RESOLUTION - ACTION REQUESTED 2017-507

MEETING: July 25, 2017

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Ratify Local Health Emergency Declaration

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Ratifying the Local Health Emergency Declaration by the County Health Officer.

On July 16, 2017, the Detwiler Fire began in the Hunter’s Point area of Mariposa County and grew into a major wildfire. Over the course of the next few days the fire continued to grow closing highways, damaging infrastructure, destroying structures, and threatening whole communities including the town of Mariposa. It is also depositing massive amounts of particulates in the atmosphere, and is leaving a wide swath of destroyed materials in its wake.

Under certain conditions, the County Health Officer is empowered to declare a local health emergency under California Health and Safety Code Section 101080 (that code is attached to this item) and did so on July 21, 2017. However, as with other local emergencies, this declaration may not remain in effect for more than seven days unless it is ratified by the governing board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Your Board has ratified similar proclamations and declarations in the past during other emergencies.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If your Board does not ratify the Health Officer’s Declaration, the local health emergency will terminate on July 29, 2017.

FINANCIAL IMPACT:

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ATTACHMENTS:
Local Health Emergency Declaration (PDF)
Resolution Ratifying Local Health Emergency Declaration (DOC)
Health and Safety Code Section 101080 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Rene LaRoche
Rene LaRoche, Clerk of the Board 7/21/2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
DECLARATION OF A LOCAL HEALTH EMERGENCY
BY THE COUNTY HEALTH OFFICER

WHEREAS, the California Health and Safety Code, Division 101, Part 3, Chapter 2, commencing with §101075 confers upon the local health officer of the political subdivisions of this state emergency powers necessary to protect public health and safety;

WHEREAS, §101080 of the California Health and Safety Code, states that "the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by hazardous waste which is an imminent threat to the public health;

WHEREAS, Health and Safety Code Section 101080 empowers the local health officer to proclaim the existence of a local health emergency when this county or any area of the county is affected or likely to be affected by such a public health threat while the Board of Supervisors is not in session, which shall expire if not ratified by the Board of Supervisors within seven days and is subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and,

WHEREAS, the Public Health Officer of the County of Mariposa does hereby declare:

1. That conditions of certain hazardous waste in Mariposa County in the form of debris resulting from a fire beginning on July 16, 2017, and which involved destruction of a number of structures, poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

2. That there is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agent due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity, and also due to potential contamination or destruction of residential and commercial water supply in the burned areas.

3. That the Board of Supervisors of the County of Mariposa is not in session and cannot immediately be called into session; and

4. That the aforesaid threat to public health necessitates the declaration of the existence of a local health emergency.

NOW, THEREFORE, IT IS HEREBY DECLARED that a local health emergency is now threatened to exist in the burned area in this County due to hazardous waste in the form of debris from a recent fire and due to contamination of residential food and water supply; and
IT IS FURTHER DECLARED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Mariposa County Public Health Officer shall be those prescribed by state law, including the provisions of Sections 101040 and 101085 of the Health and Safety Code, and by ordinances and resolutions of this county approved by the Board of Supervisors.

[Signature]

Eric Sergienko, MD
Mariposa County Health Officer

[Signature]

Date
RESOLUTION NO. 17-507

RESOLUTION RATIFYING THE DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Section 101080 of the Health and Safety Code authorizes the declaration of a local health emergency by the County Health Officer, provided that the local health emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Board of Supervisors; and

WHEREAS, the Board of Supervisors does hereby find that conditions of extreme peril to the health and safety of persons have arisen within Mariposa County caused by the Detwiler Fire, which began on July 16, 2017, and which continues to burn; and

WHEREAS, the Governor proclaimed a state of emergency on July 18, 2017; and

WHEREAS, the County Health Officer declared the existence of a local health emergency on July 21, 2017; and

WHEREAS, it is expected that this local health emergency will continue for an unforeseeable amount of time.

NOW, THEREFORE, BE IT HEREBY RESOLVED that a local health emergency now exists throughout Mariposa County and the prior Declaration of Health Emergency issued by the County Health Officer is hereby ratified; and

IT IS FURTHER RESOLVED AND ORDERED that during the existence of the local health emergency the powers, functions, and duties of the Director of Emergency Services and the emergency services organization of the County shall be those prescribed by state law, by ordinances, and by resolutions of Mariposa County approved by the Board of Supervisors; and

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the Governor of the State of California; and

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the Director of the California Department of Public Health; and

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 25th day of July, 2017 by the following vote:

AYES: Smallcombe, Jones, Long, Cann, Menetrey
NOES: None
ABSENT: None
ABSTAINED: None

MARSHALL LONG, Chairman
Mariposa County Board of Supervisors

ATTEST:

RENE LAROCHE
Clerk of the Board

STEVEN W. DAHLEM
County Counsel

APPROVED AS TO FORM:
State of California

HEALTH AND SAFETY CODE

Section 101080

101080. Whenever a release, spill, escape, or entry of waste occurs as described in paragraph (2) of subdivision (b) of Section 101075 and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, or whenever there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the board of supervisors, or city council, whichever is applicable to the jurisdiction. The board of supervisors, or city council, if applicable, shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

(Amended by Stats. 2007, Ch. 483, Sec. 20.6. Effective January 1, 2008.)