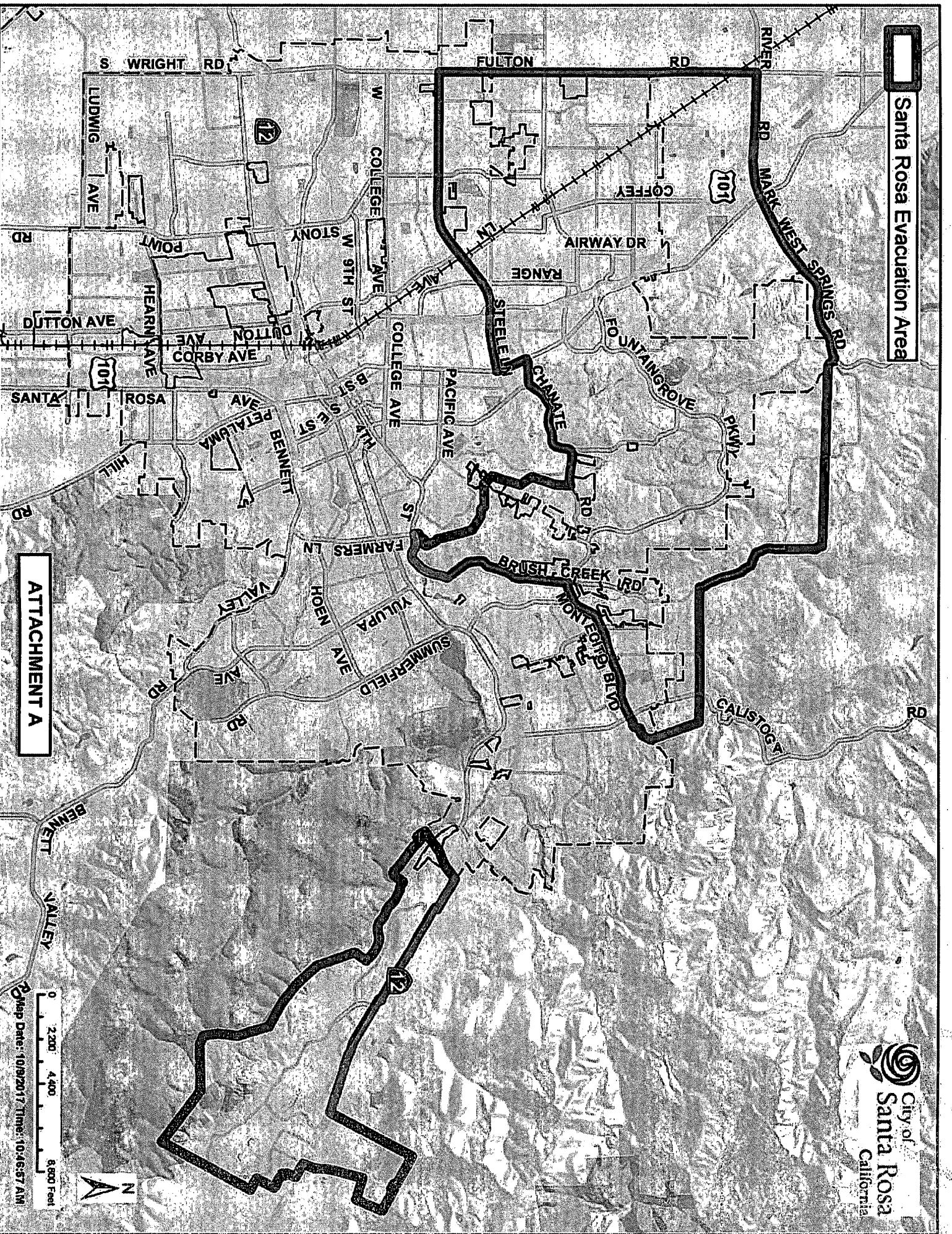
5. Law enforcement personnel, firefighting personnel, emergency health care providers and representatives of the media are exempt from this Civil Emergency Order No. 1.

SIGNED AND SUBSCRIBED at 4:33 p.m. this 9th day of October, 2017.

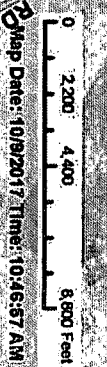
Dated: 10/9/17

By: 
Sean McGlynn
Director of Emergency Services
City of Santa Rosa

Santa Rosa Evacuation Area



ATTACHMENT A



Map Date: 10/9/2017 Time: 10:46:57 AM

**LOCAL PROCLAMATION OF CIVIL EMERGENCY ORDER NUMBER 2
(DESIGNATION OF ORDER OF SUCCESSION)**

WHEREAS, on October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to City Code Section 2-24.050 of the City of Santa Rosa; and

WHEREAS, on October 13, 2017, the City Council duly passed Resolution No. RES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services until such time as the Council determines that the emergency conditions have been abated; and

WHEREAS, during the existence of the local emergency from time to time, the Director of Emergency Services will not be available to attend meetings or otherwise perform his duties; and

