

Folsom City Council Staff Report

MEETING DATE:	8/24/2021
AGENDA SECTION:	New Business
SUBJECT:	Resolution No. 10691 – A Resolution of the City Council Confirming Emergency Order DES-01-21 Issued by the Director of Emergency Services
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council pass and adopt Resolution No. 10691– A Resolution of the City Council Confirming Emergency Order DES-01-21 Issued by the Director of Emergency Services

BACKGROUND / ISSUE

The extreme drought conditions, unprecedented heat waves, and heightened fire danger are currently existing throughout Northern California. Some of the recent large and intense wildfires that threatened life and property near the Sacramento Region include the 489,287 acre Dixie Fire that prompted evacuation orders in parts of Plumas County as well as parts of Butte County that were ravaged by the Camp Fire in 2018, the Beckwourth Complex fire that burned more than 105,000 acres in the Plumas National Forest and destroyed more than 30 homes in the town of Doyle where fire officials observed and described “extreme fire behavior” with difficulty of containment, the River Fire along the Mariposa-Madera county line that burned more than 9,500 acres, the Tamarack Fire that burned over 68,000 acres and threatened the town of Markleeville, and the most recent River Fire in Nevada and Placer counties that burned over 2,600 acres and destroyed 66 homes and 2 commercial buildings.

These significantly dangerous wildfires and the extremely dry local conditions prompted the City Council to declare existence of a local emergency in the City of Folsom due to extreme fire danger on July 27, 2021.

POLICY / RULE

Rules and regulations issued by the City's Director of Emergency Services must be confirmed by the City Council at the earliest practicable time. Folsom Municipal Code Section 2.28.040(E)(1).

ANALYSIS

Once the City Council has declared a local emergency, the City's Director of Emergency Services (City Manager) is empowered to make and issue rules and regulations on matters reasonably related to the protection of life, environment and property as affected by such emergency, and that such emergency rules and regulations must be confirmed by the City Council at the earliest practicable opportunity.

Following the City Council proclamation of a local emergency and based on the authority in Section 2.28.040 of the Folsom Municipal Code, the City's Director of Emergency Services issued Emergency Order DES-01-21 on August 9, 2021 for the purpose of protecting the public's health, life and safety by preventing the start and spread of wildfire in City-owned open space areas.

Emergency Order DES-01-21 is being presented to the City Council for confirmation consistent with Section 2.28.040(E)(1) of the Folsom Municipal Code.

FINANCIAL IMPACT

Costs and expenses associated with emergency response actions are budgeted in the City's General Fund, which may be reimbursable if the State and Federal Governments make similar emergency proclamations.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENTS

1. Resolution No. 10691– A Resolution of the City Council Confirming Emergency Order DES-01-21 Issued by the Director of Emergency Services
2. Emergency Order DES-01-21

Respectfully submitted,

Steven Wang, City Attorney

Attachment 1.

Resolution No. 10691– A Resolution of the City Council Confirming
Emergency Order DES-01-21 Issued by the Director of Emergency
Services

RESOLUTION NO. 10691

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING
EMERGENCY ORDER DES-01-21 ISSUED BY THE
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, due to extreme drought conditions, unprecedented heat waves, and heightened fire danger existing throughout Northern California, the City Council on July 27, 2021 adopted Resolution No. 10674 and proclaimed the existence of a local emergency in the City of Folsom due to extreme fire danger; and

WHEREAS, following the City Council proclamation of a local emergency, and based on the authority in Section 2.28.040 of the Folsom Municipal Code, the City's Director of Emergency Services issued Emergency Order DES-01-21 on August 9, 2021 for the purpose of protecting the public's health, life and safety by preventing the start and spread of wildfire in City-owned open space areas; and

WHEREAS, rules and regulations issued by the City's Director of Emergency Services shall be confirmed by the City Council as early as practicable under the circumstances of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that Emergency Order DES-01-21 is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 24th day of August, 2021, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2.
Emergency Order DES-01-21



