

DEPARTMENT: Administration

BY: Rick Benson  
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

The following actions are recommended as a result of the Big Meadow Fire in the County:

- A) Take action to determine whether the Big Meadow Fire constitutes an emergency pursuant to Government Code section 54956.5, to allow discussion to occur since this matter was not posted on the agenda; and
- B) Take action to determine that there is a need for immediate action which came to the attention of the Board of Supervisors after the agenda has already been posted, and finding that this action cannot reasonably wait until the next regularly scheduled meeting (4/5ths vote required); and
- C) Adopt Resolution Proclaiming the Existence of a Local Emergency, Requesting Declaration Proclaiming Existence of a Local Emergency, and Requesting: 1) The Governor to Proclaim a State of Emergency; and 2) Requesting a Presidential Declaration of a State of Emergency; and
- D) Approval of Designation of Applicant's Agent Resolution Appointing Individuals to Act on Behalf of Mariposa County

*Res 09.436*

*Res 09.437*

The resolutions are attached, as well as the Emergency Declaration. These actions are necessary to obtain available state and federal assistance.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this matter. The Board has proclaimed the existence of a local emergency in the past due to fires, floods, and rockslides. The following three existing emergencies are continuing: the Ferguson Rockslide, Oliver Fire, and Telegraph Fire.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No Current FY Cost: \$  
 Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded  
 Amount in Budget: \$ \_\_\_\_\_  
 Additional Funding Needed: \$ \_\_\_\_\_  
 Source:  
 Internal Transfer \_\_\_\_\_  
 Unanticipated Revenue \_\_\_\_\_ 4/5's vote  
 Transfer Between Funds \_\_\_\_\_ 4/5's vote  
 Contingency \_\_\_\_\_ 4/5's vote  
 ( ) General ( ) Other

Annual Recurring Cost: \$

- \_\_\_\_\_ List Attachments, number pages consecutively
- \_\_\_\_\_ Resolution Proclaiming Local Emergency
- \_\_\_\_\_ Designation of Applicant's Agent Resolution
- \_\_\_\_\_ Declaration Proclaiming Local Emergency
- \_\_\_\_\_ Draft transmittal letter
- \_\_\_\_\_ Governor's Proclamation of Emergency
- \_\_\_\_\_ August 31, 2009 Informational Update on Fire status
- \_\_\_\_\_ Government Code Section 54956.5

CLERK'S USE ONLY *and 09-437*  
 Res. No. *09-436* Ord. No. \_\_\_\_\_  
 Vote - Ayes: *5* Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Minute Order Attached ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended  
 No Opinion  
 Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CAO: *[Signature]*

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

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

**RESOLUTION NO. 09-436**

**RESOLUTION PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY  
AND REQUESTING DECLARATION PROCLAIMING EXISTENCE OF A LOCAL  
EMERGENCY AND REQUESTING; (1) THE GOVERNOR TO PROCLAIM A STATE OF  
EMERGENCY FOR THE COUNTY OF MARIPOSA; AND (2) REQUESTING A  
PRESIDENTIAL DECLARATION OF A STATE OF EMERGENCY FOR THE COUNTY  
OF MARIPOSA**

**WHEREAS**, Section 8630 of the Government Code mandates that a local emergency may be proclaimed by the governing body of a local agency, or, if it has been previously declared by an official designated by the governing body, such local emergency must be ratified within 7 days by the governing body of the local agency; and

**WHEREAS**, the Board of Supervisors does hereby find that conditions of extreme peril to the safety of persons and property have arisen within Mariposa County, caused by the Big Meadow Fire commencing on or about August 26, 2009; and

**WHEREAS**, the Emergency Services Director has previously declared a local emergency in Mariposa County as a result of the Big Meadow Fire; and

**WHEREAS**, the Acting Governor of the State of California declared a state of emergency for the County of Mariposa on August 29, 2009; and

**WHEREAS**, the Chairman of the Board of Supervisors serving in his capacity as Director of Emergency Services of Mariposa County on August 28<sup>th</sup>, 2009 declared the existence of a local emergency and requested the Governor of the State of California and President of the United States to Proclaim a State of Emergency in the County of Mariposa; and

**WHEREAS**, the Big Meadow Fire is causing ongoing damage in the Merced River Canyon and its watershed, the extent of which has not been completely compiled, to County and other public and district facilities, including but not limited to roads, structures, and other infrastructure with the initial estimates of damage being unknown at this time; and

**WHEREAS**, the Big Meadow Fire is posing an immediate threat to numerous private homes and other structures; and

**WHEREAS**, local resources have been deployed to the Big Meadow Fire within Mariposa County, thereby depleting fire protection and response resources; and

**WHEREAS**, it has now been found that local resources are unable to cope with the effects of this emergency; and

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a local emergency;

**NOW, THEREFORE, BE IT HEREBY PROCLAIMED** that a local emergency now exists throughout Mariposa County and the prior Declaration of Emergency issued by the Emergency Services Director is hereby ratified; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local 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 the President of the United States with the request that they proclaim that the County of Mariposa continues to be in a state of emergency; 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 Richard J. Benson, County Administrative Officer and Emergency Services Officer, or his designee, is hereby designated as the local Hazard Mitigation Coordinator of the County of Mariposa for the purpose of assessing damage within Mariposa County and consulting with federal/state survey teams about hazard mitigation actions; and

