

## **EMERGENCY EXECUTIVE ORDER FROM THE GOVERNOR**

SANTA CRUZ COUNTY **ELLEN PIRIE**, CHAIR OF BOARD OF SUPERVISORS, COUNTY COUNSEL **DANA McRAE**, PLANNING DEPT. **TOM BURNS** AND **DAVID LEE**, **KEN HART** AND **JACOB RODRIQUEZ** OF CODE COMPLIANCE HAVE IGNORED GOVERNOR SCHWARZENEGGER'S STRICT ORDERS.

FIRE VICTIMS BEING THREATENED BY TOP COUNTY PERSONNEL

INSTEAD OF BEING EXPEDITIOUSLY AND RESPECTFULLY ASSISTED.

**WHEREAS** on **May 9, 2008, I issued Executive Order S-03-08**, which boosted the State's preparedness for wildfire season and directed CAL FIRE to immediately mobilize critical firefighting resources and personnel to save lives and homes statewide; and

**WHEREAS** beginning on or about May 22, 2008, wildfires began igniting throughout Northern California; and

**WHEREAS** more than a thousand fires continue to burn in Northern California, most ignited by lightning strikes; and

**WHEREAS** the fires have been exacerbated by dry conditions and high winds; and

**WHEREAS** in response to these fires, **I declared a State of Emergency in the counties of Santa Cruz (May 22 and June 12)**, Santa Clara (May 24), Butte (June 11), Monterey and Trinity (June 23), Mendocino and Shasta (June 26), Plumas and Kern (June 30), and Mariposa (July 1); and

**WHEREAS** these wildfires have caused harm to people and property, have resulted in the evacuation of various areas, and have caused damage to resources and watershed in Northern California; and

**WHEREAS** these fires have burned over 400,000 acres of land and numerous structures, causing the loss of valuable personal and business records; and

**WHEREAS** on June 26, 2008, I asked the President of the United States to declare an emergency for California in response to the Northern California fires, and on June 28, 2008, the President declared that an emergency exists in California and ordered federal aid to supplement State and local response efforts; and

**WHEREAS** the people who have lost, or sustained damage to, their homes, property, businesses or places of employment, may need to obtain or replace important government records such as certificates of birth, death, fetal death, or marriage, as well as marriage dissolution records, driver's licenses, identification cards, vehicle registration certificates, and certificates of title, to obtain assistance from federal, state and local

governmental agencies, make claims for and collect insurance, find new employment, and for other purposes related to losses suffered in the fires; and

**WHEREAS** those who need to obtain or replace important government records to mitigate their losses and rebuild their lives as a consequence of the fires require immediate assistance from state and local governmental agencies to replace those records; and

**WHEREAS** existing law requires the Office of Vital Records of the Department of Public Health, along with local registrars, county recorders and county clerks, to impose fees upon persons requesting copies of certificates of birth, death, fetal death, and marriage, and marriage dissolution records, and existing law requires the State Department of Motor Vehicles to impose fees upon persons requesting replacement driver's licenses, identification cards, vehicle registration certificates, and certificates of title; and

**WHEREAS** existing law requires the State Department of Motor Vehicles to impose late fees on persons who are late in renewing their vehicle registration or late in transferring ownership of a vehicle; and

**WHEREAS** existing law requires the State Department of Housing and Community Development to impose fees on persons who are late in renewing their manufactured home registration or late in transferring ownership of a manufactured home; and

**WHEREAS** the suspension of statutory requirements for imposition of fees would assist fire victims; and

**WHEREAS** on June 22, 2008, I issued Executive Order S-07-08, suspending fees and helping recovery efforts for fire victims in the counties of Butte and Santa Cruz; and

**WHEREAS** the fires have created a substantial amount of structural and vegetation debris, and the potential for erosion and contamination of important watersheds; and

**WHEREAS** my Office of Emergency Services has successfully used Local Assistance Centers to coordinate and expedite disaster assistance by providing "one-stop" centers where those affected by an emergency may obtain all services provided by governmental and community organizations; and

**WHEREAS** on June 20, 2008, I announced the opening of one-stop centers to assist Butte County fire victims; and

**WHEREAS** the California Military Department, through the California National Guard, has the capability to protect the lives and property of the people of the state during periods of natural disaster and civil disturbances, and to perform other functions required

by the California Military Department or as directed by the Governor; and

**WHEREAS** on June 21, 2008, I ordered the California National Guard to assist in combating the Northern California wildfires

**NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, including the Emergency Services Act and in particular Government Code sections 8567 and 8571, do hereby issue the following orders to become effective immediately:

**IT IS ORDERED THAT:**

1. The California National Guard shall continue to be mobilized under California Military and Veterans Code section 146 (mobilization in case of catastrophic fires) to support disaster response and relief efforts and coordinate with all relevant state agencies, including my Office of Emergency Services, and all relevant state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
2. The provisions of Health and Safety Code sections 103525.5 and 103625, and the provisions of Penal Code section 14251, requiring the imposition of **fees, are hereby suspended with regard to requests for copies of certificates of birth, death, fetal death or marriage, or marriage dissolution records in the possession of the Department of Public Health, by any resident of the counties of Santa Clara, Monterey, Trinity, Mendocino, Shasta, Plumas, Kern or Mariposa who suffered a loss of, or damage to, property, business, or employment, due to the fires. Copies of certificates of birth, death, fetal death, or marriage, or marriage dissolution records, shall be provided to such persons without charge.**
3. Health and Safety Code sections 18114 and 18116, requiring the imposition of fees, and California Code of Regulations Title 25 section 5660 subsections (b),(c), (f), and (g) relating to **fees for salvage transfers, transfer penalties and duplicate certificates of title or registration, are hereby suspended with regard to any late renewal of registration certificate or certificate of title for a manufactured home by any registered owner who lost those documents as a result of the fires. Those documents shall be replaced without charge.**
4. The provisions of Vehicle Code sections 9265(a), 9867, 14901, 14902 and 15255.2, requiring the imposition of **fees, are hereby suspended with regard to any request for replacement of a driver's license, identification card, vehicle registration certificate or certificate of title by any resident** of the counties of Santa Clara, Monterey, Trinity, Mendocino, Shasta, Plumas, Kern or Mariposa who suffered a loss of such documents in

