

# Folsom City Council Staff Report

<b>MEETING DATE:</b>	3/23/2021
<b>AGENDA SECTION:</b>	Old Business
<b>SUBJECT:</b>	Resolution No. 10600 – A Resolution of the City Council Confirming Emergency Order DES-06-20 Issued by the Director of Emergency Services
<b>FROM:</b>	City Attorney's Office

**RECOMMENDATION / CITY COUNCIL ACTION**

Staff respectfully recommends that the City Council pass and adopt the following Resolution:

Resolution No. 10600 – A Resolution of the City Council Confirming Emergency Order DES-06-20 Issued by the Director of Emergency Services

**BACKGROUND / ISSUE**

The rapid spread of the novel coronavirus 2019 (COVID-19) throughout the country has caused many states, including the State of California, to declare a state of emergency. Part of the reasons for the emergency declarations is due to the lack of a vaccine and effective medical treatment to help patients recover from COVID-19, which has resulted in severe illnesses, health complications and deaths worldwide.

The Governor of the State of California declared a state of emergency on March 4, 2020. The Sacramento County Board of Supervisors ratified the declaration of a state of emergency by the County Health Officer on March 10, 2020. The Folsom City Council declared the existence of a local emergency on March 16, 2020.

**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**

On the basis of the City Council declaration of 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's proclamation of a local emergency, the City's Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020), Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020), Emergency Order DES-03-20 on April 10, 2020 (confirmed by the City Council on April 28, 2020), Emergency Order DES-04-20 on May 1, 2020 (confirmed by the City Council on May 12, 2020), and Emergency Order DES-05-20 (Amended) on July 2, 2020 (confirmed by the City Council on July 14, 2020).

In the interest of protecting life and property of those affected by the COVID-19 emergency, the City's Director of Emergency Services issued a further Emergency Order, DES-06-20, on March 8, 2021.

Emergency Order DES-06-20 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 under the State and Federal emergency proclamations.

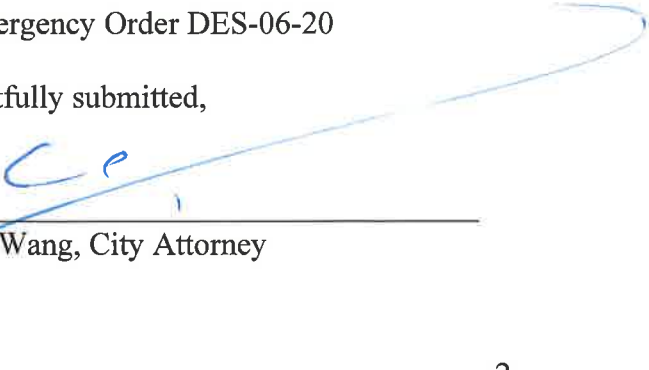
## **ENVIRONMENTAL REVIEW**

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. 10600 – A Resolution of the City Council Confirming Emergency Order DES-06-20 Issued by the Director of Emergency Services
2. Emergency Order DES-06-20

Respectfully submitted,

  
\_\_\_\_\_  
Steven Wang, City Attorney

## ATTACHMENT 1

**RESOLUTION NO. 10600**

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING  
EMERGENCY ORDER DES-06-20 ISSUED BY THE  
DIRECTOR OF EMERGENCY SERVICES**

**WHEREAS**, the Governor of the State of California proclaimed on March 4, 2020 a State of Emergency to exist in California as a result of the threat from the rapid spread of a respiratory illness caused by novel coronavirus 2019 (COVID-19); and

**WHEREAS**, Sacramento County has confirmed community transmission of COVID-19, with multiple cases of diagnosed patients, and cautioned that the rapid transmission of COVID-19 poses an ongoing risk and likelihood of additional patients in Sacramento County; and

**WHEREAS**, on March 10, 2020 the Sacramento County Board of Supervisors ratified the County Public Health Officer's Proclamation of Local Public Health Emergency in Sacramento County due to the threat to public health and safety from COVID-19; and

