



City of Hidden Hills

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Kerry Kallman, City Manager

DATE: December 21, 2018

SUBJECT: Consideration of Los Angeles County Debris Removal Program, Urgency Ordinance No. 370U Adopting By Reference Portions of the Los Angeles County Woolsey Fire Debris Removal Emergency Ordinance, and a Memorandum of Understanding Between the County of Los Angeles and the City

Background

The Woolsey Fire broke out on Thursday, November 8 at 2:24 pm near the Santa Susana Field Laboratory. At its conclusion, the fire took three lives, destroyed 1,643 structures, burned 96,949 acres and required the evacuation of over 250,000 people. The fire impacted the cities of Hidden Hills, Agoura Hills, Calabasas, Los Angeles, Malibu, Thousand Oaks, and Westlake Village. The only significant structural loss in the City was a barn on Kit Carson Drive.

Discussion

On November 12, 2018, the Los Angeles County Local Health Officer issued a Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris (Declaration). In order to preserve the health and safety of the public and prevent hazards associated with improper removal of fire debris and hazardous materials, the Declaration prohibits property owners in the Woolsey Fire burn area from removing fire debris from their properties until such properties have been inspected for the presence of hazardous materials. It also prohibits property owners from removing fire debris until they either participate in a State sponsored fire cleanup program or until they obtain permission from the County. The Board of Supervisors ratified this Declaration on November 13, 2018.

The State, through its Office of Emergency Services (OES), will provide fire debris clearance services primarily to residential property owners in the Woolsey Fire burn area who elect to receive these services. In order for OES to provide these services to residents, the County is required to assist the State in administering this program. The County's assistance includes administering right of entry forms that, among other things, require property owners to assign their insurance proceeds for debris removal to the County, and then collecting such insurance proceeds to reimburse the OES program. The Board of Supervisors adopted the County Fire Debris Removal Ordinance establishing this program on December 4, 2018.

The program will take place in two phases. Phase I began on Monday, December 3, with the LA County Fire Department alongside teams from the US Environmental Protection Agency (EPA) and the California Department of Toxic Substance Control (DTSC) assessing and removing household hazardous waste from properties burned by the Woolsey Fire. Phase I is automatic and includes both residential and commercial properties that have been destroyed by the fires.

Upon completion of Phase I, for those residents who opt into the City and County's recommended method of participating in the government-sponsored Phase II program, OES in coordination with Los Angeles County Public Works, will provide Woolsey Fire debris removal at no out of pocket cost to property owners. The removal of non-hazardous fire debris is free, but property owners must opt-in to the program by submitting a completed Right of Entry form. The form provides consent for debris removal teams to access a property. Forms were sent out to the affected property owner. Forms for participation in Phase II of the program must be submitted by December 31, 2018.

Property owners are strongly encouraged to participate in the government-sponsored debris removal program as it will be a safer, streamlined process with no fee administered. An option to opt out of the government-sponsored Phase II program is available but will require property owners to obtain additional permits from the County and adhere to strict timelines for application and clearance.

Fiscal Impact

There is no fiscal impact associated with participating with the County's Local Fire Debris Removal Program. However, should the City Council choose to develop a separate program for the City of Hidden Hills, there would be costs associated with program administration and potential consultant services. The total cost associated with developing a separate program is unknown at this time

Recommendation

Staff recommends that the City Council approve participation in the County program and adoption by reference of the relevant portions of the County Fire Debris Removal Ordinance. In addition, authorize the City Manager to enter into a Memorandum of Understanding regarding the Consolidated Removal program with the County of Los Angeles.

Attachments

1. Urgency Ordinance No. 370U
2. County Fire Debris Removal Ordinance
3. Memorandum of Understanding

ORDINANCE NO. 370U

AN ORDINANCE OF THE CITY OF HIDDEN HILLS APPROVING PARTICIPATION IN THE LOS ANGELES COUNTY LOCAL FIRE DEBRIS REMOVAL PROGRAM, ADOPTING BY REFERENCE PORTIONS OF THE LOS ANGELES COUNTY WOOLSEY FIRE DEBRIS REMOVAL ORDINANCE, AND DECLARING THE URGENCY THEREOF

WHEREAS, beginning on November 8, 2018, the Woolsey Fire arose in the Santa Monica Mountains and quickly escalated. This fire and related fires affected public and private properties in multiple jurisdictions including the Cities of Agoura Hills, Calabasas, Hidden Hills, Los Angeles, Malibu and Westlake Village; and Los Angeles County Unincorporated Area. Over 97,000 acres have burned, including a large number of residential structures.