the fires. A replacement driver's license, identification card, vehicle registration certificate, or certificate of title shall be provided to such persons **without charge**.

5. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are hereby suspended with regard to any registration or transfer of title by any resident of the counties of Santa Clara, Monterey, Trinity, Mendocino, Shasta, Plumas, Kern or Mariposa who suffered a loss of such registration or title documents in the fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.

6. My Office of Emergency Services shall continue to coordinate assistance programs offered by all relevant federal, state and local agencies and departments.

**7. All State agencies with responsibility, regulatory authority or expertise related to fire damage assessment and recovery efforts in connection with these fires shall continue to cooperate fully and act expeditiously in coordination with the California Resources Agency and the California Environmental Protection Agency, to facilitate the mitigation of the effects of the fires and the environmental restoration of the affected areas.**

8. State agencies shall, as necessary for the protection of public health and environment, assist local governments to enter into contracts and arrange for the procurement of materials, goods, and services necessary to quickly remove dangerous debris, repair damaged resources, and restore and protect the **impacted watershed**. Because strict compliance with the provisions of the Government Code and the Public Contract Code applicable to state contracts would prevent, hinder, or delay these efforts, applicable provisions of those statutes, including, but not limited to, advertising and competitive bidding requirements, are suspended to the extent necessary to address the effects of the fires.

**9. State statutes, rules, regulations and requirements are hereby suspended to the extent they apply to the following activities: (a) removal, storage, transportation, and disposal of hazardous and non-hazardous debris that result from the fires and that are subject to the jurisdiction of agencies within the California Environmental Protection Agency and the California Resources Agency, (b) necessary restoration, and (c) related activities. Such statutes, rules, regulations and requirements are suspended only to the extent necessary for expediting the removal and cleanup of debris from the fires, and for implementing any restoration plan. The Secretary for the California Environmental Protection Agency, and the Secretary for the California Resources Agency, shall use sound discretion in applying this suspension to ensure that the suspension serves the purpose of accelerating cleanup and recovery, while at the same time protecting public health and the environment. Individuals who desire to conduct activities under this suspension of statutes, rules, regulations, and requirements shall first request of the appropriate Agency Secretary a determination that the proposed activities are eligible to be conducted under this suspension. The Secretaries shall maintain a public list of all statutes,**

**rules, regulations, and requirements that are suspended, and shall post the list prominently on their websites. This order shall apply to, but is not necessarily limited to, solid waste facility permits, and waste discharge requirements for storage, disposal, emergency timber harvesting, stream environment zones, emergency construction activities, along with waste discharge requirements and/or Water Quality Certification for discharges of fill material or pollutants. To the extent it is within their administrative authority and discretion, the boards, departments and offices within the California Environmental Protection Agency shall expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous debris resulting from the fires, and for other actions necessary for the protection of public health and the environment**

**10. My Office of Emergency Services and all affected State agencies and departments within my administration shall continue to provide assistance to the counties of Santa Cruz, Santa Clara, Butte, Monterey, Trinity, Mendocino, Shasta, Plumas, Kern and Mariposa. Support provided by the State for implementation of the California Disaster Assistance Act shall include, but shall not necessarily be limited to, the use of state personnel and state contractors to support recovery operations.**

**11. State agencies and departments within my administration shall work with local officials to assist them in putting into place and implementing comprehensive structural debris removal plans.**

**12. The Department of Forestry and Fire Protection, the California Department of Corrections and Rehabilitation, and the California Conservation Corps, shall use inmate and ward labor, where appropriate, to protect public health, safety, and water quality on public lands or where otherwise requested by private property owners.**

13. It is hereby ordered that the period of employment for State Personnel Board emergency appointments, as provided in Sections 19888 and 19888.1 of the Government Code and State Personnel Board Rules 300-303 (2 Cal. Code Regs, sections 300 through 303), be waived for positions required for involvement in emergency and/or recovery operations. The requirements and period of employment for such appointments will be determined by the Director, California Office of Emergency Services, but shall not extend beyond the termination date of said State of Emergency.

**IT IS FURTHER REQUESTED THAT:**

**14. The Public Utilities Commission direct utility companies with transmission lines in the affected areas to ensure that all dead and dying trees and vegetation are completely cleared from their utility right-of-ways to mitigate the potential threat to human health and safety and public property.**

15. The Franchise Tax Board and the Board of Equalization consider using their administrative powers where appropriate to provide those individuals and/or businesses impacted by the wildfires with extensions for filing, audits, billing, notices, assessments and relief from subsequent penalties.

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

**I FURTHER DIRECT THAT**, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that **widespread publicity and notice be given to this order.**