**WHEREAS**, on March 16, 2020, the City Council adopted Resolution No. 10408 and proclaimed the existence of a local emergency in the City of Folsom; 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-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020), Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020), Emergency Order DES-03-20 on April 10, 2020 (confirmed by the City Council on April 28, 2020), Emergency Order DES-04-20 on May 1, 2020 (confirmed by the City Council on May 12, 2020), and Emergency Order DES-05-20 (Amended) on July 2, 2020 (confirmed by the City Council on July 14, 2020); and

**WHEREAS**, during the COVID-19 public health emergency, Sacramento County Health Officer Order dated March 3, 2021 allows removal of homeless encampments on public property that pose a public safety hazard as designed by local orders; and

**WHEREAS**, consistent with, and pursuant to, Sacramento County Health Officer Order dated March 3, 2021, the City's Director of Emergency Services issued further rules and regulations in Emergency Order DES-06-20 on March 8, 2021 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; 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-06-20 is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 23<sup>rd</sup> day of March, 2021, by the following roll-call vote:

**AYES:** Councilmember(s):

**NOES:** Councilmember(s):

**ABSENT:** Councilmember(s):

**ABSTAIN:** Councilmember(s):

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Michael D. Kozlowski, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

ATTACHMENT 2



## **EMERGENCY ORDER DES-06-20**

Pursuant to the Proclamation of a State of Emergency by California Governor Gavin Newsom on March 4, 2020 in response to the rapid spread of the novel coronavirus (COVID-19), the Governor's Executive Orders (including but not limited to N-33-20), the City's Proclamation of a Local Emergency dated March 16, 2020, the most recent Order of the Sacramento County Health Officer dated March 3, 2021, and Government Code Section 8634, I hereby issue the following Order:

1. The open space areas in the City of Folsom identified in Exhibit A attached hereto are subject to weed abatement and ladder-fuel clearing 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, based on the following:

- A. Sacramento County Health Officer Order dated March 3, 2021 allows removal of homeless encampments on public property that pose a public safety hazard as designed by local orders.
- B. The City has a vast number of open space areas that require annual and periodic weed abatement and ladder-fuel clearing to prevent the start and spread of wildfire to surrounding residential homes and structures, and some individuals experiencing homelessness live unsheltered in those open space areas.
- C. Combustible materials such as butane canisters, propane, lighter fluid, matches, lighters, charcoal, wood briquettes, smoking materials, candles, heat lamps, heaters, paper, paper boxes and containers have been found, observed, and discarded in homeless encampments in the City's open space areas.
- D. Over the past year, the Folsom Fire Department responded to at least seven open space vegetation fires in the City associated with, or directly attributed to, homeless encampments. All these fires had significant potential for spreading, property destruction and potential loss of life due to dense vegetation, terrain, and closeness to residential neighborhoods, and some required multi-jurisdictional responses to aggressively attack, contain, and extinguish with large and coordinated firefighting efforts.
- E. Wildfires pose a significant life and safety danger to residents and homeless individuals alike, thus for purpose of protecting the public's health, life, and safety, weed abatement

and ladder fuel reduction in the City's open space areas are necessary and require temporary cleaning and clearing of the homeless encampments in those areas.

2. Temporary 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.

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-06-20**

Date: March 8, 2021

By: \_\_\_\_\_

  
Elaine Andersen  
City Manager  
Director of Emergency Services



EXHIBIT A

[SEE ATTACHED]