**IT IS FURTHER ORDERED** that Richard J. Benson, or his designee, is hereby designated as the authorized representative for public assistance, and Richard J. Benson, or his designee, is hereby designated as the authorized representative for individual assistance of the County of Mariposa for purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 1<sup>st</sup> day of September, 2009 by the following vote:

AYES:	ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



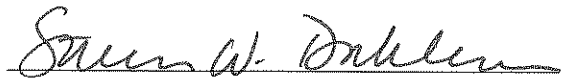
**BRAD ABORN**, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**



**MARGIE WILLIAMS**  
Clerk of the Board

**APPROVED AS TO FORM:**



**STEVEN W. DAHLEM**  
County Counsel

**DECLARATION PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY  
AND REQUESTING; (1) THE GOVERNOR TO PROCLAIM A STATE OF  
EMERGENCY; AND (2) REQUESTING A PRESIDENTIAL DECLARATION OF A  
STATE OF EMERGENCY**

**WHEREAS**, Section 8630 of the Government Code and Chapter 2.80 of the Mariposa County Ordinance Code authorizes the Director of Emergency Services to proclaim the existence of a local emergency within the County of Mariposa when it is affected or likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the safety of persons and property within the territorial limits of Mariposa County caused by fire; and

**WHEREAS**, the Director of Emergency Services does hereby find that conditions of extreme peril to the safety of persons and property have arisen within Mariposa County, caused by the Big Meadow Fire commencing on or about August 26, 2009; and

**WHEREAS**, the Board of Supervisors is not in session, and that conditions of extreme peril to the safety of persons and property have arisen within Mariposa County and local emergency response agencies are faced with being extended beyond their functional capabilities because of the Big Meadows wildland fire within Mariposa County; and

**WHEREAS**, the Big Meadow Fire is causing ongoing damage in the Merced River Canyon, the extent of which has not been completely compiled, to County and other public and district facilities, including but not limited to roads and structures the initial estimates of damage being unknown at this time; and

**WHEREAS**, the Big Meadow Fire is posing an immediate threat to numerous private homes and other structures; and

**WHEREAS**, local resources have been deployed to the Big Meadow Fire within Mariposa County, thereby depleting fire protection and response resources; and

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a local emergency;

**WHEREAS**, it has now been found that local resources are unable to cope with the effects of this emergency;

**NOW, THEREFORE, BE IT HEREBY DECLARED** that a local emergency now exists throughout Mariposa County; and

**IT IS FURTHER DECLARED AND ORDERED** that during the existence of the local 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 DECLARED AND ORDERED** that a copy of this Declaration be forwarded to the Governor of the State of California and the President of the United States with the request that they proclaim the County of Mariposa to be in a state of emergency; and

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

**IT IS FURTHER ORDERED** that Richard J. Benson, County Administrative Officer and Emergency Services Officer, or his designee, is hereby designated as the local Hazard Mitigation Coordinator of the County of Mariposa for the purpose of assessing damage within Mariposa County and consulting with federal/state survey teams about hazard mitigation actions; and

**IT IS FURTHER ORDERED** that Richard J. Benson, or his designee, is hereby designated as the authorized representative for public assistance, and Richard J. Benson, or his designee, is hereby designated as the authorized representative for individual assistance of the County of Mariposa for purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.


**IT IS FURTHER ORDERED** that Richard J. Benson, or his designee place on the agenda of the Board of Supervisors for their meeting of September 1, 2009 a proposed resolution for adoption ratifying this declaration; and

This Declaration is issued this 28<sup>th</sup> day of August 2009, by the Mariposa County Director of Emergency Services pursuant to the authority granted to the Director of Emergency Services by Mariposa County Code section 2.80.040

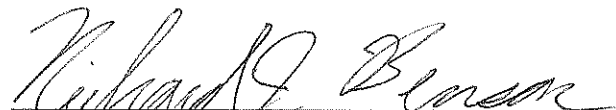


Brad Aborn, Chairman  
Mariposa County Board of Supervisors  
Director of Emergency Services

**ATTEST:**



MARGIE WILLIAMS  
Clerk of the Board



RICHARD J. BENSON  
County Administrative Officer

DESIGNATION OF APPLICANT'S AGENT RESOLUTION **No. 09-437**  
FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE Board of Supervisors OF THE County of Mariposa  
(Governing Body) (Name of Applicant)

THAT County Administrative Officer, OR  
(Title of Authorized Agent)  
County Fire Chief, OR  
(Title of Authorized Agent)  
County Public Works Director  
(Title of Authorized Agent)

*Copy -  
original filed  
under  
09-437*

is hereby authorized to execute for and in behalf of the County of Mariposa  
(Name of Applicant)

established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the County of Mariposa, a public entity established under the laws of the State of California,  
(Name of Applicant)  
hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

- This is a universal resolution and is effective for all open and future disasters.
- This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_.