WHEREAS, on November 12, 2018, the Local Health Officer issued a Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris (the "Declaration"). Among other things, the Declaration prohibits property owners in the Woolsey Fire burn area from removing fire debris until their property has been inspected for hazardous materials. It further prohibits such property owners from removing non-hazardous fire debris until either they are participating in a State sponsored fire cleanup program to the extent such program is available, or until they obtain permission from the County of Los Angeles ("County").

WHEREAS, on November 13, 2018, the Chair of the Los Angeles County Board of Supervisors issued a Proclamation of Emergency as a result of the Woolsey fire. On November 13, 2018, the Los Angeles County Board of Supervisors ratified both the Proclamation by the Chair and the November 12, 2018 Health Officer Declaration.

WHEREAS, the potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contain hazardous substances that can result in adverse health impacts to the public; and

WHEREAS, the California Department of Toxic Substances Control (DTSC), either itself or through the Los Angeles County Fire Department, has initiated and will soon complete the Phase I fire debris removal program to assess damaged structures in areas affected by the Woolsey fire within Los Angeles County, and remove household hazardous wastes from these areas and identify potential hazardous waste requiring further assessment; and

WHEREAS, the State of California, under its Office of Emergency Services ("CalOES") and CalRecycle, have mobilized to begin Phase II debris removal through the Consolidated Debris Removal Program ("OES Program"), which will timely remove fire debris from eligible properties at no cost to the property owner, thereby greatly reducing residents' exposure to hazardous substances resulting from the destruction of hundreds of structures that burned in the Woolsey Fire.

WHEREAS, pursuant to the OES Program, CalOES will clear fire debris from eligible residential properties whose owners execute a Right of Entry ("ROE") form authorizing CalOES to remove fire debris from the property, agreeing to hold government agencies harmless from liability resulting from the debris removal operations, and assigning the property owner's right to insurance proceeds that cover the removal of fire debris.

WHEREAS, the OES Program will not apply to residential properties whose owners "opt-out" of the program and do not execute an ROE form, or residential properties that are ineligible. Nor will it apply to most commercial properties. Depending upon available funding, CalOES may agree to remove fire debris from a small number of commercial properties under circumstances where the local jurisdiction determines that the owner does not have the resources to remove the debris.

WHEREAS, in order to invoke CalOES's debris removal program within their respective jurisdictions, each affected City and the County for the unincorporated area must send a letter to CalOES requesting it to direct state assistance to conduct private property debris removal within the respective jurisdiction.

WHEREAS, in addition, for CalOES to provide debris removal in the areas affected by the Woolsey Fire, CalOES has requested that the County take the lead in undertaking certain administrative responsibilities for the OES Program, including obtaining ROE forms from residents who desire to participate in the OES Program and collecting insurance proceeds on behalf of CalOES. The respective obligations of the City and County for carrying out these responsibilities will be set forth in a Memorandum of Understanding ("MOU") between the City and the County.

WHEREAS, as provided in the Health Officer's November 12, 2018 Declaration, the owners of properties that do not participate in the OES Program must obtain permission from the County before removing fire debris from their properties to ensure that the fire debris is removed and disposed of properly.

WHEREAS, the Los Angeles County Board of Supervisors adopted an emergency fire debris removal ordinance on December 4, 2018, which takes effect immediately upon adoption. Among other things, this ordinance establishes the County's Local Fire Debris Removal Program ("Local Program"). The Local Program applies to property owners in the unincorporated area and Participating Cities whose structures were burned in the Woolsey Fire and who are not participating in the OES Program, in accordance with the Health Officer Declaration of November 12, 2018. Participating Cities are those cities whose City Councils resolve to participate in the Local Program.

WHEREAS, property owners participating in the Local Program are responsible for removing or having the fire debris removed from their property. They are required to submit an application to the Director of the County's Department of Public Works or his designee (hereafter "County Public Works Director"), and are prohibited from removing fire debris until such application is approved. They must demonstrate that the fire debris was removed from their properties in accordance with standards and requirements provided by the Director of the County's Department of Public Works.