# City Ladder Fuel

3.1.2021

## Legend

- Phase 1
- Phase 2
- Phase 3





Phase	FFD Hazard Rating	Number of risk factors	Ladder fuel work								
			L&L	District	Total Acres	Linear feet of fence/road	Acres of Fuel ladder to be completed	CDFW	Months to work	APN	Lat, Long
1	3	6	Sibley to Lombi Park	Kokomo Heights	15.57	6723	10.8	Y	01Oct-14Feb	071-1890-051-0000 071-1790-021-0000 071-1790-019-0000 071-0370-079-0000	38.665505, -121.168065
1	3	5	Arsenal trail from Fort Rock to Temperance River Ct	ARCN	22.3	7500	12	N	Any	227-8078-067-0000 227-0470-036-0000 227-0470-032-0000 227-0410-048-0000 227-0470-024-0000 227-0436-025-0000 227-0530-011-0000	38.707083, -121.187656
1	3	5	Iron Pt to Catterline	Broadstone 3	2.85	1145	1.8	Y	01Oct-14Feb	072-2060-037-0000	38.648611, -121.108892
1	3	5	Serpia to Tisbury	Broadstone 3	1	1282	2	Y	01Oct-14Feb	072-2700-071-0000	38.650655, -121.107551
1	3	5	Catterline to Serpa/Linlowe	Broadstone 3	3.85	1581	1.6	N	Any	072-2740-029-0000	38.653957, -121.113119
1	3	5	Linlowe to Broadstone Pkwy	Broadstone 3	10.11	3485	5.6	Y	01Oct-14Feb	072-0270-248-0000	38.657476, -121.11284
1	3	5	Tisbury to North boundary	Broadstone 3	4.02	1677	2.7	Y	01Oct-14Feb	072-1790-030-0000	38.65203, -121.105802
1	3	5	Humburg creek from Oak Ave to Willow Bend Park	Parks	35.08	12035	18.1	Y	01Oct-14Feb	071-1240-005-0000 071-1240-011-0000	38.677134, -121.126946
1	3	5	Willow Creek from Oak Ave to Silberhorn/Broder circle	Parks	53.18	18175	21.1	Y	01Oct-14Feb	071-0050-051-0000 071-1240-011-0000	38.671271, -121.126774
1	3	5	Amos Cullen SE corner	Parks	8.77	1455	2.8	Y	01Oct-14Feb	072-1500-055-0000 072-1380-012-0000	38.652807, -121.154841
1	3	4	Flat Rock and Alpine Falls	ARCN	3.46	1185	1.9	Y	01Oct-14Feb	227-0090-055-0000	38.71181, -121.187402
1	3	4	Hinkle Creek Nature area	Parks	48.41	13460	18.4	Y	01Oct-14Feb	213-0060-026-0000 213-0060-024-0000 213-0060-023-0000	38.691079, -121.182865
1	2	3	City Hall complex from PD to lower rodeo	Parks	10	1160	3.5	N	Any	071-0010-034-0000	38.684605, -121.166181
1	3	5	Canton North	Parks	23.03	6100	9.8	N	Any	072-1410-032-0000 072-1180-005-0000 072-1720-002-0000 072-1730-041-0000	38.656511, -121.159147
					<b>Year 1 total</b>	<b>232.63</b>	<b>72943</b>	<b>112.8</b>			
2	3	4	BT Collins open spaces East of park	Parks	22.51	7190	11.5	N	Any	071-0860-040-0000 071-0850-021-0000 071-0800-026-0000	38.683935, -121.132868
2	3	4	Blue Runnie and Ribey	Prairie Oaks Ranch	4.18	3060	3.1	Y	01Oct-14Feb	072-1410-030-0000	38.660786, -121.156027
2	3	4	Dumlin to Kretzer	Prairie Oaks Ranch	8.29	3964	6.4	Y	01Oct-14Feb	072-1710-035-0000 072-1730-051-0000	38.657988, -121.155829
2	3	4	Riley to Hall	Prairie Oaks Ranch	6.96	4255	6.8	Y	01Oct-14Feb	072-1180-021-0000	38.659132, -121.151004
2	3	4	Between Busi and Hall	Prairie Oaks Ranch	0.91	814	0.93	Y	01Oct-14Feb	072-1990-019-0000	38.656652, -121.154064
2	3	4	Hall to McGuire Ct	Prairie Oaks Ranch	2.69	1704	2.69	Y	01Oct-14Feb	072-1990-011-0000	38.65679, -121.152621
2	3	4	Grover to Hansen Cir	Prairie Oaks Ranch	4.07	1680	2.7	Y	01Oct-14Feb	072-1380-058-0000 072-1320-012-0000	38.652186, -121.153205
2	3	4	Hansen Cir to Willow Springs trail	Prairie Oaks Ranch	3.6	1439	2.3	Y	01Oct-14Feb	072-1380-019-0000	38.652844, -121.151113
2	3	4	Willow Springs trail head at Iron Pt	Willow Springs	1.73	1565	1.23	N	Any	072-0020-020-0000	38.650094, -121.152612
2	3	4	BT Collins open spaces West of park	Parks	12.26	7850	12	N	Any	071-0490-038-0000 071-0490-021-0000 071-0600-001-0000 071-0640-067-0000 071-0610-014-0000 071-0040-087-0000 071-0040-094-0000	38.683248, -121.143747