EMERGENCY ORDER DES-01-21

Pursuant to the Proclamation of the Folsom City Council of a Local Emergency due to extreme fire danger on July 27, 2021, Section 2.28.040 of the Folsom Municipal Code, and Government Code Section 8634, I hereby issue the following Order:

1. Off-trail City-owned open space areas identified in Exhibit A attached hereto are hereby closed for the purpose of protecting the public's health, life and safety by preventing the start and spread of wildfire to surrounding residential homes and structures. Existing City trails and bicycle paths may remain open for normal use.
2. Combustible materials in the identified off-trail City-owned open space areas such as, for example, butane canisters, propane, lighter fluid, matches, lighters, charcoal, wood briquettes, smoking materials, candles, heat lamps, heaters, paper, paper boxes and containers shall be removed immediately.
3. Individuals accessing the identified off-trail City-owned open space areas are directed to vacate immediately.
4. Notwithstanding the foregoing, abatement of homeless encampments under this Emergency Order shall follow the City's standard noticing protocol to individuals experiencing homelessness in the identified areas so that homeless individuals can collect and safeguard their personal belongings, and the items they no longer need or want can be discarded in City-supplied refuse containers.

Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

Pursuant to Section 2.28.070 of the Folsom Municipal Code and Government Code Section 8665, any person who violates any of the provisions of this Order or who refuses or willfully neglects to obey this Order promulgated and issues hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Folsom, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice.

**IT IS SO ORDERED:
DES-01-21**

Date: August 9, 2021

By: 
Elaine Andersen
City Manager
Director of Emergency Services

EXHIBIT A

[SEE ATTACHED]

Appendix A

Open Space High Hazard Fire Areas	
Map Page	Location
1	The Parkway-Overview Map
2	<u>The Parkway-West Area</u> : Open space between Oak Avenue and Parkway Drive and Bowen Drive
3	<u>The Parkway-East Area</u> : Open space between Parkway Drive and E. Natoma
4	<u>Humbug-Willow Creek/South Area</u> -Open space between Riley St and E. Bidwell
5	<u>Humbug-Willow Creek/North Area</u> -Open space between E. Bidwell and Cummings Family Park
6	<u>Folsom Heights/Enclave</u> -Open space between Sibley Street and Riley Street (Lembi Community Park/Aquatic Center)
7	<u>American River Canyon North</u> -Open space along Arterial trail from Fort Rock to Temperance River Ct. and area between Alabaster Point and Flat Rock Ct.
8	<u>Prairie Oaks Ranch</u> -Open space between Grover Road and Blue Ravine Road
9	<u>Prairie Oaks Ranch</u> -Open space between Amos P. Catlin Park and Grover Road
10	Hinkle Creek Nature Area
11	<u>City Hall Complex</u> -Open space from City Offices/Police Department to Lower Rodeo area

FIRE HAZARD RISK ASSESSMENT CRITERIA

Access

- Direct public accessibility from a bike path and/or walking trail
- Fire suppression apparatus and personnel

Fuel

- Types
 - o Grass
 - o Grass - Shrub
 - o Shrub
 - o Timber – Understory
 - o Timber - litter
 - o Slash
- Continuity
 - o Horizontal (uniform or patchy)
 - o Vertical (ground fuels, surface fuels, ladder fuels, aerial fuels)

Topography

- Aspect
- Slope
- Shape
- Barriers (natural, man-made)

Wind Direction

- Normal
- "Red-Flag"

Fire History

- Has there been past fires in the area ?

Threats

- Residences
- Businesses
- Parks
- People

Water Availability

- Hydrants
- River/Lake/Pond

Utilities

- Overhead Power lines
- Cell Tower

Open Space High Hazard Fire Areas

The Parkway Overview

Open space from Oak Ave to Silberhorn/Broder Cir/Parkway Dr/ E. Natoma/ Welty Ct.

Designated trails, unpaved trails and parks will remain open for normal use.



Open Space High Hazard Fire Areas

The Parkway - East Area

Between Parkway Drive and E. Natoma

Designated trails, unpaved trails and parks will remain open for normal use.