WHEREAS, under the County's fire debris removal ordinance, property owners who do not participate in the OES Program must submit an application for the Local Program by January 30, 2019 and must complete the removal of fire debris by March 15, 2019, and properties whose owners fail to comply with these deadlines will be considered a nuisance. These deadlines may be extended in extenuating circumstances, to avoid undue hardship and protect public health and safety.

WHEREAS, the City Council desires for the County Public Works Director to undertake administrative responsibilities for the OES Program within City, and for the City to participate in the Local Program administered by the County for fire-damaged properties within the City that do not participate in the OES Program. The City Council understands that the City will be responsible for enforcement and nuisance abatement within its own jurisdiction, to the extent it deems necessary, for properties that do not participate in the OES Program and do not comply with the requirements of the Local Program in accordance with applicable state law and local ordinances.

THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DOES ORDAIN AS FOLLOWS:

1. The City Manager shall send a letter to CalOES on behalf of the City invoking state assistance for fire debris removal within City.

2. The City Manager shall execute a Memorandum of Understanding with the Los Angeles County Department of Public Works ("MOU") which authorizes the County Public Works Director to perform administrative functions for the OES Program within the City, including obtaining ROEs from owners of residential properties affected by the Woolsey Fire and collecting insurance proceeds on behalf of CalOES that cover the cost of debris removal and that have been assigned to the County under the ROEs.

3. The County Public Works Director is authorized to administer the Local Fire Debris Removal Program for properties within the City for properties that are not participating in the OES Program, in order to satisfy the prohibition in the November 12, 2018 Declaration by the County Health Officer against removing fire debris from such properties without permission from the County.

4. The City Council adopts by reference and incorporates herein the Emergency Findings in Section 1 of the County's Debris Removal Ordinance.

5. The City Council adopts by reference and incorporates herein the portions of the County's Fire Debris Removal Ordinance which establish the Local Fire Debris Removal Program and require property owners within the unincorporated area of the County and participating cities whose structures burned in the Woolsey, and who are not participating in the OES Program, to comply with the Local Fire Debris Removal Program for the removal of fire debris on their properties. Specifically, the following sections of the County's Fire Debris Removal Ordinance are adopted:

Section 2(A) – Definitions;
Section 2(B) Term of Ordinance;
Section 2(C) – Removal of Fire Debris;
Section 2(D) – Removal of Fire Debris through the Local Fire Debris Removal Program,
paragraphs 1-4;
Section 2(E) – Restrictions on Building Permits; and
Section 2(G) – Deadlines and Enforcement, paragraphs 1-3.
Section 3 – Environmental Determination
Section 4 – Severability
Section 5 – Immediate Effect

6. The City Council shall send a copy of this Ordinance to the County Director of Public Works, at 900 S. Fremont Ave., Alhambra, CA 91803 and to the California Governor's Office of Emergency Services, at 3650 Schriever Ave., Mather, California 95655.

PASSED, APPROVED, AND ADOPTED, this 21st day of December, 2018

Steve Freedland, Mayor

ATTEST:

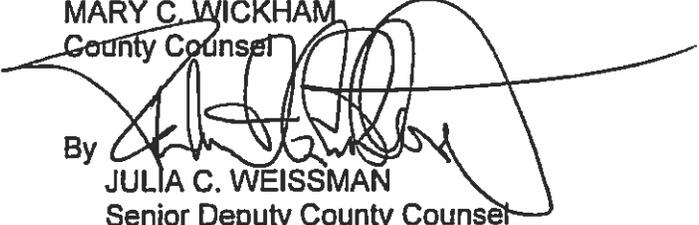
Deana L. Graybill, CMC, City Clerk

ANALYSIS

This ordinance implements the Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris issued by the Los Angeles County Health Officer on November 12, 2018, and ratified by the Board of Supervisors on November 13, 2018. It prohibits private property owners in the unincorporated area of the County of Los Angeles and in Participating Cities within the Woolsey Fire burn area from removing fire debris until their properties are inspected for hazardous materials by a State, federal, or local agency, and any hazardous materials are properly removed. It further provides that certain property owners who are eligible to participate in a State-sponsored Fire Debris Clearance Program may "opt in" to that program by submitting a right of entry form.

Property owners who elect not to "opt in" to the State-sponsored program for the removal of non-hazardous Fire Debris, or who are not eligible to participate, must participate in the Local Fire Debris Removal Program administered by the Director of the Department of Public Works under the supervision of the Chief Executive Officer, which is described in the ordinance.