Acres of Fuel ladder to be completed	Acres of Fuel ladder to be completed
Parks Phase 1	L&L Phase 1
74.4	38.4

Adjacent Structures L&L	Width of defensible space
51	30-80 ft wide
94	80 ft wide
6	40 ft wide
9	30-70 ft wide
8	40 ft wide
19	40-100 ft wide
11	70-150 ft wide
52	30-70 ft wide
86	30-70 ft wide
13	70-70 ft wide
6	30-80 ft wide
116	10 ft near road, 30-100 ft near homes
10	30-150 ft wide
41	30-70 ft wide
90	30-50 ft wide
11	30-70 ft wide
49	40 to 425 ft wide
34	30-50 ft near homes
4	30-40 ft
19	up to 160 ft wide
25	50-100 ft wide
14	30-70 ft wide
10	140 ft total width with structures on each side
74	50 ft average with one area out to 250 ft wide

2	L	4	West of Rudes Park	Parks	4.3	2743	4	N	Any	070-0170-021-0000 070-0120-034-0000 070-0120-043-0000 070-0070-009-0000	38.680208, -121.169851
2	L	4	Between Houston Way and Ticeña Way	Parks	7.26	2022	4.7	N	Any	072-0270-084-0000	38.661604, -121.142953
2	L	5	Willow Hill reservoir and surrounding open spaces	Parks	21.1	6781	10.9	Y	01Oct-14Feb	072-2780-085-0000 072-2780-094-0000 072-2780-071-0000 072-2780-072-0000	38.645165, -121.153639
2	L	3	Natoma, Briggs Ranch, Folsom lake crossing	Parks	6.50	875	1.8	N	Any	071-0940-075-0000	38.693423, -121.142996
2	L	3	Broadstone Pkwy East of Vista Del Lago		19.24	1675	2.7	Y	01Oct-14Feb	072-1170-149-0000 072-1170-152-0000	38.653008, -121.101519
2	L	3	Humboldt creek from Riley to Cummings park	Parks	64.33	28299	29.2	Y	01Oct-14Feb	071-0370-110-0000 071-0030-129-0000	38.673432, -121.145271
2	L	3	Alliaster point	ARCN	9.38	4280	6.9	N	Any	227-0050-007-0000 227-0090-064-0000	38.712542, -121.190875
2	L	3	Willow Creek From Riley to E Bidwell	Parks	14.55	7953	12.7	Y	01Oct-14Feb	072-1480-013-0000 072-1480-014-0000 072-1470-019-0000 072-0980-029-0000	38.665642, -121.150249
2	L	3	Temperance River Ct.	ARCN	7.94	2535	4.1	Y	01Oct-14Feb	227-0090-066-0000	38.712889, -121.187839
					<b>Year 2 Total</b>	<b>221.86</b>	<b>80484</b>	<b>126.93</b>			
3	L	4	Haverhill to Haldon along tennis club	Broadstone L&Z	1.89	1207	1.81	Y	01Oct-14Feb	072-1190-086-0000	38.649751, -121.135017
3	L	4	Buttrick to Blough	Broadstone L&Z	2.3	2245	2.3	Y	01Oct-14Feb	072-1190-017-0000	38.650907, -121.130907
3	L	4	Charlottesville to Rutledge way	Broadstone L&Z	2.5	2475	2.3	Y	01Oct-14Feb	072-1190-016-0000	38.651242, -121.128461
3	L	4	Blough to Iron Pt	Broadstone L&Z	5	4107	5	Y	01Oct-14Feb	072-1540-053-0000	38.647119, -121.131852
2	L	4	Rowberry to Iron pt	Broadstone L&Z	2	2375	2	Y	01Oct-14Feb	072-1190-044-0000	38.646768, -121.129577
3	L	2	Spinden rd	Briggs Ranch	5.83	2274	5.7	Y	01Oct-14Feb	071-3030-026-0000	38.666254, -121.131201
3	L	3	Drainage area Bentley Square East	Broadstone L&Z	1.27	590	1	Y	01Oct-14Feb	072-1630-054-0000	38.663147, -121.136658
3	L	3	Drainage area Bentley Square West	Broadstone L&Z	1.27	400	0.6	Y	01Oct-14Feb	072-1670-102-0000	38.665543, -121.142260
