

RESOLUTION NO. RES-2018-007

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RATIFYING CITY OF SANTA ROSA DIRECTOR OF EMERGENCY SERVICES LOCAL PROCLAMATION OF CIVIL EMERGENCY ORDER NUMBER FIVE (SUSPENSION OF CONSTRUCTION AND DEMOLITION DEBRIS HAULING FRANCHISE REQUIREMENT AND FRANCHISE FEES RELATED TO FIRE DEBRIS HAULING)

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, Section 9-14.020(A) of the Santa Rosa City Code requires persons or entities who collect demolition debris in the City to enter into a non-exclusive franchise agreement with the City to provide such service; and

WHEREAS, the current demolition debris franchised haulers in the City do not have the resources to expeditiously remove and haul fire debris in the City; and

WHEREAS, the City would like to suspend the franchise requirements in Section 9-14.020(A) to increase the number of fire debris haulers and expedite fire debris removal; and

WHEREAS, Section 7 of the Construction and Demolition Debris Box Collection Franchise Agreement between the City of Santa Rosa and various franchised haulers (collectively, “Franchise Agreements”) requires that the franchisees pay to the City a 9% franchise fee; and

WHEREAS, the City would like to temporarily waive the franchise fees payable under the Franchise Agreements with respect to the hauling of Sonoma Complex Fire debris only to resolve the inequity between fire debris haulers who do not hold a City franchise and those who hold a City franchise and pay a franchise fee to the City under a franchise agreement; 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, BE IT RESOLVED that the Council of the City of Santa Rosa ratifies Civil Emergency Order Number Five (Suspension of Construction and Demolition Hauling Franchise Requirement and Franchise Fees Related to Fire Debris Removal) issued by the Director of Emergency Services pursuant to City Code Section 2-24.050(A)(6)(a) and attached to the Resolution as Exhibit A.

BE IT FURTHER RESOLVED by the Council that Exhibit A is made part of this Resolution.

IN COUNCIL DULY PASSED this 9th day of January, 2018.

AYES: (5) Mayor Coursey, Vice Mayor Rogers, Council Members Olivares, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Council Members Combs, Tibbetts

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A - Local Proclamation of Civil Emergency Order Number Five