MARY C. WICKHAM
County Counsel

By 

JULIA C. WEISSMAN
Senior Deputy County Counsel
Public Works Division

JCW:mv

Requested: 11/26/18
Revised: 11/29/18

ORDINANCE NO _____

An ordinance, known as the Woolsey Fire Debris Removal Emergency ordinance, to implement the requirements for Fire Debris removal resulting from the Woolsey Fire as set forth in the November 12, 2018 Declaration by the County Health Officer, which was ratified by the County of Los Angeles Board of Supervisors on November 13, 2018.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Emergency Findings.

This urgency ordinance is adopted pursuant to Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board of Supervisors finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. A large number of structures have been damaged or destroyed in the Woolsey Fire.
2. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous materials and the detrimental health effects of hazardous materials releases after a wildfire are well-documented.
3. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals, and other

hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.

4. Exposure to hazardous materials may lead to acute and chronic detrimental health effects and may potentially cause long-term detrimental 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 materials throughout the community.

5. Standards and removal procedures are needed immediately to protect the environment and public health, and to facilitate coordinated and effective mitigation of the risks to the environment and public health from the health hazards generated in the Woolsey Fire disaster.

6. On November 12, 2018, pursuant to Health and Safety Code sections 101040 and 101080, the County Health Officer issued a Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris (the "Declaration"). The Board of Supervisors ratified the Declaration on November 13, 2018.

7. The Declaration prohibits any person from removing Fire Debris resulting from the Woolsey Fire and concurrent fires in Los Angeles County from properties

without first obtaining a hazardous materials inspection from the United States Environmental Protection Agency, the California Department of Toxic Substances Control, or the Los Angeles County Fire Department's Unified Program Agency. Pending the enactment of additional requirements to address the Woolsey Fire clean up, the Declaration: (1) requires authorization from the Los Angeles County Fire Department before providing debris bins to property owners for the purposes of the Removal of Fire Debris; and (2) for property owners who do not participate in the State's Fire Debris Clearance Program, such as commercial property owners and residential owners who "opt out" of this program, prohibits the Removal of Fire Debris without approval from the County.

8. It is essential that this ordinance become immediately effective in order to mitigate the harm that could be caused to the public health and safety and to the environment from improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Woolsey Fire.

SECTION 2. Requirements of Removal of Fire-Damaged Debris.

A. Definitions.

For purposes of this ordinance:

1. "Board" shall mean the Board of Supervisors of the County of Los Angeles.
2. "County" shall mean the County of Los Angeles.
3. "Declaration" shall mean the Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal,

Transport and Disposal of Fire Debris issued by the Los Angeles County Health Officer on November 12, 2018, and ratified by the Board of Supervisors on November 13, 2018.

4. "Director" shall mean the Director of the Los Angeles County Department of Public Works or his designee.

5. "Fire Debris" shall mean ash or other debris resulting from the Woolsey Fire that is intended to be discarded but shall not include structures or portions thereof.

6. "Local Fire Debris Removal Program" or "Local Program" shall mean the local requirements established under this ordinance for removal of Fire Debris, other than hazardous materials, within the unincorporated area of Los Angeles County and within Participating Cities, for property owners who are not participating in the OES Program for the removal of some or all of the Fire Debris on their properties.

7. "OES Program" shall mean the fire damage debris clearance program operated by the California Office of Emergency Services for the Woolsey Fire in conjunction with other State, local, and federal agencies.

8. "Participating Cities" shall mean those cities within the area damaged by the Woolsey Fire that have decided, pursuant to resolutions adopted by their city councils, to participate in the County's Local Fire Debris Removal Program.

9. "Removal of Fire Debris" shall mean and include all cleanup of Fire Debris created in the Woolsey Fire, including removal, transport and disposal of such Fire Debris, but it shall not include the removal of personal property from residential sites

unless such removal of personal property involves cleanup and the removal of ash from the property.

10. "Woolsey Fire" refers to the fire that started on November 8, 2018, and adjacent fires, which burned more than 98,000 acres in Los Angeles County, including within the Cities of Agoura Hills, Calabasas, Hidden Hills, Los Angeles, Malibu and Westlake Village, and the Los Angeles County unincorporated area, as well as portions of Ventura County.

B. Term of this Ordinance.

This ordinance shall take effect immediately upon adoption and shall remain in effect until the Removal of Fire Debris has been completed on all properties in the unincorporated areas of the County and in the Participating Cities damaged by the Woolsey Fire.