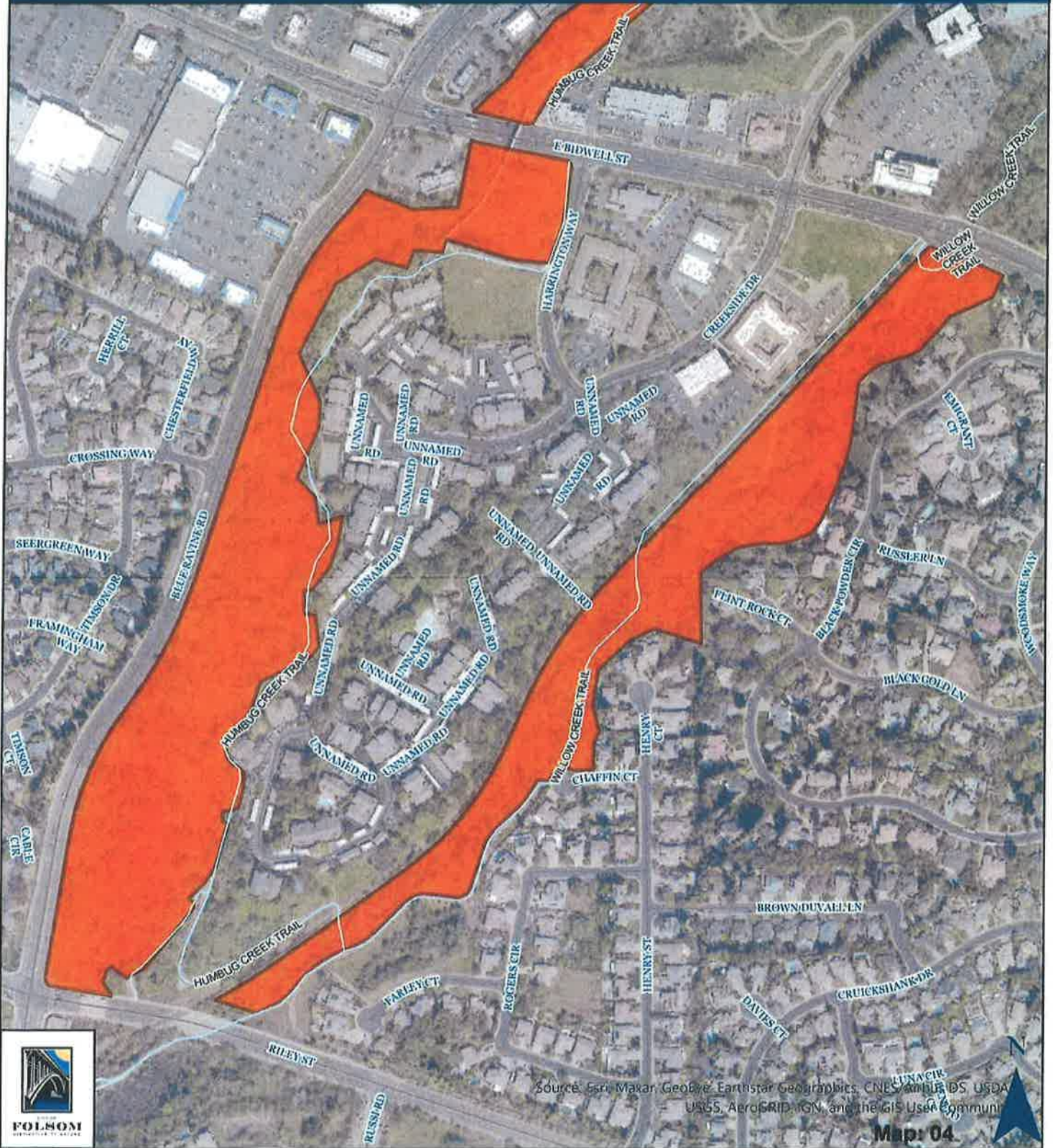


Open Space High Hazard Fire Areas

Humbug / Willow Creek - South

Riley St to E. Bidwell

Designated trails, unpaved trails and parks will remain open for normal use.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