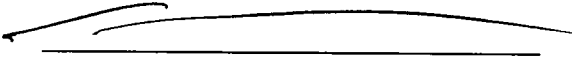
WHEREAS, pursuant to City Code Section 2-24-050(B), the Director of Emergency Services shall designate the order of succession to the office to take effect in the event the Director is not available to attend meetings or otherwise perform his duties;

NOW, THEREFORE, for the duration of the Proclamation of the Existence of a Local Emergency, the order of succession to the office of the Director of Emergency Services pursuant to City Code Section 2-24.050(B) shall be as follows:

1. Gloria Hurtado, Deputy City Manager
2. Reva Feldman, City Manager, City of Malibu

Said order of succession shall remain in force and effect continuously until termination of the Proclamation of the Existence of a Local Emergency unless earlier revoked in writing by the Director of Emergency Services.

SIGNED AND SUBSCRIBED at 1:30 p.m. this 15th day of October, 2017.


Sean McGlynn
Director of Emergency Services
City of Santa Rosa



**LOCAL PROCLAMATION OF CIVIL EMERGENCY ORDER NUMBER THREE
(PRIVATE DEBRIS REMOVAL)**

City of Santa Rosa Director of Emergency Services

WHEREAS, on October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to City Code Section 2-24.050 of the City of Santa Rosa; and

WHEREAS, on October 13, 2017, the City Council duly passed Resolution No. RES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services until such time as the Council determines that the emergency conditions have been abated; and

WHEREAS, in many areas of the City of Santa Rosa, the fire, now known as the Sonoma Complex Fire, caused residential and commercial properties to be damaged or destroyed by the fire, and/or actions undertaken to protect life and property from the fire, and such damage or destruction caused contaminated debris from household hazardous waste, hazardous materials, and structural debris and ash to be deposited on and in the soil of the properties; and

WHEREAS, on October 23, 2017, the Sonoma County Health Officer Karen Milman, MD, MPH issued an emergency order entitled "Emergency Order of the Sonoma County Health Officer Prohibiting the Endangerment of the Community Through the Unsafe Removal, Transport, and Disposal of Fire Debris", finding, in part, that:

- a. The Sonoma Complex Fire has created hazardous waste conditions in Sonoma County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures;
- b. This hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety.

WHEREAS, areas that have been closed to reentry by residents and the public for safety reasons have been opened or will be opened in the near future; and

WHEREAS, exposure to hazardous substances may lead to acute and chronic health effects and may potentially cause long term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community; and

WHEREAS, standards and removal procedures are needed to protect the environment and public health, and to facilitate coordinated and effective mitigation of the risks posed by fire debris and ash and the hazardous substances contained therein; and

WHEREAS, the United States Environmental Protection Agency is conducting a Household Hazardous Waste assessment and removal on every affected property; and

WHEREAS, State and Federal agencies are offering a Consolidated Debris Removal Program (“Consolidated Program”), a clean-up and debris removal service paid for with public funds and the property owner’s insurance related to debris removal, if any; and

WHEREAS, the Consolidated Program is available to all residential property owners in the City whose properties have residential structure(s) destroyed in the Sonoma Complex Fire, as well as some commercial property owners in the City with destroyed commercial structure(s); and

WHEREAS, participation in the Consolidated Program is optional; and

WHEREAS, property owners in the City with destroyed structure(s) from the wildfire who choose not to participate in the Consolidated Program, or whose properties are ineligible for the Consolidated Program, are required, on their own, to cause their property to be cleaned up and all contaminated debris from household hazardous waste/materials, and structural debris and ash to be removed; and

WHEREAS, it is essential that all property owners ensure that all debris removal, transport and disposal is undertaken in a manner that protects the public health and safety and is consistent with all legal requirements; and

WHEREAS, the Proclamation of a "local emergency," as provided by City Code Section 2-24.050, empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such "local emergency" pursuant to City Code section 2-24.050(A)(6)(a),

NOW THEREFORE:

1. This Emergency Order Number Three (Private Debris Removal) is issued by the Director of Emergency Services pursuant to City Code Section 2-24.050(A)(6)(a) and shall take effect immediately, and shall remain in effect until completion of the clean-up of fire debris from all properties within the City of Santa Rosa directly affected by the Sonoma Complex Fire.
2. No fire debris, including but not limited to household hazardous waste/materials, and structural debris and ash, shall be removed from the affected properties before the United States Environmental Protection Agency completes its assessment and removal of Household Hazardous Waste from the property.
3. For those property owners who choose not to participate in the Consolidated Debris Removal Program or are ineligible for that Program, the City of Santa Rosa Planning & Economic Development Department (“PED”) shall establish and administer the Santa Rosa Fire Clean-up Program, as described in the attached application materials (“Private Clean-up Program”).
4. Property owners who choose not to participate in the Consolidated Debris Removal Program or are ineligible for that Program, shall, prior to any clean-up or removal of fire debris and in accordance with the Private Clean-up Program, submit to PED a Santa Rosa Fire Clean-up Application, accompanied by a Work Plan and Application for a Demolition Permit.