C. Prohibition on Removal of Fire Debris.

No Fire Debris shall be removed from private property within the unincorporated areas of the County or within the Participating Cities unless and until a hazardous materials inspection has been conducted either by the California Department of Toxic Substance Control through the OES Program or by an entity approved by the Local Fire Debris Removal Program. If a property owner receives notification that such property owner is required to remove hazardous materials from the property, such property owner shall remove such hazardous materials in compliance with all requirements of the California Department of Toxic Substance Control and/or the Los Angeles County Fire Department before the removal of any Fire Debris from the property.

D. Removal of Fire Debris through the Local Fire Debris Removal Program.

1. The Director shall administer the Local Program in the unincorporated areas of the County and in the Participating Cities under the supervision of the Chief Executive Officer, utilizing State and federal standards and cleanup goals of the OES Program. With the approval of the Chief Executive Officer, the Director may administratively update these standards as necessary to address changes in conditions, needs or technologies in order to efficiently remove hazardous Fire Debris from the community. The Director shall publish and make available guidelines that set forth procedures and requirements for the Removal of Fire Debris.

2. Property owners that, pursuant to rules established by the OES Program that will be set forth in guidelines provided by the Director, are eligible for the public removal of some or all of the Fire Debris on their properties through the OES Program, may elect such public removal by submitting a right of entry form to the Director, which includes an assignment of any insurance proceeds covering costs of Fire Debris removal. Such right of entry forms must be submitted to the Director by December 31, 2018. The Director may extend this deadline in exigent circumstances, or as necessary and appropriate to facilitate the cleanup, avoid undue hardship and protect public health and safety, and to the extent such extensions are approved by the OES Program.

3. Property owners that are either not eligible for the OES Program or who elect not to participate in it for the removal of some or all of the Fire Debris on their properties must comply with the requirements of the Local Program for the Removal of Fire Debris. Under the Local Program, before any Fire Debris is removed from a

property, the owner shall submit an application to the Director that identifies the appropriate licensed contractors that will perform the work along with plans that demonstrate that the standards and requirements established for the Local Program will be met. Work shall not begin until the Director approves the application.

4. Upon completion of the Removal Fire Debris under the Local Program, the property owner shall submit to the Director documentation that demonstrates that the Removal of Fire Debris was completed in compliance with applicable standards and requirements.

5. A County Department of Public Works Building and Safety Division demolition or miscellaneous permit may be required for debris removal or work involving removal of buildings, structures or portions thereof, as determined by the Director.

6. Consistent with the Declaration, the cities of Agoura Hills, Calabasas, Hidden Hills, Los Angeles, Malibu, and Westlake Village, shall either participate in the Local Program as Participating Cities or administer their own alternative program within their jurisdictional boundaries. Cities that administer their own debris removal programs must notify the Director of each property owner that has opted to participate in the OES Program and provide a copy of the right of entry forms submitted by such property owners, and must notify the Director of each property owner that has submitted an application to the city's program.

E. Restrictions on Building Permits.

No building permit from the County or any Participating City to repair or reconstruct a structure that has been damaged or destroyed by the Woolsey Fire shall be issued until Fire Debris cleanup is completed on the affected property in accordance with the Local Program.

F. Deadlines and Enforcement.

1. Owners of properties within the unincorporated area of the County or within Participating Cities on which there is Fire Debris from structures damaged or destroyed in the Woolsey Fire and who are not participating in an OES Program for the Removal of Fire Debris must submit a Local Fire Debris Removal Program application to the Director in accordance with subsection D.3 of Section 2 of this ordinance no later than January 30, 2019. Such properties that have Fire Debris from structures damaged or destroyed in the Woolsey Fire that have not submitted an application for the Local Program by that date are hereby declared a public nuisance and health hazard.

2. Clean-up of properties enrolled in the Local Program must be completed no later than March 15, 2019. Properties enrolled in the Local Program that have Fire Debris from the Woolsey Fire after that deadline are hereby declared a public nuisance and health hazard.

3. The Director may extend the deadlines set in subsections F.1 and F.2, above, in exigent circumstances or as necessary and appropriate to facilitate the cleanup, avoid undue hardship and protect public health and safety.