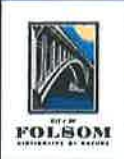
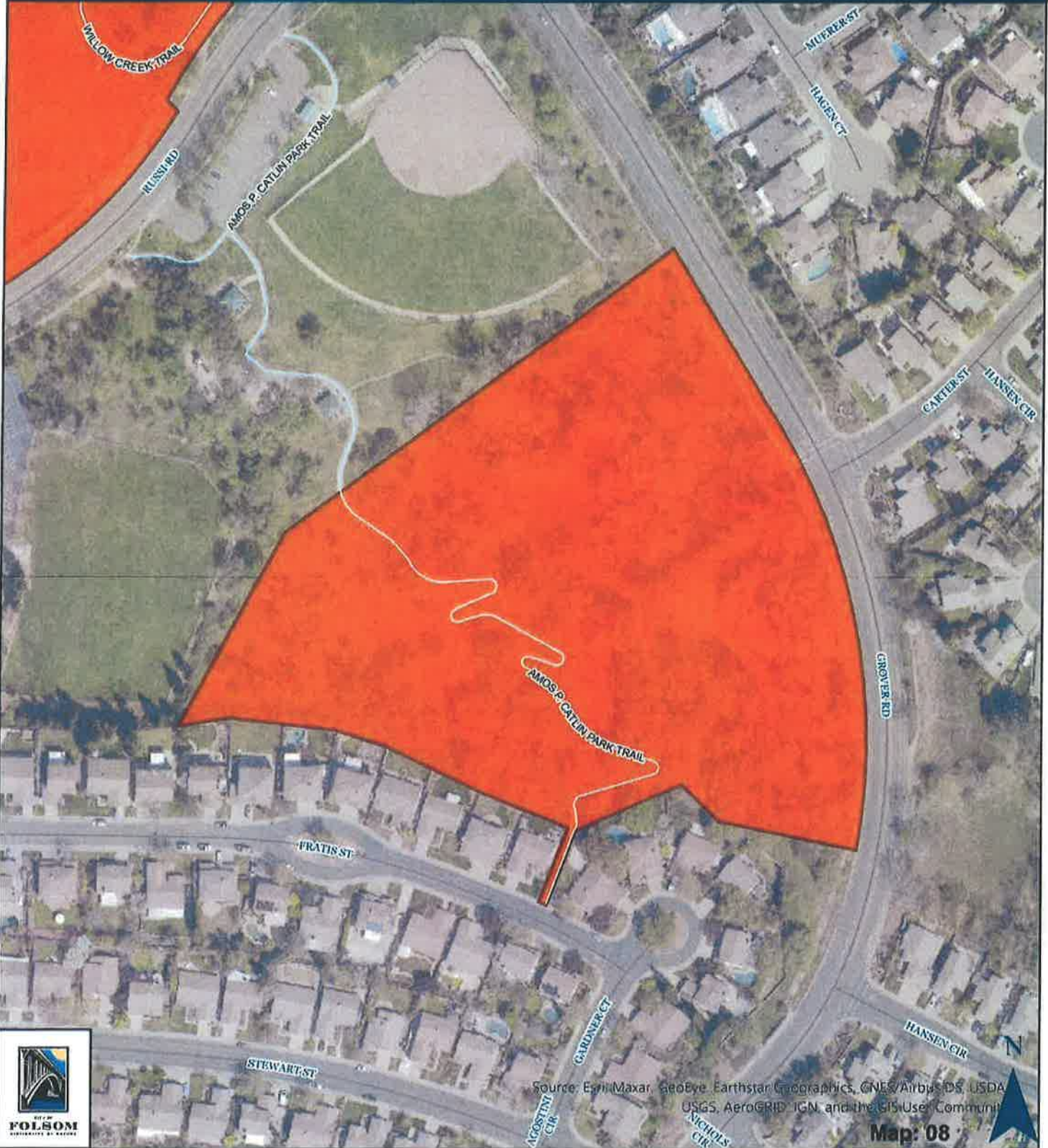
Map: 04

Open Space High Hazard Fire Areas

Prairie Oaks Ranch

Open space between Amos P. Catlin Park and Grover Road

Designated trails, unpaved trails and parks will remain open for normal use.