5. No private action to remove fire debris, including but not limited to household hazardous waste/materials, and structural debris and ash, shall be undertaken except in full compliance with the terms and conditions of a Work Plan and Demolition Permit approved by the Chief Building Official of the City of Santa Rosa or his designee in accordance with the Private Clean-up Program.
6. Upon completion of all work described in the approved Work Plan and Demolition Permit, the property owner shall submit to PED, for its approval, a Property Clean-up Completion Certification in accordance with the Private Clean-up Program.
7. No building permit to repair or replace a fire damaged or destroyed improvement in the City of Santa Rosa shall be issued until the clean-up and removal of all fire debris is completed and verified either by California Office of Emergency Services for those properties cleaned through the Consolidated Debris Removal Program, or by the City's Chief Building Official or his designee for those properties cleaned through the Private Clean-up Program.

SIGNED AND SUBSCRIBED at 11:10 a.m. this 31 day of October 2017.

SO ORDERED:


SEAN P. MCGLYNN
Director of Emergency Services
City of Santa Rosa

**LOCAL PROCLAMATION OF CIVIL EMERGENCY ORDER NUMBER 4
(ABATEMENT OF PUBLIC NUISANCE) (by Director of Emergency Services)**

WHEREAS, on October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to City Code section 2-24.050 of the City of Santa Rosa; and

WHEREAS, on October 13, 2017, the City Council duly passed Resolution No. ES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services until such time as the Council determines that the emergency conditions have been abated; and

WHEREAS, in many areas of the City of Santa Rosa, residential and commercial properties have been damaged or destroyed by the fire, and such damage or destruction, and/or actions undertaken to protect life and property from the fire, have caused sewer service laterals, cleanouts, backwater valves and backflow overflow devices on users' property to break, leak or become obstructed; and

WHEREAS, the introduction or the causing of the introduction of "unpolluted wastewater including but not limited to storm water, surface water, ground water, roof runoff, subsurface drainage, pool water, spa water, pond water, condensation, deionized water, non-contact cooling water or other" specified pollutants, substances or wastewater into the Public Owned Treatment Works is prohibited pursuant to City Code section 15-08.070(B), generally, and City Code section 15-08.070(B)(18), specifically, of the City of Santa Rosa; and

WHEREAS, the "user" of the sewer service laterals, cleanouts, backwater valves and backflow overflow devices shall be responsible for maintaining a clear, unobstructed sewer service lateral, free of all breaks, leaks and obstructions from, upon, within, and under the user's premises and to the City sewer pursuant to City Code section 15-08.035(B)(2) of the City of Santa Rosa; and

WHEREAS, the maintenance of sewer service laterals, cleanouts, backwater valves and backflow overflow devices from, upon, within, and under users' property in a broken, leaking or obstructed condition is a public nuisance pursuant to City Code section 15-06.090 of the City of Santa Rosa and if left unaddressed may cause significant impacts the City Public Owned Treatment Works, including but not limited to inflow of toxics to the Public Owned Treatment Works and clogs in the system that could cause overflows and other malfunctions; and

WHEREAS, City may immediately suspend a user's prohibited discharge that threatens to interfere with the operation of the Public Owned Treatment Works, or which presents, or may present, an endangerment to the environment pursuant to City Code section 15-06.140 of the City of Santa Rosa; and

WHEREAS, given the number of damaged and destroyed properties, as well as the fact that the users of properties damaged or destroyed by fire are, because of the fire, absent from their property, there is a high likelihood that the City cannot locate or contact the users in sufficient time to permit the users to timely abate the public nuisance; and

WHEREAS, the imminent winter wet season will exacerbate and compound the adverse effects of the public nuisance; and

WHEREAS, it is imminently necessary to use extraordinary measures to protect the public health and welfare in the City of Santa Rosa; and

WHEREAS, the properties damaged or destroyed by the Tubbs fire are very likely to have sewer service laterals, cleanouts, backwater valves and backflow over flow devices from, upon, within, or under users' property in a broken, leaking or obstructed condition that are a public nuisance pursuant to City Code section 15-06.090; and

WHEREAS, the Proclamation of a "local emergency" as provided by City Code section 2-24.050, and the ratification of the Proclamation by the City Council, empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such "local emergency" pursuant to City Code section 2-24.050(A)(6)(A),

NOW THEREFORE:

The Director of Utilities, his staff and his delegates are hereby authorized and charged to enter upon, evaluate and as determined necessary, immediately suspend the user's discharge into the City's Public Owned Treatment Works on the damaged or destroyed properties within the City located in the Tubbs fire area, by any reasonable means including the plugging of the lateral to prevent discharge to the Public Owned Treatment Works.

SIGNED AND SUBSCRIBED at 12:50 pm this 9th day of November 2017.

Seam McGlynn,
Santa Rosa Director of Emergency Services