3	L	3	Drainage area at Blue Razine and Turnpike	Natoma Station	4.4	1250	2	Y	01Oct-14Feb	072-1330-001-0000	38.655299, -121.171798
3	L	2	Duncan water retention pond	Prairie Oaks Ranch	0.53	650	0.53	Y	01Oct-14Feb	072-1710-015-0000	38.660401, -121.155373
3	L	2	Russ water retention pond	Prairie Oaks Ranch	1.02	895	1	Y	01Oct-14Feb	072-1710-034-0000	38.658822, -121.154648
3	L	2	Riley water retention pond	Prairie Oaks Ranch	0.2	375	0.2	Y	01Oct-14Feb	072-1440-036-0000	38.660242, -121.152841
3	L	2	Grayer water retention pond	Prairie Oaks Ranch	0.38	615	0.38	Y	01Oct-14Feb	072-1380-057-0000	38.652655, -121.153989
3	L	2	West side of John Kemp Park	Parks	13.7	1440	2.3	Y	01Oct-14Feb	072-1190-121-0000	38.65398, -121.134499
3	L	2	Dos Coyotes trail area	Parks	3.8	3410	3.5	Y	01Oct-14Feb	069-0250-003-0000	38.65205, -121.182533
3	L	2	Pond S.E. of Iron Pt and Buckingham	Parks	4.27	2900	4.1	Y	01Oct-14Feb	072-1190-144-0000	38.643901, -121.144499
3	L	2	SE of Iron Pt Circle	Parks	3.76	833	1	Y	01Oct-14Feb	072-1190-130-0000	38.643599, -121.141796
3	L	2	Parkshore outer limits	Parks	44.01	12406	19.9	Y	01Oct-14Feb	071-0070-085-0000 071-0010-087-0000 071-0010-057-0000 071-0010-058-0000 071-0010-059-0000	38.660129, -121.179861
3	L	2	JPA from Blue Ravine to Natoma Station Drive	Parks	5.28	3955	5.28	N	Any	071-0850-011-0000 071-0850-016-0000 072-0840-020-0000	38.649377, -121.183434
3	L	2	Between Lombi Park and Station 35	Parks	17.59	690	1.1	Y	01Oct-14Feb	071-0320-072-0000 071-0320-076-0000 071-0690-006-0000 071-1860-086-0000	38.668105, -121.164132
3	L	2	Marsh Hawk south of pond	Parks	12.12	2585	4.2	Y	01Oct-14Feb	072-1820-001-0000 072-1830-011-0000	38.651299, -121.144413
3	L	2	SW side Nieman Park	Parks	3.8	4274	4.8	Y	01Oct-14Feb	072-1170-143-0000	38.661319, -121.105424
3	L	1	3 hills on Black Powder Circle	Las Cerritos	0.52	1065	0.52	Y	01Oct-14Feb	072-0980-019-0000 072-0990-004-0000	38.666278, -121.148506 38.664502, -121.149981

Acres of Fuel ladder to be completed	Acres of Fuel ladder to be completed
Parks Phase 2	L&L Phase 2
89.1	37.83

15	30-100 ft wide
28	70 ft near homes
102	up to 270 ft wide
6	up to 150 ft wide
14	50-70 ft wide
300	up to 200 ft wide
24	Entire lots due to power towers, trails, road frontage, roughly 300ft wide
98	up to 270 ft wide
16	50ft along homes, 10 ft from trail, 10 ft from road
13	20-50 ft wide
34	50 ft wide
32	35-50 ft wide
27	30-40 ft wide
21	30-80 ft wide
22	30-80 ft wide
5	30-45 ft wide
6	30-50 ft wide
15	30-100 ft wide
3	100 ft wide
10	entire lot outside of high water mark
3	entire lot inside fence
3	100 ft wide
30-90 ft wide	
50	30-100 ft wide
70	30-60 ft wide
20	60-100 ft wide
173	30-100 ft wide
100	entire lot between rail tracks and property boundaries 30-90 ft
28	80 ft wide
8	30-60 ft wide
20	30-100 ft wide
5	entire lots 100 ft wide



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