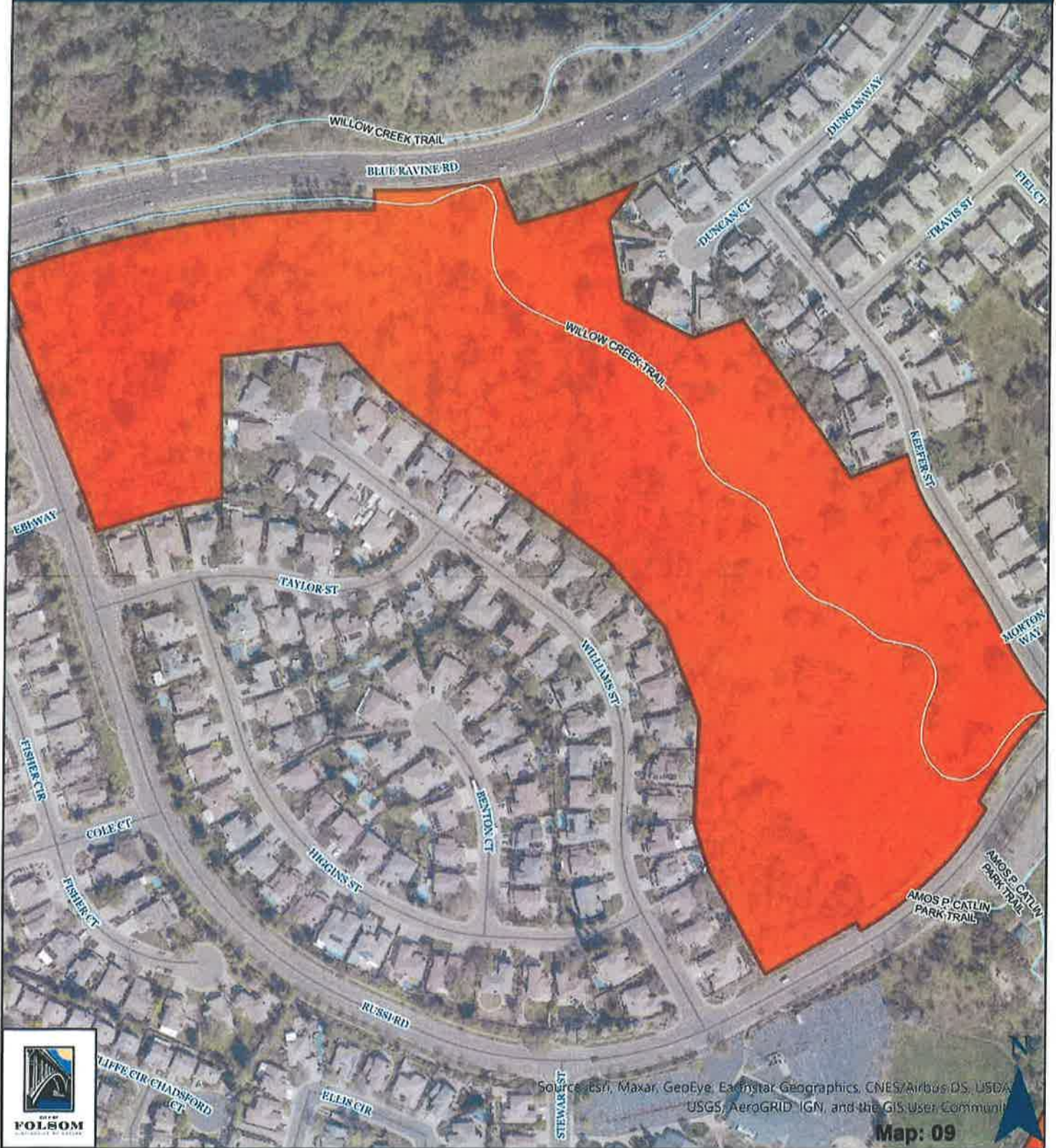


Open Space High Hazard Fire Areas

Prairie Oaks Ranch - Catlin North

Catlin North

Designated trails, unpaved trails and parks will remain open for normal use.



Sources: esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map: 09