4. The Board's intent is to facilitate orderly remediation of a large-scale disaster. Nothing in these deadlines shall limit the authority of the County or any County official to abate hazards more quickly where required by exigent circumstances. Nothing in this ordinance shall limit the authority of the County or any County official to take any enforcement action or pursue any available remedies, including, without limitation, requiring preventive measures as defined in the Health and Safety Code section 101040.

F. Enforcement and Abatement.

Any property deemed a public nuisance in accordance with this ordinance will be subject to nuisance abatement in accordance with Chapter 23 of Title 1 of the Los Angeles County Code or other applicable laws.

SECTION 3. Environmental Determination.

Adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to California Public Resources Code section 21080(b)(3), which applies to projects undertaken, carried out by or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code and also pursuant to section 21080(b)(4) regarding specific actions necessary to prevent or mitigate an emergency. These exemptions are also reflected in State CEQA Guidelines section 15269(a) and (c). The Woolsey Fire and its aftermath constitute a sudden unexpected occurrence, involving

clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services under California Public Resources Code section 21060.3 and State CEQA Guidelines section 15359.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person, property, or circumstance is held invalid, such invalidity shall not affect other provisions or application of this ordinance that can be given effect without the invalid provisions or application thereof, and to this end, the provisions of this interim ordinance are hereby declared to be severable.

SECTION 5. Immediate Effect.

This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths or greater vote.

[WOOLSEYFIREDEBRISREMOVEEJWCC]

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY
OF LOS ANGELES AND THE CITY OF HIDDEN HILLS ("CITY")
REGARDING THE CONSOLIDATED DEBRIS REMOVAL
PROGRAM WITHIN THE CITY IN RESPONSE TO THE
WOOLSEY FIRE**

I. RECITALS

WHEREAS, beginning on November 8, 2018, the Woolsey Fire arose in the Santa Monica Mountains and quickly escalated. This fire and related fires affected public and private properties in multiple jurisdictions including the Cities of Agoura Hills, Calabasas, Hidden Hills, Los Angeles, Malibu and Westlake Village; and Los Angeles County Unincorporated Area. Over 97,000 acres have burned, including a large number of residential structures.

WHEREAS, California Health and Safety Code section 101040 authorizes the local health officer to take any preventative measure that may be necessary to protect and preserve public health from any public hazard during an emergency; and

WHEREAS, the potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contain hazardous substances that can result in adverse health impacts to the public; and

WHEREAS, on November 12, 2018, the Los Angeles County Health Officer issued a Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transport and Disposal of Fire Debris (the "Declaration"). Among other things, the Declaration prohibits property owners in the Woolsey Fire burn area from removing fire debris until either they are participating in a State sponsored fire cleanup program to the extent such program is available, or until they obtain permission from the County of Los Angeles ("County"); and

WHEREAS, on November 13, 2018, the Chair of the Los Angeles County Board of Supervisors issued a Proclamation of Emergency as a result of the Woolsey Fire. On November 13, 2018, the Los Angeles County Board of Supervisors also ratified both the Proclamation by the Chair and the November 12, 2018 Health Officer Declaration.

WHEREAS, the California Department of Toxic Substances Control (DTSC), either itself or through the Los Angeles County Fire Department, has initiated and will soon complete the Phase I fire debris removal program to assess damaged structures in areas affected by the Woolsey fire within Los Angeles County, and remove household hazardous wastes from these areas and identify potentially hazardous waste requiring further assessment; and

WHEREAS, the State of California, through the Office of Emergency Service ("CalOES") and CalRecycle, has mobilized to begin Phase II debris removal through the Consolidated Debris Removal Program (hereafter "OES Program"), which will timely remove fire debris from eligible properties in the Woolsey Fire burn area at no cost to the property owners within the County of Los Angeles, including the City; and

WHEREAS, pursuant to the OES Program, CalOES will clear fire debris from eligible residential properties whose owners execute a Right of Entry ("ROE") form authorizing CalOES to remove fire debris from the property, agreeing to hold government agencies harmless from liability resulting from the debris removal operations, and assigning the property owner's right to insurance proceeds that cover the removal of fire debris; and

WHEREAS, the OES Program will not apply to residential properties whose owners "opt-out" of the program and/or do not execute a ROE form or who are otherwise ineligible. Nor will it apply to most commercial properties. CalOES may agree to remove fire debris from a small number of commercial properties under circumstances where the local jurisdiction determines that the owner does not have the resources to remove the debris; and