Passed and approved this 1st day of September, 2009

Brad Aborn  
(Name and Title of Governing Body Representative)

BRAD ABORN, Chair, Mariposa County Board of Supervisors  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Margie Williams, duly appointed and Clerk of the Board of  
(Name) (Title)  
Mariposa County, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

resolution passed and approved by the Board of Supervisors of the County of Mariposa  
(Governing body) (Name of Applicant)

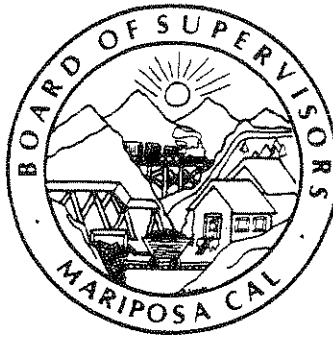
on the 1st day of September, 2009.

Margie Williams  
(Signature)

Clerk of the Board  
(Title)

# Mariposa County Board of Supervisors

District 1 ..... BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JIM ALLEN



RICHARD J. BENSON  
County Administrative Officer

MARGIE WILLIAMS  
Clerk of the Board

P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252  
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[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

September 1, 2009

The Honorable Arnold Schwarzenegger  
Governor, State of California  
State Capital Building, Sacramento, CA 95814

Via: Henry R. Renteria  
Director, California State Offices of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655

Dear Governor Schwarzenegger:

Enclosed is Mariposa County Resolution No. 09-436 proclaiming the existence of a local emergency and requesting declaration proclaiming existence of a local emergency and requesting the Governor to proclaim a state of emergency for the County of Mariposa and requesting a Presidential Declaration of a state of emergency for the County of Mariposa. We want to take this opportunity to thank Acting Governor Garamendi for his action to proclaim a state of emergency in Mariposa due to the Big Meadow Fire.

Also, enclosed is the Designation of Applicant's Agent Resolution No. 09-437. The following persons are the authorized agents:

Richard J. Benson, County Administrative Officer  
Jim Wilson, County Fire Chief  
Dana Hertfelder, County Public Works Director

As always, the assistance of your Office of Emergency Services was essential and invaluable to this small county in preparing this request.

Very truly yours,

Brad Aborn  
Chair, Board of Supervisors

Enclosures

Cc: Congressman George Radanovich  
Senator Dave Cogdill  
Assemblyman Tom Berryhill



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR  
JANET BIBBY, VICE CHAIR  
LYLE TURPIN  
KEVIN CANN  
JIM ALLEN

DISTRICT I  
DISTRICT III  
DISTRICT II  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

TO: RICHARD J. BENSON, CAO

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Off agenda item - The following actions are recommended as a result of the Big Meadow Fire in the County:

RESOLUTION 09-436

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 1, 2009

#### ACTION AND VOTE:

Off agenda item - The following actions are recommended as a result of the Big Meadow Fire in the County:

A) Take action to determine whether the Big Meadow Fire constitutes an emergency pursuant to Government Code section 54956.5, to allow discussion to occur since this matter was not posted on the agenda

**BOARD ACTION:** Rick Benson advised of the off-agenda request. (M)Turpin, (S)Cann, the Board found that the Big Meadow Fire constitutes an emergency based on the presentation given this morning/Ayes: Unanimous.

B) Take action to determine that there is a need for immediate action which came to the attention of the Board of Supervisors after the agenda has already been posted, and finding that this action cannot reasonably wait until the next regularly scheduled meeting (4/5ths vote required)

**BOARD ACTION:** Following discussion, (M)Cann, (S)Allen, the Board determined there is a need for immediate action/Ayes: Unanimous.

C) Adopt Resolution Proclaiming the Existence of a Local Emergency, Requesting Declaration Proclaiming Existence of a Local Emergency, and Requesting: 1) The Governor to Proclaim a State of Emergency; and 2) Requesting a Presidential Declaration of a State of Emergency

**BOARD ACTION:** Rick Benson initiated discussion.

Input from the public was provided by the following:

Ken Gosting questioned whether the reference in the resolution to "structure" should be "structures" and whether they have sustained any damage and whether the fire is in the Merced River Canyon as referred to in the resolution.

Jim Wilson, Fire Chief, responded that it is premature to say that there is no damage to structures, and he advised that a survey is being conducted in the Foresta community now to determine the extent of damages. He further noted that there is infrastructure damage to the transmission lines. Steve Dahlem, County Counsel, provided input on suggested language changes to the resolution relative to



the damages. Discussion was held. (M)Cann, (S)Bibby, Res. 09-436 was adopted declaring the existence of a local emergency as recommended, and with changes in the resolution to reflect "structures"; "Merced River Canyon and its watershed"; and to add "and other infrastructure"/Ayes: Unanimous.

D) Approval of Designation of Applicant's Agent Resolution Appointing Individuals to Act on Behalf of Mariposa County

**BOARD ACTION:** Following discussion, (M)Turpin, (S)Bibby, Res. 09-437 was adopted approving the designation of applicant's agents as recommended/Ayes: Unanimous. Further discussion was held.

Cc: Jim Wilson, Fire Chief  
Dana Hertfelder, Public Works Director  
File