WHEREAS, in addition, for CalOES to provide debris removal in the areas affected by the Woolsey Fire, CalOES has requested that the County be the lead agency to undertake administrative responsibilities for the OES Program within the affected areas, including obtaining ROE forms from residents who desire to participate in the OES Program and collecting insurance proceeds on behalf of CalOES; and

WHEREAS, in addition, in accordance with an ordinance adopted by the City Council, the City has decided to participate in the County's local debris removal program ("Local Program") for those property owners within the city limits that choose not to participate in the OES Program or that are not eligible for the OES Program; and

WHEREAS, the City and the County recognize the need to jointly and cooperatively implement and administer the OES Program and the Local Program within the City, and through this Memorandum of Understanding (MOU) memorialize the responsibilities of each jurisdiction

II. TERMS AND CONDITIONS

1. A *Debris Removal Right of Entry Permit (ROE)*, in a form approved by CalOES, will be used by the County to enroll eligible property owners into the Consolidated Debris Removal Program. Staff of the City and County's Department of Public Works and/or its contractors, shall be trained and made available to review and accept completed ROEs submitted by property owners in the City. City will provide assistance to the County in responding to questions by residents, or seeking out residents who have not replied or indicate intent to participate in the CalOES Program. ROEs can be accepted at the County Public Works Headquarters and the Woolsey Fire Debris Removal Operations Center ("DROC"), located in the cities of Malibu and Agoura Hills. Once accepted, reviewed and approved, County staff shall, if necessary, convert the ROE to an electronic form acceptable to CalOES and enter the

ROE into the County system. The County will be solely responsible for transmitting the ROEs to CalOES.

2. Both the County and the City shall assign staff to the DROC adequate for ROE processing, Local Program application processing, providing public information, and lending local agency support to CalOES and CalRecycle. In addition, the City and County shall each identify and provide a designated representative to serve as part of the Unified Command within the DROC at all times.

3. Upon receipt, acceptance and approval of a ROE that identifies the presence of a damaged automobile on a property within the City, City staff shall be responsible for obtaining the vehicle identification number (VIN) from all damaged vehicles on the property and sending that information to County, Cal OES and CalRecycle. The VIN number information shall be collected and submitted prior to CalRecycle initiating debris removal from the property. Upon written request from the City, County staff shall assist in obtaining VIN numbers.

4. City shall be responsible for disseminating any public information associated with the OES Program within the City. Prior to issuance of any public information, City shall coordinate it with the County to ensure it is accurate and consistent with the public information being issued by the County, CalOES and CalRecycle.

5. The County shall be responsible for the collection of all eligible insurance proceeds for debris removal from properties within its jurisdiction. All proceeds recovered by the County shall be paid directly to County, and County will account for and forward to the State all insurance proceeds as required under the program. If the County elects to retain the services of a private contractor to collect insurance proceeds, it may do so at its own cost.

6. The City will work with the County to identify any commercial properties within the City whose owners do not have the resources to remove the fire debris from their properties, which the County Public Works Director will recommend to Cal OES for participation in the OES Program. The City will also work with the County to determine whether, for properties who are not participating in the OES Program, circumstances exist that justify the extension of deadlines that are set forth in the County's Debris Removal Ordinance for (1) submitting an ROE in order to participate in the OES Program; (2) submitting an application to the Director of Public Works pursuant to the County's Local Debris Removal Program; and (3) completing the debris removal under the County's Local Debris Removal Program.

7. The City and County are each individually responsible for documenting their efforts and expenses for all work carried out under this MOU. Further, any requests for reimbursement of such costs from the State or Federal government shall be made separate and individually by the City and County.

8. The City shall be solely responsible for its share of funding for the state's cost in implementing the OES Program within the boundaries of City; and the County shall be solely responsible for its share of funding in implementing the OES Program.

9. Upon execution by the parties, this MOU will become final and binding upon all parties. This MOU shall be in effect until any and all program audits of activities described herein are completed by the State of California and/or the Federal Emergency Management Agency.

The parties have read and understand the contents of this Memorandum of Understanding and agree to its terms and conditions.

COUNTY OF LOS ANGELES

By _____
MARK PESTRELLA, Director
Los Angeles County
Department of Public Works

Date

APPROVED AS TO FORM:

By _____
MARY C. WICKHAM
County Counsel

Date

CITY OF HIDDEN HILLS

Date: _____

By: _____
Kerry Kallman, City Manager

ATTEST:

Deana L. Graybill, CMC, City Clerk

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney